



CULTURAL HERITAGE AND LEGAL ASPECTS IN EUROPE

Edited by
Mitja Guštin and Terje Nypan



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Heritage, Legislation and Tourism

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Once upon a time

Several legal and philosophical issues in the protection of cultural heritage have followed the conscious and organized heritage conservation attempts since the Renaissance, especially since the early 19th century, and many are still topical today. Looking into the evolution of conservation practice through a European example several of these issues can be detected. Since the meeting on *Cultural Heritage and Legal Aspects in Europe* took place in the town of Piran in the northern Adriatic peninsula of Istria, the conservation tendencies and the related legal issues of this area will be pointed out as an example. The diverse and turbulent history of Istria along with its monument protection offers a handful of newsworthy themes.

The town of Piran/Pirano, together with its tourist pendant Portorož/Portorose, a former small village concentrated around the church of St. Mary of the Rose, has been a tourism destination for over a century now. It offers a set of heritage category examples, e.g. the Venetian architecture of Piran, the Istrian landscape and vernacular architecture, the old salt pans of Sečovlje with the related traditions, the thermal mud with its spa-tourism. All these elements were taken into account when the Yugoslav administration proposed a strategy for the development of tourism in the area after 1954 to find a way between the legal and societal requirements of protecting heritage and supporting development. The current situation shows that several pending issues in heritage protection have not yet been overcome.

Piran, an important Istrian town in the era of the Venetian Republic of the Serenissima, gained most of its new characteristics through industrialisation and the development of tourism in the mid-19th century. The north Istrian towns had a major economic role throughout the Venetian rule until 1797. By the mid-18th century the main economic and trade focus shifted from the Istrian coast to the city of Trieste, which became the Habsburg gate into the world. With the boosting development of the nearby tax-free port city of Trieste or the "porto franco" founded by Karl VI and Maria Theresa, the Istrian medieval towns faced decline. The new "promised land" of Trieste attracted businessmen and tradesmen from all over Europe and the world. The new economic

force steered the growth of the modern port and the building of splendid Eclecticist and Secession palaces on the seaside. At the same time the newly built Southern Railway connected Vienna (Austria) with the central and western Slovenian regions already in 1842 and was inaugurated in 1857.

Heritage preservation in the Austro-Hungarian period in Istria (1819-1918)

The first attempts of an organized protection of cultural heritage in Istria are tightly related to that of the Austro-Hungarian Empire. Although the first Austrian law on cultural monument protection was only passed in 1923, the activities of the Vienna *Centralkommission zur Erforschung und Erhaltung der Baudenkmale* (Royal Central Commission for the Research and Conservation of Architectural Monuments) played a fundamental role. The Commission was founded at the end of 1850 as an advisory body with no legal competence following an initiative of the Ministry for trade, in charge also of spatial planning. Its tasks consisted mainly of creating inventories of monuments, maintaining them, and writing topographies. After its transition under the auspices of the Ministry of Education and Religion in 1859, it was reorganised in 1872 and divided into three sections: I. Monuments from Prehistory and Antiquity; II. Monuments from the Middle Ages to the 18th century; III. Historic monuments until the 19th century – archival artefacts. The work was executed by voluntary professionals ("correspondents") that were of different backgrounds (directors of museums, libraries, mayors ...). These special conservators were only employed full-time after the major reorganisation in 1911 and worked in pairs (technical and art-historical conservator) in the regional conservation offices. With the reorganisation in 1911 the statute listing the principles and duties of the *Centralkommission* was written, representing the first attempt of establishing a legal background in the conservation field in the Austro-Hungarian Empire. However, no legal framework really existed in the area of the Empire until 1923.

