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Protection of Historical and Cultural Monuments: An Analysis of The Legislative Framework

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Abstract. The dynamics in which changes occur in society require the state and citizens to face a wide range of problems of devaluation of historical and cultural monuments. Safeguarding the monuments of history and culture does not allow us to incubate the most representative values of our past. In the end, does not unite as a national identity and has us as a nation. These cultural goods are also considered actual files of the cultural heritage of all humanity, and the elaboration of explicit and necessary normative acts has become a norm on the agenda.

The analysis of the international and national legislative framework in protecting historical and cultural monuments is subject to analysis in presenting the work as a legal and social phenomenon with many perspectives. Therefore, research is essential from all points of view: theoretically, scientifically, and practically. This analysis was carried out to identify the normative acts in this segment of cultural heritage protection, the decision-makers' applied mechanisms, the legislative gaps, or the normative dubbing. The research will analyse international acts, considered rights for national acts. Moreover, contain general objectives, principles, and criteria for evaluating and protecting historical and cultural monuments. Particular attention was also paid to national legislation to determine the system's effectiveness for protecting cultural heritage, particularly monuments of history and culture.

Keywords. historical monuments, cultural monuments, legislation, protection.

1. Introduction

Heritage represents one of the most important concepts and notions for various fields, applicable in all countries. The term heritage has a character with many meanings and is analyzed not only under the legal aspect, but also under other aspects, such as the cultural one.

“It is a community's most valuable and representative asset to preserve the world's cultural heritage today. It is a testimony to the faith and knowledge of people over the centuries, an avalanche of cultural traditions, and last but not least an affirmation of spiritual values, essential for any period of human evolution.” [1]. Today, cultural heritage is becoming a subject of major importance and a highly discussed one. However, debates appear more often, due to some situations, not always positive, regarding its protection.

The monuments of history and culture are among the most important elements of a society's historical and cultural heritage. They may also be viewed as the business cards of nations and humanity. The importance of these acts is also enhanced by the special interest of civil society, governments, and scientists in the field of culture, resulting in their adoption, modification, and completion. The mentioned normative acts come as a "shield of protection" over the cultural heritage, which we, the citizens of different states and cultures, have the great fortune to know, and which also represent that significant development of each state, including the Republic of Moldova. Cultural heritage develops the continuity of generations, patriotic education and national pride.

2. The methodological basis of the study

To achieve all the objectives proposed in this research, the study of all materials must be based on a correct and diversified methodology. The normative basis of the study was the international and national legislation, which was supplemented with doctrinal research in the field. The methodology chosen for the research was a complex one: *the theoretical method*, through which all the reference documents in the field of protection of historical and cultural monuments were emphasized; *the method of analysis, deduction and scientific investigation*, through which all the legislative aspects of the legal status of historical and cultural monuments, as well as their protection, were outlined; *the comparative method* by which both national and international normative acts were analyzed, *the descriptive method*, by which the legislative framework in the field of protection of historical and cultural monuments was described in detail. Finally, of course, the fundamental research led to the authors' own opinions.

3. The results obtained and discussions

From all times and for the whole world, the essential prerogative was and is the development of a well-functioning system in protecting and capitalising cultural heritage. Because historical monuments are part of cultural heritage, it is essential for each state, including the Republic of Moldova, to have a comprehensive and transparent framework to identify, protect, and capitalize on cultural heritage and its components, free of regulatory gaps and duplications. So, the purpose of this article is the identification of these normative acts and their analysis.

To begin with, we will analyze the international acts in the field of protection and capitalization of cultural assets, including historical and cultural monuments:

1. The convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, May 14, 1954 [1].

The given convention is considered the first international act of significant importance in the protection of cultural heritage. By that Convention, it was decided:

- „The removal of the cause of participation “si omnes”, that is, the obligation of all signatory parties to comply with the provisions of the convention is established, even if the opposing belligerent party is not a signatory or does not comply with its provisions;
- “The protection is valid not only in the case of classic war or international armed conflicts, but in the case of all armed conflicts”.
- “The reprisals were categorically prohibited”.

„This Convention notes that cultural assets have suffered serious damage during the last conflicts and that, following the development of war techniques, they are increasingly threatened with destruction. The states parties are convinced that the damage caused to the cultural assets belonging to any people constitutes damage to the cultural heritage of all

mankind, given that each person contributes to world culture. Therefore, the Convention considers that the preservation of cultural heritage is of great importance to all the world's peoples and that it is important to ensure its international protection. Guided by the principles regarding the protection of cultural property in the event of armed conflict, established in The Hague Conventions of 1899 and 1907 and the Washington Pact of April 15, 1935, to be effective, the protection of these properties must be organized in peacetime through national and international measures" [2, p.126].

According to Article 3 of the Convention, it is established that "the High Contracting Parties undertake to prepare, even in peacetime, the protection of cultural assets located on their own territory against the possible effects of an armed conflict, taking the measures they deem appropriate" [1, art. 3].

The sphere of goods that falls under the protection of the 1954 Convention [1, art. 1] are:

- „(a) Movable or immovable assets, which are of great importance for the cultural heritage of peoples, such as architectural, artistic, historical, religious or secular monuments, archaeological sites, building groups, which, as a whole, present a historical or artistic interest, works of art, manuscripts, books and other objects of artistic, historical or archaeological interest, as well as scientific collections and important collections of books, archives or reproductions of the goods defined above;

- (b) The buildings whose main and effective purpose is to preserve or exhibit the movable cultural assets defined in paragraph (1), such as museums, large libraries, archives, as well as shelters designed to protect, in case of armed conflict, movable cultural property defined in paragraph (a);

- (c) Centers containing a considerable number of cultural assets, as defined in paragraphs (a) and (b), called "monumental centers".

Cultural assets of immense importance for every nation cannot become a legal target in hostilities except for an imperative military necessity.

„A certain category of cultural goods benefits from special protection. They are provided for in Article 8 of the 1954 Convention. These assets are part of the category of cultural assets that benefit from a general protection regime, except the shelters intended for mobile cultural assets in case of armed conflict. Still, for them there is a special protection regime. The need to establish an additional protection regime is based on their importance and the risks they may be exposed to during hostilities" [3, p.60]. These cultural goods must be registered in the "International Register of cultural goods under special protection" [1, art. 8], which is stored and managed by the Director General of UNESCO based in Paris (copies of this Register are given to the Secretary General of the UN and the signatory states of the Convention).

Several provisions in the 1954 Convention were incomplete and unclear in 1977, which determined the participating states. In addition to the rules regulating special protection, some gaps in the elaboration of the Additional Protocols led to a progressive development of cultural asset protection regimes in the future. Protection and respect are the watchwords of The Hague Convention and its two protocols (1954 and 1999).

