



Recommendation 1730 (2005)¹

The private management of cultural property

Parliamentary Assembly

1. The Council of Europe has pioneered conservation of the European cultural heritage. Along with UNESCO it has drawn up a system of instruments setting out internationally recognised norms for protecting the heritage. These include the notion of common responsibility, whether of Europe or of mankind, as well as the responsibility of the state.
2. The Council of Europe has also sought to develop partnerships between the private and public sectors for the conservation and sustainable use of this heritage, for example by alerting the tourist industry, conservation firms and private owners.
3. While much cultural property (movable and immovable) is owned by the state, a considerable amount is owned by other bodies such as private individuals, trusts, associations and foundations, churches and other non-governmental organisations or commercial companies.
4. There have been recent moves towards the privatisation of the cultural heritage in order to lighten the burden of state responsibility. This has been a major feature of the change of regime in central and eastern Europe. It was highlighted by the move of the Italian Government in 2002 to pass legislation enabling the sale of state-owned cultural property.
5. Of possibly greater interest as a means of spreading the burden of conservation from the state has been the introduction of private management of cultural heritage. Examples should be assessed and guidelines introduced.
6. While recognising the potential benefits of privatisation and private management, the Parliamentary Assembly is anxious to ensure that such moves do not in any way diminish protection of the heritage, reduce access to it or absolve the state from its responsibility to ensure such protection.
7. In particular, the Assembly would point out the dangers inherent in ceding land with unknown archaeological content, releasing incompletely researched objects on the open market without ensuring traceability or failing to secure liability insurance for protection and maintenance.
8. Privatisation carries the further risk of weakening planning resistance to commercial interests, ignoring cultural value (for example, archaeological context) or failing to identify appropriate conservation techniques.
9. Specific problems arise in cases of inadequate endowment for heritage conservation, as in the privatisation of country houses without the landed estates to guarantee their economic viability or in the return of religious property to churches that lack a sufficient congregation interested in ensuring their conservation.
10. In terms of general policy, the Assembly believes that a properly balanced partnership between public and private interests would be preferable to exclusive control by either sector.
11. The Assembly therefore asks the Committee of Ministers to :
 - 11.1. conduct a comparative study of the responsibilities involved in ownership (public and private) of cultural heritage (movable and immovable) ;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2005 (see [Doc. 10731](#), report of the Committee on Culture, Science and Education, rapporteur: Baroness Hooper).



11.2. review established and emerging models of private management of cultural heritage and draw up guidelines on best practice for public-private partnerships ;

11.3. encourage member states of the Council of Europe to ensure that private owners and managers of cultural property are effectively responsible (directly or through insurance arrangements) for the property in their care.