For the region of Istria, which came under Austrian rule after the secession from the Venetian Republic followed by a decade of Napoleon's regime (1805-1813), some individuals played

major roles. The first conservator for Istria from Trieste, the lawyer Pietro Kandler, active between 1857-1871, is famous for his topographies and historiographies of the Istrian towns, among these significant is his historic monography about the town of Piran. Kandler was superseded as conservator in the Northern Istrian area by the architects Giovanni Righetti and then by Enrico Nordio.¹

Another prolific conservator was the Czech Anton Gnirs who worked in Istria from 1901 until 1914 and has the merit of having conducted large excavations of the Roman remains on the island of Brioni and Roman monuments in Pula/Pola and its rural architecture. His many publications concerned topographies, archaeology and architectural findings about the Roman period in Istria as well as about Early Christian and Medieval built heritage up to the 16th century. Gnirs' work is tightly connected to the figure of the archduke Franz Ferdinand² for whom he carried out a series of researches about the local movable heritage and art pieces. Anton Gnirs and the archduke Franz Ferdinand met during the archduke's rehabilitation vacation on the island of Brioni, when he spent his stay wandering around Istria and the Kvarner "as a normal tourist, without escorts", as we read in the *Adria* newspaper from 1910. Gnirs also showed him the Roman remains in Pula/Pola.

The archduke was himself fervently engaged in the conservation of monuments and remains of the past. He was honorary member of the Central Commission since 1905, while in 1910 the emperor Franz Joseph proclaimed him as the *protektor* of the Central Commission. With the new statute of 1911 the archduke also had direct influence on the work of the Commission. His personal philosophy about the remains of the past had three baselines: conservation in situ, stylistically adequate restoration, and the protection of the townscapes with a local or regional style, relating to his rejection of the arising modernism of Otto Wagner. A representative of the latter aim was the work of the

conservator Cornelio Budinich, author of a detailed research on Gothic architecture in Istria and some projects for new churches in Neo-Gothic style, e.g. in Portorož. The research about the typical Istrian churches served also as a baseline for the archduke's wish to build a new church in the gardens of Miramar, which was never realized. Franz Ferdinand sought an "Istrian style" that would meet the characteristics of the local landscape, especially in the fast growing building activity for a blossoming tourism in Istria. The need for more fine-tuned building was expressed also through the establishment of the Office for the approval of projects for new public buildings set up in 1908, which tried to face the "modest education of the builders". Most of the conservation interventions took place during the period of the archduke's presence and engagement in Istria.

We also recognize the archduke's proneness to in situ preservation in his engagement to prepare exhibitions with replicas and not the original objects. Such was the example of the "Istrian exhibition" in Koper in 1911 and the "Adriatic exhibition" in the rotunda of the Vienna Prater in 1913. For the latter the archduke accepted to be the protector only if none of the artefacts in the churches and convents from the Austrian Adriatic area left their original locations. Instead of transporting originals, replicas and reconstructions were built. In a way, such conservational attitudes conflicted with the archduke's personal passion as a collector, yet it stressed a situation already highlighted by the Istrian association for archaeology.

Important for the heritage conservation in Istria was also the contribution of the Istrian *Società istriana per l'archeologia e storia patria* (Association for archaeology and local history) from Poreč/Parenzo, contributing with exhaustive fieldwork and research over all Istria since its foundations in 1884. The *Association* was a filioitalian organisation that aimed to emphasize the Italian appurtenance of the Istrian land through research. Despite their political undertone, their activities highlighted a very topical issue – the export of historic objects. In order to prevent exportation and for the in situ conservation of movable items, small museums were set up in Istria (Poreč 1884, Koper 1911).

1 Sergio Tavano, »Wiener Schule« e »Central-Commission« fra Aquileia e Gorizia, *Arte in Friuli*, Udine, 1988, 97-139.

2 Brigitta Mader, *Sfinga z Belvederja, Nadvojvoda Franz Ferdinand in spomeniško varstvo v Istri / Die Sphinx vom Belveder – Erzherzog Franz Ferdinand und die Denkmalpflege in Istrien*, Annales Majora. Koper, 2000.