Most recently, following the adoption by the United Nations General Assembly of the Resolution on *Aggression against Ukraine* and in light of the devastating escalation of violence in Ukraine, UNESCO is deeply concerned about the events in Ukraine and is working to assess the damage in its areas of competence (especially education, culture, heritage and information) and implement emergency support actions.

The UNGA resolution reaffirms the paramount importance of the UN Charter and commitment to Ukraine's sovereignty, independence, unity and territorial integrity within its internationally recognized borders and demands “that the Russian Federation immediately cease the use of force against Ukraine.” In addition, it called for the “protection of Ukrainian cultural heritage, which bears witness to the country's rich history and includes its seven World Heritage sites – located mainly in Lviv, Kyiv, Odesa and Kharkiv, members of the UNESCO Creative Cities Network; its national archives, some of which appear in the UNESCO Memory of the World Register; and its sites that commemorate the tragedy of the Holocaust [4]”.

2. Protocol no. 2/1999 of The Hague Convention of 1954 for the protection of cultural property in the event of armed conflict [5]. The protocol in question complements the 1954 Convention, with the need to stimulate and improve the protection of cultural assets in possible cases of armed conflict, and to have a system of extended protection for the cultural assets of the contracting states.

In this Protocol, the parties, reaffirming the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on May 14, 1954, and emphasizing the need to supplement these provisions with measures to strengthen their implementation, wished to offer the high contracting parties to the Convention the possibility to participate more directly in the protection of cultural property in the event of armed conflict by establishing appropriate procedures, considering that the rules governing the protection of cultural property in the event of armed conflict will have to reflect the developments in international law, stating that the rules of common international law will continue to govern the issues that are not regulated by the provisions of this Protocol [2, p.129].

According to art. 10, of the Protocol as mentioned above, a cultural asset can be placed under extended protection if it meets the following three conditions:

- „to represent a cultural heritage of the greatest importance for humanity” [5]; we believe that cultural assets with a rich history deserve increased attention in all life situations in which we find ourselves, to avoid breaking the thread that inhibits the true historical testimonies of our ancestors;

- „ to be protected by adequate internal, legal and administrative measures, which recognize the exceptional cultural and historical value and which guarantee the highest level of protection” [5]; the existence of such a strategy will bring considerable benefits to cultural assets;

- „ not be used for military purposes or to shelter military positions, and the party under whose control it is found to have made a declaration confirming that it will not be used for these purposes” [5].

In addition, the Committee for the protection of cultural property in case of armed conflict is established and each signatory party to the Convention must submit to the Committee a list of cultural property for which extended protection is requested. The parties, to the conflict, guarantee the immunity of the cultural goods under extended protection, refraining from making them the object of an attack and from using these goods or their surroundings for military purposes [2, p.7]. Furthermore, the Committee established an *ad hoc* subcommittee to develop a mechanism to improve the protection of cultural property in the event of armed conflict, particularly in situations of extreme emergency. The importance of strengthening both operational and thematic synergies between the 1954 Hague Convention and its two protocols (1954 and 1999) and other UNESCO cultural conventions was also highlighted. The Committee launched a new thematic program “Heritage for Peace” which strengthens the role of heritage

in conflict prevention, in conflict situations, for conflict resolution and as a tool for post-conflict recovery. This program aims to ensure the highest degree of cultural heritage protection worldwide and allow cultural heritage to become a genuine instrument for the protection of peace and a lever for the defense of peace in the minds of men and women [6].

The Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was adopted in 1999 and, among other things, created a new category of enhanced protection of cultural property. This Protocol is of particular importance for the humanity and enjoys an adequate level of legal protection at national level. Currently, there are 84 States Parties to the Second Protocol [6].

From 2 to 6 December 2019, 133 States, observers, representatives of international non-governmental organizations and independent experts, focusing on the protection of cultural property in the event of armed conflict, participated in three statutory meetings related to the 1954 Hague Convention and its Second Protocol from 1999 at UNESCO headquarters. A number of initiatives and best practices related to the protection of cultural heritage during armed conflicts were discussed. These included specialized training of military personnel and, more specifically, female military personnel, collaboration with civil society actors in emergency preparedness, boosting the ratification of legal instruments, focusing on conflict and underrepresented areas, and registering sites on the international list. As a result, the list of cultural properties is under enhanced protection. Regional cooperation and partnerships were also emphasized, with representatives of the International Committee of the Red Cross and Blue Shield International present at the meetings [7].

We conclude that the formulation of concise strategies for the removal of cultural assets, established as a landmark, in an armed conflict, but also the existence of an excellent policy to safeguard the monuments of value to a society, will lead to the perpetuation in the time of the destiny of all the world's civilizations.

3. The International Charter for the Conservation and Restoration of Monuments and Sites, adopted at the II International Congress of Architects and Technicians of Historic Monuments, Venice, 1964, adopted by ICOMOS in 1965 [8].

Between May 25-31, 1964, "the II International Congress of Architects and Technicians of Historical Monuments" took place in Venice, during which the adopted a new document entitled: *The International Charter on the Preservation and Restoration of Historical Monuments* (the First International Congress was held in Paris, in 1957). In this new Charter, the fundamental principles defined in the Athens Charter are maintained, but some overly detailed provisions stipulated in the Italian Restoration Charter adopted in 1932 are eliminated. Avoiding some of the dogmatic nuances of the preceding documents, the Venice Charter offers wider possibilities regarding the application of restoration principles to the specific character of the architectural heritage in different countries [8].

Art. 1 of this Book mentions that the concept of *historical monument* covers not only the isolated architectural work, but also the rural or urban ensemble in which the testimony of a particular civilization, a significant development or a historical event can be found. This applies not only to major works of art, but also to more modest works of the past that have accumulated cultural significance over time [8].

Charged with a spiritual message of the past, the monumental works of the peoples' house capture the present life of the living testimony of their secular traditions. Humanity, which every day becomes aware of the unity of human values, considers them as a common heritage and, towards future generations, declares itself jointly responsible for their protection.

Therefore, they must be transmitted in the fullness of their authenticity. From here it is essential that “the principles that must be applied to the preservation and restoration of monuments be jointly issued and formulated for the international framework, leaving each nation to ensure their application within its own culture and tradition [2, p. 130-131]”.

Historical monuments lead to the maintenance of civilization, traditions and the past of a state. That is why this Charter sets out all the principles that would contribute to a maximum conservation and restoration of a country's treasure.

