

# Expropriation as a Way for Protecting the Architectural Heritage

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## Abstract

The protection of the national cultural heritage consists of all measures of a scientific, legal, administrative, financial, fiscal, and technical nature, designed to ensure the identification, research, inventory, classification, preservation, security, maintenance, restoration, and enhancement of the national cultural heritage, in order to ensure democratic access to culture and the transmission of this heritage to future generations. This study examines achievements in the field of international heritage protection, the dynamics of preserved and endangered assets according to UNESCO data. The factors affecting the value of cultural heritage are analyzed by exemplifying their action in the Republic of Moldova. Expropriation is considered from the point of view of the possibility of protecting the architectural heritage. The practice of Turkey, the Russian Federation and Romania in protecting cultural heritage through expropriation or compulsory purchase of inadequately managed cultural property is covered in the research. Proposals are made on how to apply the best practices in the conditions of the Republic of Moldova.

## Keywords

Protection, Preservation, Factors, Value, Expropriation of Cultural Heritage

## 1. Introduction

Currently in society, but also among professionals and people in positions of responsibility, two approaches to architectural heritage are being circulated. Some are supporting the development of urban settlements by destroying and replacing old buildings with modern ones, which are built according to the latest trends in architecture, construction, and market requirements. Others argue that history, cultural and architectural heritage must be preserved for new generations; that the past determines the present and shapes the future. The authors also affirm that it is important to preserve authenticity and national identity by pre-

erving the architectural heritage. The architectural heritage is one of the structural elements of the nation with an enormous energy potential for spiritual development and national awareness in the multitude of nations and ethnicities existing in the world, as well as an anchor in the wave of change generated by the globalization process.

Regrettably, at the moment, the followers of the first position have gained ground in the Republic of Moldova.

Cultural heritage is of public interest through its essential impact on society due to the importance of its role in education, economy, and generally in the civilization of the entire society. This statute requires the regulation of its protection and the prevention of any damage to it, by establishing servitudes of property rights, whether public or private, over heritage assets and, at the same time, specific measures for the enhancement and preservation of these assets (Ilea, 2019).

The protection of the monuments of history and culture by the state bodies comprises various activities, which are materialized in the requirement and assurance of activities related to record keeping, enhancement, protection, safeguarding, preservation, and restoration. Attention is also paid to the extension of the material base, the use and accessibility of monuments for various research, the education of the young generation and the propagation of historical and cultural values. The protection of the state is exercised by Parliament, Government, the councils of district, municipality, city, and commune levels, as well as by the district presidents and mayors (Dimin, 2009).

However, “what should be” and what is done “de facto” are not always consistent in the Republic of Moldova. For example, the non-publication on the date of adoption in 1993 of the Register of State Protected Monuments led to the demolition of an impressive number of objects of architectural, cultural and historical value until 2010, when it was published in the Official Gazette of the Republic of Moldova. National legislation (Law, No. 413, 1999) provides that “Privatization of objects and properties that make up the national cultural heritage is prohibited”, while providing that “(1) Monuments that are privately owned may be sold, donated or alienated with the mandatory notification of the state bodies in charge of monuments protection. When buying and selling monuments, the state has the right of pre-emption (Law, No. 1530, 1999). But this stipulation has often been violated or simply neglected.

Although the national legislation in force (Law, No. 1530, 1999) stipulates the cancellation of alienation transactions of monuments carried out in breach of the law, and provides for liability under the Civil Code, there is no precedence in the application of this measure.

In order to protect monuments in the form of real estate, the Law (Law, No. 1530, 1999) specifies that monuments owners shall sign insurance contracts, indicating the value of the monuments and land from their protection areas established by an expert, but conclusive examples in this meaning do not exist.