In the specific area between Koper/Capodistria and Piran/Pirano in the period of the Central-Commission conservators, the two successors of Pietro Kandler focused on built heritage. Giovanni Righetti, conservator II for Trieste and surroundings between 1876 and 1901, restored the interior of the church of St. George in Piran and designed the new townhall for the town in 1879. The architect Enrico Nordio, student of Righetti, took over the duties of conservator II for the county of Koper/Capodistria, Poreč/Parenzo and Trieste in 1902 and performed it until 1924. He restored the have representative building of the Venetian-Gothic house Fragiacomio in Piran. His major merit is to have established with his salient building projects between Trieste-Vienna-Zagreb-Milan a link between the Vienna school and the Milano school, thus between the two grand schools of conservation theory, the one of Alois Riegl and Max Dvořak in Vienna and that of Camillo Boito in Milan.³

Piran

A parallel development to that of the monument protection was the local economy of Istria. An echo of the boosting development of Trieste also reached and embraced the coast of Piran. The area had a prolific industry of soap and glass, the factory Salvietti, and of ammonium. A significant development factor for the area was its mineral-rich soil and its traditional salt-production. In fact, the saltpan mud was used by doctor Giovanni Lugnano under the aegis of the consortium of the Saltpans of Piran from 1879 for healing rheumatism and other diseases.⁴ In 1894 a maritime resort and sanatorium developed out of this activity, built by the company *Società Stabilimento Balneare di Pirano* (Society for spa and bathing of Piran), the latter then expanded into the *Società per la costruzione e gestione degli alberghi* (Society for building and managing hotels) called *Portorose*. In 1897 the *Imperial-Royal company of the White Cross* from Vienna opened a special rehabilitation centre for its military officials. In the same year Portorose/Portorož was proclaimed a "climatic

3 Sonja Ana Hoyer, Prispevek k preučevanju zgodovine spomeniškega varstva – konservatorstva na Slovenskem – primer Slovenska Istra, *Šumijev zbornik – Raziskovanje kulturne ustvarjalnosti na Slovenskem*, Znanstveni inštitut Filozofske fakultete, Ljubljana, 1999, 365-374.

4 Mitja Guštin, Identiteta – dediščina kot temelj razvoja portoroškega turizma, *Turizem kot medkulturni dialog*, Turistica, Portorož, 2010.

area" and on this basis a resort company was established, the so-called *Azienda di cura per il circondario di Porto Rose presso Pirano*. The *circondario* comprised a dozen small private hotels, while several new vacation villas were built. The health tourism progressively turned into classic spa tourism. For richer guests the company built the luxury hotel Palace Cur Hotel in 1910 and in 1912 a modern beach with cabins on the wooden pier and timber armchairs for sunbathing were set up. The second half of the 19th century was marked by the steadily growing new economic source, tourism, and had a strong impact on the medieval town of Piran. In the late 19th century the city got a new town hall (1879) and a new theatre (1910)⁵. We need to point out that contrary to Trieste and Piran the other northern Istrian towns saw a much slower and less salient economic development during the same period.

Tourism also had a great impact on other Istrian towns with similar features, e.g. Opatija and Lovran in present-day Croatia. The guests of the tourist facilities came mainly from the hinterland of the northern Adriatic and from the Austro-Hungarian lands. Among these was the Austrian archduke Franz Ferdinand, who became acquainted with the land after his holidays in 1910, and played an important role in the recognition of the Istrian heritage through his *protektorat* in the Central Commission and the activities, which set the basis for later work in conservation in Istria, as well as for designing cultural heritage laws in Austria.

Italian kingdom

After World War I the tourist provenance changed together with the new borders. The area of Istria and Trieste, together with the *Adriatische Küstenland* (western Slovenian regions), passed under the rule of the Italian kingdom and was included in the Venezia Giulia region following the Treaty of Rapallo, which entered into force 1918.

Heritage conservation was first run by the *Ufficio di belle arti* (Office for arts) within the government body of the Julian region

5 Brigita Jenko, Arhitektura Tartinijevega gledališča v Piranu, *Annales*, 1992, 199-216.

in Trieste. Its first task consisted of the retrieval of objects that were taken out of their original location during the war. The mission was fully accomplished by the historian Pietro Sticotti and the objects brought back to Trieste and Istria. Other activities included the urban rearrangement and the "cleaning" of the Austrian additions to the buildings.⁶

The Italian law on cultural heritage issued by the king in 1902 also entered into force in the annexed land of Istria, but only in 1921, while it actually entered into practice in 1923 with the foundation of the *Regia soprintendenza alle opera d'antichità e d'arte* (Royal Office for Works of Antiquity and Arts) in Trieste. This way Istria was included in the network of the national offices in charge of the conservation of monuments performed by architectural conservators and conservators for movable objects. The offices in charge were organized into three sections according to the type of heritage: monuments; collections and movable objects from the Middle Ages to Modern times; excavations and art from Antiquity.