4. The Convention regarding the measures to be taken for the prohibition and prevention of illicit operations of import, export and transfer of the right of ownership of cultural goods, adopted in Paris, on 14.11.1970 [9]. The exchange of goods with historical value between countries, used for special purposes: cultural, scientific, educational, etc.; leads to the deepening of the knowledge of civilization and increases the respect and support between nations.

Following the meaning and purposes of this convention [9, art. 1] “*cultural assets are those religious or secular assets that are designated by each state as being of particular importance for archaeology, prehistory, history, literature, art or science and that are part of the following categories, including: d) elements coming from the dismantling of artistic or historical monuments and archaeological sites.*”

Even in the text of the Convention it is stipulated that “cultural assets represent one of the fundamental elements of the civilization and culture of peoples that acquire their true value through the precise knowledge of the origin, history and context in which they appeared. Accordingly, each state has to protect the heritage consisting of the cultural goods that exist on its territory against theft, clandestine archaeological excavations and illicit export” [9].

To this end, member states undertake to stop, prevent and combat all illegal actions (provided for in the presence of the convention), to facilitate the increased protection of cultural property (b) (i) to prohibit the import of cultural property stolen from museums, **civil or religious public monuments** or from a similar institution, located on the territory of another state party to the present convention, after it enters into force for the respective states, provided that it can be proven that the goods in question are part of the inventory of that institution) [9, art. 7].

In 2007, the Government of the Republic of Moldova approved the ratification of the UNESCO's Convention on the measures to be taken to prohibit and prevent illegal operations of import, export and transfer of ownership of cultural goods, adopted in Paris on November 14, 1970. The convention application allowed a precise monitoring of reality in illicit traffic of cultural goods. It stimulated the development of the legal circuit of cultural values internationally, the exchange of information and good practices. The opportunity to ratify this convention was dictated by the strategic objective of integrating the Republic of Moldova into the European community. The ratification of the convention, in a political aspect, allowed the Republic of Moldova to benefit from the international legal protection of the national cultural heritage, taking into account the fact that the illicit traffic in cultural goods has turned into a transnational phenomenon [10].

5. The UNESCO Convention on the Protection of the Cultural and Natural World Heritage of 16.11.1972 [11].

Regarding the need to create this Convention, as well as the starting point, it was established that in 1954, Egypt decided to build the Aswan Dam, which will flood the Upper

Nile Valley and a large number of 3000-year-old monuments from what was once Nubia. At the request of Egypt and Sudan, UNESCO launched an international campaign to safeguard these monuments - one of the most spectacular campaign in human history and which would last two decades, from 1960 to 1980. The Nubia campaign was the starting point for the Convention on the Protection of the cultural and natural World Heritage, and the establishment of the World Heritage List [12].

The General Conference of the United Nations Educational, Scientific and Cultural Organization, which took place in Paris, from October 17 to November 21, 1972, in its seventeenth session, found that the cultural and natural heritage was increasingly threatened of destruction, not only due to the usual causes of degradation, but also through the evolution of social and economic life that aggravated them, through even more serious damage and destruction phenomena. They considered that the degradation or disappearance of an asset of the cultural and natural heritage constitutes a harmful diminution of the heritage of all the peoples of the world, that the protection of this heritage on a national scale often remains incomplete due to the extent means it requires and the insufficiency of the economic, scientific and technical resources of the country on whose territory the protected good is located. The parties recalled that the constitutive document of the organization provided that it would support the maintenance, progress and dissemination of knowledge countries, watching over the conservation and protection of the universal heritage. They also recommended to the concerned peoples international conventions for this purpose, considering that the existing recommendations, resolutions and international conventions regarding cultural and natural assets demonstrate the importance of safeguarding these unique and irreplaceable assets for all the peoples of the world, regardless of the people to which they belong [11].

Once, with the adoption of this Convention, it was decided that all member states will conscientiously fulfill the necessary duties in the conservation and protection of world heritage. At the same time, the Convention guarantees the member states the necessary international assistance to protect their cultural assets within their territory. This act includes many protective measures aimed at protecting the world's cultural and natural heritage. And, once acceding to the convention, each state must identify, protect, capitalize, conserve, and transmit the cultural and natural heritage to future generations.

The UNESCO's role [13] within the Convention is mainly that of:

- „Encouraging countries to sign the convention and ensure the protection of their cultural and environmental heritage;
- Encouraging the parties to the convention to designate sites for inclusion on the world heritage site on their national territory;
- Encouraging the parties to the convention to establish an information management system regarding the state of conservation of world heritage sites;
- Assisting Parties to protect World Heritage sites by providing technical assistance and training;
- Providing support for endangered sites;
- Supporting the awareness-raising activities regarding the conservation of sites
- Encouraging the participation of local communities in the conservation of world heritage sites;
- Encouraging international cooperation in the conservation of world heritage sites”.

The Republic of Moldova ratified through Law no. 1113 of June 6, 2002 UNESCO's Convention on the Protection of the World Natural and Cultural Heritage (adopted in Paris by the UNESCO General Assembly in 1972). With the ratification of this Convention, the Republic

of Moldova benefits from the right to propose cultural and natural heritage assets/sites for inclusion in the UNESCO World Heritage List.

6. Recommendation regarding safeguarding historical or traditional ensembles and their role in contemporary life, November 26, 1976 [14].

The recommendation highlights certain measures to protect the cultural heritage, which each state-party can adopt. Therefore, the following types of measures emerge from the text of the convention itself:

-legal-administrative measures - The application of a general policy of safeguarding historical areas and their surroundings should be based on principles that are valid for the entire country. Member States should adapt the existing provisions or, if necessary, adopt new laws and regulations to protect historic areas and their surroundings, taking into account the provisions in this chapter and the following chapters. Furthermore, they should encourage the adaptation or adoption of regional or local measures to ensure such protection. The laws on urban and regional planning and housing policy should also be revised to coordinate and align with laws on safeguarding architectural heritage [14, point 9].

-technical, economic and social measures - A survey of the area as a whole should be carried out, including an analysis of its spatial evolution. It should cover archaeological, historical, architectural, technical and economic data. Furthermore, an analytical document should be drawn to determine which buildings or groups of buildings should be protected with great care, preserved under certain conditions or destroyed in very exceptional and well-documented circumstances. This would allow the authorities to stop any work inappropriate with this recommendation. In addition, for the same purposes, an inventory of public and private open spaces and their vegetation should be drawn up [14, point 19].