In terms of architectural conservation the most remarkable among the *soprintendenti* in Istria was Ferdinando Forlati, professor at the Faculty for architecture in Venice, who was appointed to the position in 1925 and remained in Istria until 1935. Forlati is reputed for his prolific activity and an attentive conservation attitude in tune with the principles of the first charter on the conservation of cultural monuments *Carta d'Atene* of 1931. During his service several buildings and squares in the historic cores of the northern Istrian towns were restored: in Koper the house of Carpaccio, the Romanesque baptistery, the Loggia, the Taverna, the Romanesque house, the Pretorian palace and the Tacco Palace; in Piran the groundfloor of the Venetian-Gothic house Fragiaco on the main Tartini square and the restoration works on the baptistery according to the project of the conservator Cornelio Budinich. Forlati was highly engaged in the protection of vernacular architecture tied to the goal of protecting the historic landscapes and townscapes, which

6 Remo Bitelli, *Claustra Alpium Iuliarum, il confine di rapallo e fascismo – Archeologia come esempio di continuità, Clastra Alpium Iuliarum, rapalska meja in fašizem – arheologija kot primer kontinuitete*, Annales, Koper, 1999.

we learn from his opposition to the drying of the saltpans around Koper (Capodistria) to make new building areas.⁷ Forlati's period highlights the ongoing *Congrès Internationaux d'Architecture Moderne* (CIAM) debate on the conflict between heritage preservation and development for a better living standard. On the same preservation basis stood Forlati's struggle with the local authorities in Piran, where he was trying to preserve the traditional character of the Tartini square, a typical Venetian "campo", by rejecting the placement of a second fountain. It is meaningful to recall here that France Stelé, the first conservator for the Carniolan region (majority of the Slovenian lands) and author of the first Slovenian conservation laws, pointed out Ferdinando Forlati as one of his main professional role models, next to Max Dvořak and Alois Riegl.⁸

In 1939 a new heritage preservation law entered into force in Italy. It empowered the administration with the restoration and maintenance of monuments and it enhanced the possibilities of expropriation in the name of conservation. It also involved the reorganisation of the *Soprintendenze* (heritage offices), so the main office for the Julian region was moved from Trieste to Padua. In the period between 1940 and 1945 the focus of conservation efforts was placed on the protection of movable and immovable objects from destruction, especially in air attacks.

Following the Italian laws nr. 1089 of 1 June 1939 and nr. 1041 of 6 July 1940 several artworks of Paolo Veneziano, Vittore Carpaccio, Cima da Conegliano, and other artists, as well as ecclesiastic garments and other objects from the Istrian churches, museums and town halls were sent to safer places in central Italy in order to shield them from bombings during the war between 1940 and 1945. The transfer was realized in June 1940 under the supervision of the *soprintendente* Fausto Franco. Eleven boxes with 25 artworks comprised artworks from

7 Daniela Milotti Bertoni, Delovanje tržaške soprintendenze v Slovenski Istri 1918-1945, *Kultura na narodnostno mešanem ozemlju Slovenske Istre, Varovanje naravne in kulturne dediščine na področju konservatorstva in muzeologije*, Znanstveni inštitut Filozofske fakultete, Ljubljana, 2002, 51-85.

8 France Stelé, Iz konservatorskih spominov, *Varstvo spomenikov XX*, 1965, Ljubljana, 1966, 37.



Figure 1: The pavilion in the form a triumphal arch, designed by the architect Renato Nobile, was the entrance to the Istrian exhibition of economic and cultural achievements. The exhibition that took up the model of contemporary world fairs was set up on several locations in Capodistria/Koper in 1910. The archduke Franz Ferdinand was its protector while the conservator Anton Gnirs was in charge of the historic documents. Photo from: Slobodan Simič Sime, *Koper na robovih stoletij*, 2002, 212.