7. The Council of Europe's Convention on Offenses relating to Cultural Property was adopted in May 2017 in Nicosia [15]. The preparatory work for the Convention was carried out in close collaboration with various international organizations, including UNIDROIT, UNESCO, UNODC and the European Union. At the 6th Conference of Ministers responsible for Cultural Heritage of the Council of Europe, held in 2015 in Namur, the ministers condemned the "deliberate destruction of cultural heritage and the illicit trafficking of cultural goods". Furthermore, they decided to "strengthen European cooperation" in this area, leading to a decision by the Committee of Ministers to draw up a new convention. The new Convention was drafted under the authority of the European Committee on Crime Problems and its expert group work on crimes related to cultural property (PC-IBC) [16].

The Convention, the only international treaty specifically dealing with the criminalization of illicit trafficking in cultural property, sets out several crimes, including theft; illegal excavation, import and export; and procurement and illegal placing on the market. It also criminalizes the falsification of documents and the **destruction or damage of cultural property** when committed intentionally [17].

The new Convention provides for far-reaching preventive measures, both domestically and internationally (e.g. inventories or databases of cultural property; monitoring and reporting of transactions; import and export control procedures). In addition, it aims to ensure transnational cooperation to stop the trade in so-called blood antiquities [16].

All these international acts, taken together, form that primary legislative basis, of great importance and value, as well as a solid strategy in defending the true values of each state, including the Republic of Moldova. To support and encourage all actions to safeguard the heritage, the Republic of Moldova has ratified several conventions, among which we find the UNESCO's Convention on the Protection of the Cultural and Natural World Heritage, the

UNESCO's Convention on the Safeguarding of the Intangible Cultural Heritage, the European Convention on the Protection of the Archaeological Heritage, etc. The ratification of these international acts must be followed by the state's obligation to adjust its national legislation. Thus, the Republic of Moldova, through the state authorities, tried to complete the national legislation, and in some places even create new norms, but this fact was and is very difficult to achieve, and many ideas and projects remain on the intention stage.

In the second part of the article, we will analyze the national normative acts of the Republic of Moldova, which establish the identification, protection and capitalization of historical and cultural monuments, apart from the national cultural heritage.

1. ***The Constitution of the Republic of Moldova*** [18] - is the Supreme Law of the state that summarizes the democratic processes and expresses the state's conception of social-political relations, places economic relations on the crossbars of the market economy, establishes the rights, freedoms and fundamental duties of man and their guarantees. Located at the top of the pyramid of all normative acts, "the Constitution serves as a decisive benchmark for assessing the validity of all legal acts and facts, but also establishes the guarantee of the most important values of society and man. In addition, the Constitution of the Republic of Moldova contains two key articles related to culture and cultural heritage: art. 33 and art. 59". These provisions provide constitutional principles for the protection of culture and cultural heritage.

According to art. 33 para. (3) [18], the state contributes to the preservation, development and propagation of national and world achievements of culture and science. In general, the right to culture and science is complex, with elements related to the right to education, the right to participate in cultural life, the right to information and expression, access to spiritual, national and universal values, as well as some economic and social, civil and political rights. As a fundamental human right, it also includes the possibility of using the achievements of culture and science, which implies each individual's obligation to protect the cultural and historical heritage. The state can contribute to preserving, developing and propagating the achievements of scientific and artistic creation in several ways, including: international cultural cooperation; participation in the activity of international organizations specialized in such fields; supporting specialized organizations; ensuring the efficient administration of culture and science; providing material, financial, technical assistance, etc. At the same time, the state should support the freedom of creation in all ways, contributing extensively to the development of all its elements, because without cultural and scientific development there would be no evolution of society and the state.

In the third chapter of The fundamental duties, in art. 59 it is established that "the protection of the environment, the preservation and protection of historical and cultural monuments is an obligation of every citizen" [18, art. 59].

This obligation belongs to each of us, at least to respect and protect the true values of our nation's glorious past. Humanity, at the current stage, is in a complex and continuous process, in which 3 periods are gradually unified: the past, the present and the future. Therefore, the people and the state are obliged to contribute to protecting and preserving historical and cultural monuments through various means provided by the normative acts in force. At least we have an obligation both for us, those who enjoy these invaluable pieces of national culture at present, and for future generations, who must know the past of the country and the nation and who will have the same obligations as their ancestors - to preserve and pass on this wealth of the nation.

2. *Law no. 1530-XII of 22.06.1993 on the protection of monuments* [19] is the main act that determines the complex peculiarities and aspects of the protection of monuments and the obligations that fall to natural and legal persons in this regard and which: defines monuments (objects or sets of objects with historical, artistic or scientific value); establishes their types (monuments that are part of the cultural heritage; of the natural heritage); determines the forms under which the monuments can be presented (movable goods; immovable goods); establishes the manner of keeping records of monuments (Register of monuments of the Republic of Moldova); stipulates the conditions for exercising the right of ownership over monuments (attributions of state bodies).

Thus, art. 10 of the present law establishes that “ the activities in the field of monument protection consist of: provision and assurance of records, study, enhancement, rescue, protection, conservation and restoration works; prevention of damage, mutilation and demolition of monuments; guaranteeing the use and accessibility of the monuments for various investigations, including in the process of training and propagation; holding criminally or contraveniently liable the natural and legal persons who damaged, mutilated or demolished monuments, the persons responsible for their non-maintenance and abandonment, as well as the reparation of the damage caused to the monuments. And the exercise of duties to protect the monuments belongs to the competence of the Parliament, the Government, the local councils, the people in charge of the districts and the mayors" [19, art.10].

In the 18th article, par. (3) it is established that “the process of registering real estate in the Register of Monuments is initiated ex officio by the Ministry of Culture, including at the proposal of citizens and relevant associations” [19, art. 18, par. (3)].

The 19th article, provides that “Immovable assets in the process of being registered in the Register of Monuments are considered newly identified monuments and benefit, to prevent destruction/damage, for the entire duration of the respective process, from the legal regime of assets already registered in the Register of Monuments, starting with the date of approval by the Ministry of Culture of the Council's positive opinion. The Ministry of Culture informs the competent local public authorities about the start of the registration process in the Register of Monuments of the respective real estate. The owners, managers or holders of other real rights over real estate entered in the process of registration in the Register of Monuments are obliged, from the date they are informed about this fact, to comply with the provisions of this law” [19, art. 19].

It is expressly provided in the Law, that “the protection, including the preservation and restoration of monuments, is based on doctrinal principles and universally accepted scientific norms, the provisions of UNESCO, ICOMOS and the Council of Europe documents in the field” [19, art. 2. 3].

The financing of the activity regarding the record, study, enhancement, rescue, protection, conservation and restoration of monuments is also established. This is ensured from the state budget through the Ministry of Culture, from local budgets, from the account of lease payments, including from the rent for the land in the protected areas of the monuments, from the breakdowns from the benefit from tourism, from the income of businesses, which are embarrassing the protection of the monuments, for the benefit of the state insurance bodies, in accordance with the agreements concluded, from the revenues and donations of the organizations that, based on their status, protect the monuments, from the funds and donations of natural and legal persons, as well as from other legal sources [19, Art. 35].