Figure 2: The Venetian Gothic house called "Lassa pur dir" in Pirano/Pirano was one of the major restoration projects by the professor, architect and soprintendente Ferdinando Forlati, realized in 1935. Photo from: Slobodan Simič Sime, *Piran na robovih stoletij*, 2002.

the towns of Koper, Izola and Piran. Documents show that there had been active attempts of restitutions immediately after the war but these were not realized.

Piran

The geopolitical shift influenced the economy of the area since Piran and Portorož lost the majority of the usual tourist groups from Central Europe and became the hinterland of northern Italian cities of the Italian state. In fact, the tourist activity never recovered from this change because of the new numerous tourist centres on the western coast of the northern Adriatic (Lido di Venezia, Cervignano). In the new political circumstances the local enterprises looked for new tourist attractions. Thus, the infrastructure was much improved, also by offering hydroplane panoramic flights from 1921 (Italian air force society / *Società Italiana Servizi Aerei – SISA*) and from 1926 panoramic flights based from the airport station in the hangars under the cliff of the abandoned monastery of San Bernardino, just outside Piran. The Italian presence and the establishment of the Italian wellness company *Società Stabilimento Balneare di Pirano* had a great impact on the historic centre of Piran as well. New tourist infrastructure was built and adapted in and around the town. Old buildings were adapted according to the scale and typical features of the historic core (hotel Miramare, hotel Metropol next to the Historicist-style theatre); the countryside residence Villa Tartini in Strunjan was restored and adapted. At the same time, the new Italian guests stirred the continuing building of villas with rooms to rent and small hotels in Portorož, which in the 1930s constituted a real tourist village.

Post-war period

World War II did not spare Piran either – tourism ceased to be a source of development for a while. After the war, a new period for the town and the region started. In the period between 1945 and 1954 many local inhabitants emigrated. The region became part of the Slovenian Republic in the Yugoslav federal state, of which we are today the heirs, and brought drastic changes. Reconstruction and industrialisation were the two principal activities of the 1950s and 1960s for the whole country, whereas Piran saw the rebirth of tourism.

Cultural heritage legislation in the Yugoslav period is marked by three main periods. The first laws (Federal law of 1945 and National Slovenian law of 1948) set the definitions of heritage and defined its administrative framework. The second phase comprises the laws of 1958, 1959 and 1961, which came also as a reaction to the fast development and industrialization. Thirdly, the last main turnover is represented by the law of 1981, which instituted the concept of integral and active conservation, and joined the natural and cultural heritage under one law again.⁹

In terms of topical issues and themes related to the evolution of conservation practice and its legal framework in Istria, two main features arise.

Missing heritage

The first one is strictly connected with the short and turbulent post-war period on the northern Istrian coast. For seven years (1947-1954) the area from Trieste to Novigrad (Cittanova) formed the *Svobodno tržaško ozemlje - STO (Free territory of Trieste)*, since the diverse ethnic appurtenance of the territory (mainly Italian speaking population in the urban centres and mainly Slavic – Slovenian and Croatian speaking population in the rural areas) raised the issue of division of land between Italy and Yugoslavia. Consequently, the temporary political entity was composed of two zones, A and B. The issue was solved in 1954 with the London memorandum, which appointed Zone A (Trieste and its hinterland) to Italy and Zone B (part of Karst and Istria to the valley of the river Mirna) to Yugoslavia. The geopolitical fracture caused massive migrations of local inhabitants from Istria to Italy and from other parts of Yugoslavia to Istria and had a specific impact on cultural heritage as well. Among others a salient issue concerns the restitution of movable, mostly sacred art works that had taken from their original locations in the towns of Istria,¹⁰ to be protected from

9 A detailed presentation of the evolution of Slovenian conservation laws and practice is exhaustively presented in this publication in the article by Savin Jogan.

10 In 2002 an exhibition was announced at Palazzo Venezia Roma entitled *I tesori dell'Istria*, where the long-searched for paintings from the Istrian towns were to be presented. The exhibition was never opened, though a press conference took place where Italian experts and politi-

war danger and bomb attacks during World War II. They were taken to Italy.

After 1954 the conservator for the district of Koper, Emil Smole, had started the restitution procedure with a list of missing objects. An Italian-Yugoslavian restitution delegation was set up decades later in 1987 to complete the list and start the official claim from Slovenia to Italy. Until today the masterpieces have not been returned to their original locations. The story about the restitution of these paintings highlights a specific legal issue of the protection of movable heritage and its tight connection with the philosophy of conservation on the one hand, and the influence of socio-political circumstances in solving legal matters on the other hand. In fact, the heritage conservation principles in different charters clearly state that in order to preserve all the values of art objects these are to be preserved in situ. Here we may recall the engagement of the archduke Franz Ferdinand, of the historian Pietro Sticotti, of the conservator Ferdinando Forlati, and recently by different researchers such as Federico Zeri, who strongly supported the return of the objects to their original locations.

Built environment

The post-war period strongly affected the built environment as well. The politically unstable period of the Free Territory of

cians explained the circumstances of the custody of these artworks in the last 50 years. The exhibition comprised 25 paintings, held in 11 boxes at different locations since 1940, belonging originally to the Museum of Koper (7), the cathedral of Koper (1), the church of St. Anna in Koper (5), the church of St. Mary of Consolation in Piran (1), the church of St. Francis in Piran (1), the church of St. Stephen in Piran (1), the town hall of Piran (4), the church of St. George of Piran (5). The exhibition was to be the first occasion after World War II that the public could actually see the paintings and get information about their existence. The event offered the possibility to finalize the list of missing objects and to actively restart the final debate about the restitution of the artworks to their original sites. Cfr. Sonja Ana Hoyer, ed., *V Italiji zadržane umetnine iz Kopra, Izole, Pirana / Le opere d'arte di Capodistria, Isola, Pirano, trattenute in Italia / Art works from Koper, Izola, Piran retained in Italy*, Zavod za varstvo kulturne dediščine Slovenije, Ministrstvo za kulturo Republike Slovenije, Ljubljana-Piran, 2005. An exhibition with the title "*Histria. Opere d'arte restaurate: da Paolo Veneziano a Tiepolo*" was held between 23 June 2005 and 6 January 2006 in the Museo Revoltella in Trieste, where the paintings were finally exhibited. While the return is still pending, the discussion was reopened again in 2009 because of an announced exhibition of the missing artworks that would also be hosted in Slovenia.

Trieste refrained from most activities both in preservation and in building. Based on the Yugoslavian laws of 1948, the Museum of Koper, in charge also of monument preservation, started assembling and updating the inventories of historic buildings and sites.

Development activities started immediately after the London Memorandum and the annexation of northern Istria to Yugoslavia. Thus, industrial buildings, the adjoining housing structures, as well as the first tourist structures were built already in 1954.¹¹ A first comprehensive Regional Development Plan for the Slovenian Coast was prepared together with the political authorities and designed by the architect Edo Mihevc in 1957.¹² This plan took into account the new geopolitical circumstances, but also the specific Mediterranean character and the potential of the territory.

Designed on the "zoning" principles of a late functionalist schemes, where the political development plan was mirrored in the attitude to the built environment and its historic sites, the Regional Development Plan presented some new functions and forms.

The town of Koper was to become the administrative and economic centre defined by the large port and factories; thus, the town was to be thoroughly rebuilt with modernist buildings within the existing urban pattern, retaining only the most prominent historic buildings. Izola was to continue developing the fish industry, awaiting newly built quarters adjoining the preserved historic core.

Piran was designated as the "crown jewel" and was to be preserved as a city-museum, mainly for tourist exploitation. New housing areas grew in Lucija, south of Portorož. Growing construction activities were supported also by the contemporary building laws¹³, which included a few articles on monuments,

11 Neža Čebtron Lipovec, *Modern architecture in historical city centres: case-study on Edo Mihevc in Koper and valorisation for re-use*, Raymond Lemaire International Centre for Conservation, Leuven, 2007.