A separate chapter is dedicated to liability for violating the provisions of this law. Thus, article 52 establishes the categories of natural or legal persons who bear responsibility in

accordance with the legislation in force, namely the bodies of state power and state administration, enterprises, institutions, organizations, associations, people having responsible positions, citizens of the Republic of Moldova, foreign citizens and the stateless.

Chapter VIII of the Law establishes a series of moments related to damage in the case of demolition, degradation or mutilation as a result of human action or inaction, as a result: *the monuments or their components are considered damaged if they have been totally or partially demolished, degraded or mutilated as a result of human action or inaction; the damage caused to the monument is determined following the assessment of the cost of the works for the elaboration of the project documentation for the restoration or reconstruction of the monument or its components and the cost of the practical execution of the designed works.; and the methodology for assessing damage to the monuments is approved by order of the Minister of Culture.*

Article 47 of the Law provides for ***the procedure for repairing the damage***, namely: *the damage caused to the monument or its components is to be repaired by the owner, the manager or the holder of other real rights over it, as well as, as the case may be, by the natural and legal persons who initiated, financed and executed the works that damaged the monument; the process of repairing the damage is initiated by the order of the Minister of Culture submitted to the owner, the manager or the holder of other real rights over the monument, based on the report of the state of the monument and the act of assessing the damage caused to it, drawn up by the Monument Inspection Agency. Suppose the owner, the manager or the holder of other real rights over the monument accepts the request for voluntary repair of the damage caused to the monument. In that case, he, based on the contract, will finance the elaboration of the project documentation for the restoration and reconstitution of the monument or its components, and the practical execution of the designed works. In the case of the owner's, the manager's or the holder's refusal of other real rights over the monument to comply with the request for voluntary reparation of the damage caused to the monument or its components, the Ministry of Culture intervenes in court regarding the reparation of the damage.*

The size of the fine and other pecuniary sanctions, as well as the amount of compensation, are determined by the court and other competent bodies, starting from the extent to which the monument is damaged or destroyed, according to the evaluation carried out by the respective departments of the Ministry of Culture. The holder with any legal title who was guilty of the degradation of the monument will have his right of possession, ownership or use revoked under the conditions established by the legislation.

Even if new proposals were made to amend and supplement Law no. 1530, even in the liability chapter, there is a substantial difference in how the cross-sectoral issues are treated in the normative acts. However, in the Republic of Moldova it is already a tradition to include the liability provisions in the relevant general legislation, and not in the sectoral laws, which must also provide for such provisions. Thus, everything related to the types of sanctions and the types of liability, be it civil, criminal, contravention, etc. should be found in the sectoral normative acts, which would more clearly establish the procedure and manner of liability.

3. In 1999, a new normative act was adopted: ***The Law of Culture*** [20] - which is a very important law in the Republic of Moldova [21], establishes the principles of a constitutional nature and a regulatory framework for the development of a modern culture sector. The law tries to position itself as a framework law for the entire sector, with a special emphasis on culture and cultural activities, aiming to ensure viable conditions for developing a richer cultural environment for the Republic of Moldova. While trying to expand the notion of cultural heritage, the Law also takes into account the Law for the Protection of Monuments, avoiding

providing specifics on the protection of cultural heritage, but including it in the field of cultural activities. Furthermore, the law aims to stimulate cultural initiatives and organizations that could contribute to the activity of public institutions.

This law has often been criticized for regulating general provisions and not special ones, or rules that are too bare, which must be supplemented, so that their interpretation is clear

4. On 17.09.2010, *the Law on protecting archaeological heritage* was adopted [22]. Right in the preamble of the Law it is established that: *“The archaeological heritage is the essential element that defines the antiquity and originality of the culture, history and traditions of each people, state or cultural space concerning other peoples, states or ethnic spaces. Each nation has to keep cultural goods and to capitalize them for the whole humanity’s benefit. That is why it is necessary to protect it, organically integrating the archaeological heritage protection policy into the territory’s cultural, educational, environmental, urban development and landscaping policies and administration of agricultural lands, soils and forests”* [22].

“The purpose of this law is to regulate the legal, administrative, financial, technical and scientific measures aimed at ensuring the prospecting, identification, discovery, inventory, conservation and restoration, guarding, maintenance and enhancement of archaeological assets, as well as the lands where these are found, with a view to research or, as the case may be, their classification as movable cultural assets or as historical monuments” [22, art.1]. This Law also clearly defines who are the subjects involved in archaeological research, as well as their tasks.

The complexity of this law is also because the archaeological heritage of Moldova is probably one of the most relevant components of the cultural heritage of Moldova and one of its strengths compared to the countries of the Eastern European continent (for example, the Paleolithic site of Cosăuți, the Cucuteni-Tripolia Neolithic culture or the system of tumulus graves from the Iron Age). Moreover, it paints a profile of a country with a strong tradition of archaeological research and a well-established and detailed archaeological data recording system, a fact confirmed by the agency’s up-to-date database of several thousand sites, of which approximately 1500 are sufficiently documented to proceed to their official listing in the Register of Archaeological Heritage [21].

In fact, this Law is a very solid one and thanks to its adoption, several regulations were subsequently created, which come as a supplement to the law, with the principles, objectives, requirements for various procedures, etc. for the implementation of the archaeological heritage protection.

5. *The law on the protection of the movable national cultural heritage* [23] – is a very detailed and clear one regarding the protection of the cultural heritage, but also very explicit regarding the hierarchization of the various political and administrative bodies, as well as their tasks and functions. Moreover, this law also covers the research elements of cultural heritage, such as their classification and inventory. At the same time, it regulates the aspects related to the preservation and restoration of historical monuments and the totality of the protection systems for movable assets that are part of the state’s cultural heritage.

This fact emerges from article 1, where it is established that the present law regulates the legal regime of the goods belonging to the movable national cultural heritage, as part of the national cultural heritage, as well as the specific activities in the field of identification, research, inventory, classification, conservation, ensuring security, maintenance, preparation, restoration and the valuation of movable cultural assets [23, art.1].

The safeguarding of movable cultural heritage is done only under the guidance and control of some bodies of public and local authorities, but also of specialized institutions. The state returns with the obligation to allocate certain financial and material means, according to

the legislation in force, which will ensure support in protecting, preserving and restoring movable cultural heritage.

6. Another organic law equally important for society is *the Law of memorials and public monuments* [24] which regulates the general legal regime of the establishment, realization, location, administration and protection of memorials and public monuments.