12 Edo Mihevc, *Piano regolatore della costa slovena*, *Casabella*, 280, 1963, 40-48.

13 The first post-war building law issued in 1958 did not include notions about cultural heritage (Slovenian national law on building UL LRS

but only referred to major historic buildings, despite the contemporary laws on heritage protection which highlighted the importance of sites and vernacular architecture. The Austro-Hungarian spa resort of Portorož was to develop into a modern leisure infrastructure with a series of hotels and dependant facilities. Old hotels were renovated to enter into the European tourism market.



Figure 3: Portorož in 2008. View over the Riviera hotel; its right wing was built as early as 1963 by the architect Edo Mihevc. In the following years the entire town received a comparatively unified likeness of a modern "mass tourism" resort. Photo from: Mitja Guštin, *Identiteta – dediščina kot temelj razvoja portoroškega turizma*, *Turizem kot medkulturni dialog*. Portorož 2010, fig. 7.

In Portorož, the spa culture continued, although the general summer-leisure activities expanded largely and quickly after 1954. In their offer, the tourist managers and agents often

127-22/1958, while by 1967 some articles did integrate the concepts of landscape and monument surroundings protection in three different laws (Slovenian national law on the arrangement and maintenance of green spaces in the towns UL SRS 11-105/1965; Slovenian national law on regional spatial planning UL SRS 1-118/1967; Slovenian national law on urban planning UL SRS 16-119/1967). Cfr. Neža Čebtron Lipovec, *Modern architecture in historical city centres: case-study on Edo Mihevc in Koper and valorisation for re-use*, Raymond Lemaire International Centre for Conservation, Leuven, 2007; Maja Črepinšek, *Prenova stavbne dediščine v Sloveniji / The renovation of the Slovene architectural heritage*, Restavratorski center Republike Slovenije, Ljubljana, 1993.

referred to cultural heritage, but national sites of interest, such as the Caves of Postojna, the historic royal stud farm of Lipica, lake Bled, and national folklore were promoted rather than the regional items.

Hotels were being built from the early 1960s until the end of the 1970s when the building activities in the tourism sector were halted by the economic situation of the 1980s. The continuity of the so-called syndical tourism was, however, not disrupted. Larger buildings, syndical holiday houses, were either built or adapted to host workers from factories and public employees. At the same time, however, the 1980s also witnessed the development of private beds and breakfasts, rented rooms and more locally and individually managed tourist offers, especially in Portorož.

Last decades

In 1981, the first comprehensive law on integrated conservation was issued, which steered documentation projects on architectural heritage.¹⁴ Nevertheless, the three decades of inaction in Piran that kept it intact, but without major preservation actions, brought its built heritage to a state of disrepair due to minimal maintenance. Thus, historic buildings and traditions like the salt production in the saltpans continued to live, but were not the focus of investors and developers. On the other hand, in this way the town maintained its primarily residential role, since it was inhabited all through the year, but even more importantly, no major demolitions took place. In a way, it maintained its vernacular character.

The situation changed thoroughly after 1991 with the Slovenian independence, when the system shifted from the social economy of self-managed socialism into market-capitalism, and especially with the denationalisation and rise of private property. Hotels and villas were slowly denationalised and came under private/state management or ownership; by the last decade most of them became part of a business chain. Due to the Balkan wars, the tourism in the former Yugoslavian country faced a drastic collapse.

14 Jelka Pirkovič, *Osnovni pojmi in zasnova spomeniškega varstva v Sloveniji*, Vestnik, XI, Ljubljana, 1993.

From the early 1990s up to today several examples of "integral heritage", meaning a valuable example of merged cultural and natural heritage, were included in the register of monuments and received their specific management strategies and teams, as in the case of the Sečovelje saltpans park. The Slovenian "integral heritage" is its primary tourist brand and cultural tourism promotion symbol. Therefore, the Slovenian applications for listing on the UNESCO World Heritage List also mainly encompass cultural landscapes.