The Parliament of the Republic of Moldova adopted the law on memorials and public monuments on September 30, 2011. Based on the analysis of the practice of implementing the provisions of the law during the years 2011-2017, as well as based on the analysis of good international practices in the field, the necessity of operating additions/adjustments to the text of some of its articles, to ensure its most effective operation. The main clarifications/adjustments made referred to: 1) the article with the basic notions (by introducing the definition of land of the memorials and public monument); 2) to the article regarding the status of memorials and public monuments by specifying which works of monumental plastic art are assimilated to memorials and public monuments and which of them cannot have this status; 3) to the article devoted to the protection areas of memorials and public monuments (where the regulations regarding their delimitation were detailed), as well as 4) to the article with the powers of the Ministry of Culture (through the creation of the National Database of memorials and public monuments) [25].

Even in art 2 [24, art. 2] its 3 key notions are established:

- *Memorials and public monuments* - real estate works of monumental plastic art (spatial-volumetric compositions, statues, busts, commemorative plaques with sculptural relief, troits, crosses), together with the land demarcated for them, having a decorative, religious commemorative character, placed in public spaces, on lands in the public domain of the state or of administrative-territorial units;

- *The land of memorial and public monument* - specially delimited land/surface of land, on which the monumental work of plastic art is placed, containing, in its entirety, the related specific arrangement, which is an integral part of the monument (decorative fences, flower beds, lawns, accesses, unevenness in steps, etc.);

- *The protection zone of the memorials and public monuments* - space with a special protection regime, established around the memorial and public monument land to ensure its protection and enhancement, its physical and visual access.

This law dedicates an entire chapter to the theme of establishing and protecting the memorials and public monuments. Article 9 of this chapter talks about those measures that contribute to the capitalization of monuments, as follows: *“the protection of memorials and public monuments represents a system of measures of a legal, administrative, financial, scientific and technical nature, which aim at research, inventory, classification, the record, conservation, restoration, guarding, maintenance and promotion of memorials and public monuments. (2) The record, inventory, maintenance, conservation and restoration of memorials and public monuments are carried out following the scientific and technical norms in the field. (3) The construction or relocation of the memorials and public monument without legal approvals, unauthorized constructive interventions in its protection zone, unauthorized making of inscriptions, documents, drawings or any other actions that lead to the destruction, degradation, change of historical data or the appearance of the monument in public are prohibited. (4) The dismantling of the memorials and public monuments built without legal approvals, the reinstallation of the memorial displaced without legal approvals to its original place, as well as the restoration of the affected land to its original condition are to be carried out at the expense of the legal or natural persons who initiated, financed and executed the*

construction/relocation works of the monument without obtaining prior legal approvals. (5) The protection of memorials and public monuments is a component of the sustainable economic-social, tourism, urban development and territorial development strategies, at the national and local level [24, art. 9]."

The memorials and public monuments have a special role in shaping the image of urban and rural localities of any modern country, as well as in preserving and promoting the cultural and historical memory of society. Therefore, the state has an important task, such as to ensure the efficient protection of monuments of this kind already built, but also to ensure an adequate artistic outfit of the monuments that are intended to be built.

7. The contravention code of the Republic of Moldova. The purpose of the contravention law is to defend the legitimate rights and freedoms of the person, the defense of property, public order, other values protected by the law, in the settlement of contravention cases, as well as in the prevention of the commission of new contraventions [26]. Furthermore, it is the normative act that also regulates the contraventional liability in the form of a fine, including immovable cultural heritage protection. Thus, the Criminal Code contains rules regarding this aspect:

§ article 74 - Violation of the legislation regarding cultural heritage, the memorials and public monuments, namely:

(1) *Violation of the protection regime and use of cultural heritage assets, memorials and public monuments.* The natural persons (to whom a fine of 30 to 60 conventional units may be applied), persons in a position of responsibility (to whom a fine of 60 to 120 conventional units may be applied), legal entities (to which the sanction of a fine from 90 to 150 conventional units can be applied) are subject to liability.

(2) *Building memorials and public monuments without legal approvals.* The natural persons (who may be fined from 30 to 80 conventional units), persons in a position of responsibility (who may be fined from 160 to 220 conventional units), legal entities (to which the sanction of a fine from 240 to 300 conventional units can be applied) are subject to liability.

(3) *Dismantling, displacement or modification of memorials and public monuments without legal approvals.* The natural persons (to whom the sanction of a fine from 60 to 100 conventional units can be applied), persons having a responsible position (to whom the sanction of a fine from 180 to 240 conventional units can be applied), legal entities (to which the sanction of a fine from 250 to 350 conventional units can be applied) are subject to liability.

(4) *Unauthorized construction interventions in the protection zones of memorials and public monuments.* The individuals liable for liability are natural persons (who may be fined from 60 to 90 conventional units), persons having a responsible position (who may the sanction with a fine from 200 to 300 conventional units be applied), legal entities (to which the sanction with a fine from 300 to 400 conventional units can be applied).

(5) *Failure to fulfill the duties related to the maintenance, care, preservation and restoration of memorials and public monuments.* The people subject to liability are the persons having a position of responsibility (to whom the sanction of a fine from 30 to 75 conventional units can be applied) and legal entities (to whom the sanction of a fine from 90 to 120 conventional units can be applied).

(6) *Non-compliance by the mayor of the territorial-administrative unit with the legal provisions regarding ensuring the protection of the archaeological heritage and reporting to the National Archaeological Agency regarding the non-compliance with the legislation on the protection of the archaeological heritage* (to which the sanction of a fine from 100 to 200 units can be applied conventional).

(7) *Issuance by the issuer of the building permit in the absence of the archaeological discharge certificate for the lands with archaeological heritage or in the absence of the approval of the National Council of Historical Monuments for interventions on historical and cultural monuments of national category, if this does not constitute a crime.* Those liable for liability are those with a position of responsibility (who may be fined from 210 to 240 conventional units or deprived of the right to hold certain positions for up to 1 year).

(8) *The prevention by the owners of the lands with archaeological heritage or by the holders of the right to their possession of the access of the authorized personnel, according to the legislation, by the authority responsible for the protection and exploitation of the archaeological heritage, with a view to archaeological prospecting, research and protection of the archaeological heritage and ensuring the measures of protection and guarding of the archaeological heritage assets.* The natural persons (who may be fined from 60 to 90 conventional units), legal entities (who may be fined from 180 to 300 conventional units) are subject to liability.

(9) *Alienation by private owners of lands with archaeological heritage or monuments entered in the Register of monuments of the Republic of Moldova protected by the state without prior notification of the Ministry of Education, Culture and Research.* Liable persons are natural persons (who may be fined from 60 to 90 conventional units), legal entities (who may be fined from 180 to 300 conventional units).

§ article 177 Violation of legislation and normative documents in construction, para. (2) lit. g) Violation of legislation and normative documents in construction *manifested by the issuance of town planning certificates and authorizations of establishment/termination that lead to the violation of the legislation and normative documents in construction or to the damage of cultural, historical and architectural heritage.* Those subject to liability are the natural persons (to whom a fine of 36 to 60 conventional units may be imposed), persons in a position of responsibility (to whom a fine of 60 to 120 conventional units may be imposed), legal entities (to which the sanction of a fine from 180 to 240 conventional units can be applied).

§ article 364 paragraph (2). Violation of the legislation regarding advertising, namely for the placement of external advertising means on trees or in the areas of protection of architectural, historical and cultural monuments. Those subject to liability are the natural persons (who may be fined from 12 to 90 conventional units), persons in a position of responsibility (who may be fined from 24 to 120 conventional units) and the legal entities (to which the sanction of a fine from 36 to 180 conventional units can be applied).

§ Article 4238. The state bodies with responsibilities in the field of cultural heritage (they are the bodies responsible for detecting contraventions and drawing up minutes for violating the legislation on the protection of cultural heritage assets and public monuments) as follows:

§ (1) *The Agency for Inspection and Restoration of Monuments* notes the contraventions provided for in art. 74 para. (1), for cultural heritage goods - monuments of history and culture of national category or memorials and public monuments, category A, and in art. 74 para. (3)–(5), memorials from category A;

§ (2) *The departments/sections/cultural services of the local public authorities* that find the contraventions provided in art. 74 para. (1), for cultural heritage goods - monuments of history and culture of local category or memorials and public monuments, category B, and in art. 74 para. (2)–(5), category B memorials;

§ (3) *The National Archaeological Agency* that notes the contraventions provided for in art. 74 para. (1), for cultural heritage goods - archaeological sites, and in art. 74 para. (6) – (9);

§ (4) They have the right to establish contraventions and conclude minutes:

a) *The general director of the Agency for Inspection and Restoration of Monuments, the deputy director and the specialists of the respective agency*, in the case of contraventions provided for in art. 74 para. (1), for the goods of cultural heritage - monuments of history and culture of national category or memorials and public monuments category A, and in art. 74 para. (3) – (5), memorials from category A;

b) *The specialists of the local public authorities' cultural departments/sections/services*, in the case of contraventions provided for in art. 74 para. (1), for cultural heritage goods - monuments of history and culture of local category, or memorials and public monuments category B, and in art. 74 para. (2) – (5), memorials and public monuments category B;

c) *The general director of the National Archaeological Agency, the deputy director and the specialists of the respective agency*, in case of contraventions provided for in art. 74 para. (1), for cultural heritage goods - archaeological sites, and art. 74 para. (6) – (9);

The need to include these rules in the Offenses Code of the Republic of Moldova was due to the real situation regarding the protection of cultural heritage, which targets natural persons, persons having the position of responsibility and legal entities, who will not comply with these provisions, and who will end up with fines. Moreover, the bodies are also established, directly trained in cultural heritage protection, having established competences over certain cultural heritage assets.

8. The Criminal Code [27]. Each country does everything possible to protect the immovable cultural heritage, for this they try to improve their legislative system in the field of defense by criminal means of this heritage.

Recently, the number of criminal offenses has increased annually, including those regarding cultural values. On the other hand, however, this number of crimes does not reflect the real criminal situation in this area. This is due to the high degree of latency of the crimes and the multiple problems that arise in connection with the application of the rules regarding the destruction or damage of historical and cultural monuments [29, p. 26].

Crime against cultural heritage is a term that refers to illegal actions against works of art, historical monuments or archaeological sites [28, p. 4]. In the research of the authors Chiriac N., Ursu V., Bostan I. we find the definition of this type of crime - it is that socially dangerous action, provided for and prohibited by the criminal law, which violates the relations regarding the use and preservation of cultural heritage objects (historical and cultural monuments), of movable cultural values, of places of concentration of cultural values (archives, museums, libraries), intangible cultural heritage [30, p. 88].

The Criminal Code of the Republic of Moldova [27] contains rules for charging some anti-social behavior in the field of protecting the immovable cultural heritage of the Republic of Moldova, as follows:

§ Art. 1373. (3) The use of prohibited methods of waging war: „ (3) *Launching, within an armed conflict with or without an international character, an attack: b) ... against historical monuments*”. The legal object of this crime is social relations regarding peace and peaceful coexistence between the states, the foundations and the security of humanity as a whole, as well as the protection of historical monuments. And the material object in the given case is only the historical monument recognized, according to the regulations of the domestic legislation [29, p. 28]. Therefore, a natural person aged 16 can be held liable, to whom the penalty of imprisonment from 8 to 15 years can be imposed.

§ **Art. 191. Embezzlement of foreign property** [27]: “(22) *Embezzlement of foreign cultural heritage assets from archaeological sites or areas with archaeological potential*”. The generic legal object of the given crime is crimes against cultural heritage. And the material object is the cultural heritage goods from archaeological sites or areas with archaeological potential [29, p. 28]. A natural person from the age of 16 can be liable, but who must also have the special quality of a person to whom the assets have been transferred in administration, to whom the sanction of a fine ranging from 1850 to 2350 conventional units or imprisonment can be applied, from 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or to exercise a certain activity for a period of up to 5 years.

§ **Art. 1991. Damage or destruction of cultural heritage assets** [27]:

- (1) “*Damage to cultural heritage assets*”. The legal object of the given offense is the social relations related to the integrity, substance and potential of the use of historical and cultural monuments or objects of nature, taken under the protection of the state [29, p. 28]. A natural person from the age of 16 can be liable, to whom the sanction can be imposed in the form of a fine of 850 to 1350 conventional units or imprisonment of up to 1 year. The legal person is punished with a fine from 1350 to 3350 conventional units or the deprivation of the right to exercise a certain activity for 1 to 3 years.

- (2) *Destruction of cultural heritage assets*. “Destruction of cultural heritage assets represents any action that results in *bringing the cultural heritage object into a state of non-use*, i.e. in such a state, in which these entities completely lose their historical, cultural, spiritual value, so that they can not be represented in terms of their destination” [30, p.84]). The legal object of the given offense is the social relations related to the integrity, substance and potential of the use of historical and cultural monuments or objects of nature, taken under the protection of the state [29, p. 28]. A natural person from the age of 16 can be liable, to whom the sanction can be applied in the form of a fine in the amount of 3350 to 6350 conventional units or with imprisonment from 1 to 3 years. The legal person is punished with a fine of 6350 to 10350 conventional units with (or without) the liquidation of the legal entity.