Two main laws from 1999 and the recent one from 2008 elaborated and extended the notion of cultural heritage with the notions of intangible heritage and cultural landscape. The most recent law (2008) pays special attention to the documenting and preservation of archival material on the one hand, while on the other hand it emphasizes new aspects of the role of development and the rights of the owner.

However, fast development and a boosting economy with big investments, especially in the tourism sector, is a knife that cuts both ways. While growing profit can be a great stimulation for enhanced heritage care, big profits often call for more profit. So, only the most profitable aspects of cultural heritage are considered in rather short-term projects. Usually this means only preserving the "image", so only facades remain – literally speaking. Two significant conflicts are discernible in this "evolving scenario" and they are common in a number of new European countries. Namely, the contrast between the rights stemming from private property versus the duties and needs of caring for heritage as a public good, as well as the opposition between the demand for short-term profit as opposed to the long-term sustainable effect.¹⁵ In fact, this conflict, recurrent in almost all former Eastern bloc countries, recalls the situation of the 1960s in the Western countries and we may trace it back to its roots in the 19th century in the period of the first large industrialisation. Both problems are dominant in the present Slovenian context, even more obviously on the coast, since we find innumerable

15 Erik Kerševan, *Upravnopravni vidiki obveznosti države in lastnikov do spomenikov v zasebni lasti / Administrative law perspective on obligations of the State and the proprietors regarding monuments and private property*, *Javna uprava*, 42, 1, 2006, 29-44.

examples of private owners that feel threatened and disabled by the heritage legislation, especially in the historic urban centres. At the same time, in cases of big investments the use value of the building and especially its real-estate value often takes over the long-term cultural value of heritage.

At the end

We have seen throughout the contribution that northern Istria, including Piran, is an eloquent example of the development of heritage practice and its legal backgrounds in Central Europe. Due to its transient character in geographical terms it gives an additional insight into the different conservation contexts, the Austro-Hungarian, the Italian, and later the Yugoslavian. The cases demonstrated that many of the issues dealt with at the break of the 19th century are still present today; namely, the preservation of movable heritage in situ, as well as the always recurrent issues of protecting built ensembles and vernacular heritage. Furthermore, we also outlined the importance of some determined persons, e.g. archduke Franz Ferdinand, the conservator Anton Gnirs, the conservator Ferdinando Forlati or the architect Edo Mihevc, who fundamentally affected the protection and/or promotion of cultural heritage. What we tried to pinpoint as well is the relation between heritage protection and tourism.

The cases of Portorož and Piran provide a valuable overview of the role of historic environment as an object of tourism

promotion, while the tourist infrastructure in itself becomes today's heritage. Finally, the Istrian region itself is a remarkable case that demonstrates how shifts in society can irreversibly affect the role and presence of cultural heritage.

In the end, we may identify parallels between the presented recent investment boom into the built environment and that of the Austro-Hungarian period in the town core of Piran and in the building of the resort in 1890. Yet, we are more than a century further in time – we have undergone a period of crucial development in heritage protection ethics and its implementation tool – legislation. The collaboration of the state is needed in the form of a comprehensive strategy. Some good advice is provided by the European Union's Directive on the Environmental Impact Assessment and the Importance of a Sustainable and Ecological behaviour that directly involves heritage. In the cases of Piran and Portorož, history offers good solutions to reach this aim: connections with the hinterland and the region, local and family run tourism, locally designed architecture, sustainable use of local resources (be it materials like salt or traditional knowledge). Yet, in the implementation we again stumble upon the aforementioned laws concerning private property, free market rights, building materials standards and environmental policies, etc. Thus, adaptation and consensus are needed, but how can we reach it in practice? Some answers might arise through the international exchange of experiences and good practices.

Cover images by Mitja Guštin

Front:

View of Piran, Slovenia

Back:

Restoration of a historic house in Slovenska Bistrica, Slovenia

Heritage in use – climbers training on the Roman walls of Ljubljana, Slovenia

Tradition of the Slovenian countryside

Detail from a welcome cup, end 19th century, Bizeljsko, Slovenia



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