§ **Art. 1992. Carrying out unauthorized works in archaeological sites or in areas with archaeological potential** [27]:

§ „ (1) *Carrying out unauthorized excavations or searching for treasures in archaeological sites or in areas with archaeological potential*”. The legal object of the given crime is the relationships related to the integrity and protection of archaeological sites or areas with archaeological potential [29, p. 28-29]. A natural person from the age of 16 can be liable, to whom the sanction can be imposed in the form of a fine from 850 to 1350 conventional units or imprisonment for up to 1 year.

§ “(2) *Carrying out construction works, as well as other intervention activities on the soil in archaeological sites or in areas with archaeological potential, without a certificate of discharge of archaeological burden*”. The legal object of the given crime is the relationships related to the integrity and protection of archaeological sites or areas with archaeological potential [29, p. 29]. A natural person from the age of 16 can be liable, to whom the sanction can be applied in the form of a fine from 3350 to 4350 conventional units or imprisonment of up to 2 years. The legal person is punished with a fine from 7350 to 10350 conventional units with (or without) the liquidation of the legal entity.

§ **Art. 222. Desecration of graves and monuments** [27]: „ (1) *Desecration by any means ... of a funerary, a memorial or a public monument...*” " desecration " means: regarding the monument - destruction, damage, overturning, applying defiling inscriptions or symbols [31, p. 378-380], etc. The generic legal object of the presence of crimes is crimes against the

social coexistence. And the special legal object of the desecration of graves is formed by the social relations related to the cultivation and preservation of the feeling of respect and piety towards the objects that preserve the memory of the deceased [29, p. 29]. The material object: a funerary, a memorial or public monument (*memorials or public monuments* - immovable property: monumental plastic works of art (spatial-volumetric compositions, monuments, busts, slabs with sculptural relief), trots, crosses, non-utilitarian constructions or layouts, having character decorative, commemorative or religious, placed in public spaces, in protection zones, on lands in the public domain of the state or administrative-territorial units, excluding those placed in cemeteries and those placed on the lands of natural and legal persons who cannot be seen or visited freely [24, art. 2]). A natural person from the age of 16 can be liable, to whom the sanction can be applied in the form of a fine in the amount of 550 to 850 conventional units or with unpaid work for the benefit of the community from 180 to 240 hours, or with imprisonment of up to 1 year.

§ **Art. 288. Vandalism** [27]: (1) Vandalism is defiling buildings or other rooms, as well as destroying property in public transport or other public places; (2) The same action carried out: c) on goods that have historical, cultural or religious value. The criminal's special legal object is social relations regarding public order. And the material object is the buildings or other rooms, as well as the goods that have historical, cultural or religious value. A natural person from the age of 14 can be liable, to whom the sanction can be applied in the form of a fine in the amount of 550 to 1050 conventional units or with unpaid work for the benefit of the community from 180 to 240 hours, or with imprisonment of up to 3 years.

According to the researcher Ștefăniță Ion, our country is unique in Europe in that it does not know any legal precedent for holding accountable any person responsible for demolishing or damaging state-protected objectives. At the same time, over 10% of state-protected buildings in Chișinău are already demolished, others are in the active destruction process [32]. To solve these problems, it is necessary to improve the rules providing for criminal liability for the destruction or damage of historical and cultural monuments and to eliminate the gaps in the legislation regulating this area. The public danger of the criminal violation of cultural values is reflected both in the irreparable damage caused to the cultural heritage of our people, and in the violation of the state's identity [29, p. 26].

All the changes that have been made in the Criminal Code of the Republic of Moldova constitute an opportunity, resulting from the need to adjust the national legal framework to the provisions of the UNESCO and Council of Europe conventions in the field of cultural and natural heritage protection, to which the Republic of Moldova is a party: UNESCO Convention on the Protection of the Cultural World Heritage from 23.11.1972, in force in the Republic of Moldova from 23.12.2002; Convention for the protection of cultural property in case of armed conflict, together with Protocol I to the Convention, dated 14.05.1954, in force in the Republic of Moldova since 09.03.2000; Convention for the protection of the architectural heritage of Europe from 03.10.1995, in force in the Republic of Moldova from 01.04.2002; European convention for the protection of archaeological heritage (revised) of 16.01.1992, in force in the Republic of Moldova since 22.06.2002. By ratifying the named conventions, the Republic of Moldova, as a party to these important international legal instruments, undertook, according to its own prerogatives, to proceed in such a way that the violation of the legislation in force and the legal regime for the protection of cultural heritage is subject to appropriate and sufficient measures of counteraction and sanctioning by the competent authorities of the state" [33].

Concerning strengthening the application of the legal framework in the field of cultural heritage protection in the Republic of Moldova, the TWINNING project "Support for the

promotion of cultural heritage in the Republic of Moldova through its preservation and protection" was implemented in partnership with the Italian Ministry of Cultural Property, Activities and Tourism, a funded project by the European Union, with a budget of 1 million euros, and for a duration of 2 years (from September 2017 to September 2019) [34]. The project's general objective was to provide support to specialized institutions in the Republic of Moldova to strengthen the legal framework's application and improve governance in the cultural heritage protection field.

Suppose we are to generalize, at the end of the analysis of the national normative acts. In that case, we can establish with certainty that numerous legal instruments have been adopted, which are intended to be a solid framework in the context of the protection of cultural heritage in general, and immovable cultural heritage in particular, even if their rules are not respected. These acts are those conscious legal ways of carrying out all the tasks of the state in this segment.

Conclusions

All the states of the world, including the Republic of Moldova, have a broad legal basis in identifying, protecting and capitalizing historical and cultural monuments. In this sense, every state and society undertake considerable efforts. Thus, the normative acts of great value for humanity were developed, aiming to conceptualise the notions of cultural heritage and cultural goods, monuments of history and culture, as well as establish the principles and objectives in this direction, which are quite clear and rigorous.

Both international and national legislations come with a strategic basis for protecting cultural heritage monuments, even if their application is not always successful. One of the negative factors would be, however, the precarious economic situation of the Republic of Moldova, which in no way can prejudice the preservation of the previous achievements of the national culture.

However, for the preservation and capitalization of all historical and cultural monuments, a complete and clear legislative basis is needed and public awareness of their value. We, the citizens, have the obligation to protect by law and pass on as many heritage assets as possible for future generations because every nation has a past, present and future. And these historical monuments will also contribute to the transmission of emotions of national pride and cultural and historical continuity.

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