

Original article

The outcomes of the activities of the Voivodeship Office for the Protection of Monuments in Wrocław in the perspective of cultural security from the local point of view in the years 2015-2019

Tomasz Landmann 

Faculty of Logistics and Transport,

The International University of Logistics and Transport in Wrocław, Poland,

e-mail: t.landmann@wp.pl

INFORMATION

Article history:

Submitted: 04 March 2022

Accepted: 21 November 2022

Published: 15 December 2022

ABSTRACT

The aim of the article is to determine and evaluate the effects of the activities of the Voivodeship Office for the Protection of Monuments in Wrocław related to the implementation of tasks in selected areas of protection and care of monuments in the Dolnośląskie Voivodeship in the years 2015-2019. In the study, research methods such as critical analysis of the scientific literature, analysis of legal acts and – to a large extent – analysis of documents are applied.

The diversity of the outcomes of the activities of the Voivodeship Office for the Protection of Monuments in Wrocław in the described area was determined. Administrative activities concerned the necessity to enter non-movable monuments into the register of monuments at the request of the owner or the entity in charge of that monument, making new entries in the voivodeship register of monuments or recommending changes in local spatial development plans to local government units. Issuing of permits for conducting archaeological research dominated the issues related to the regulation of other legally permitted activities in relation to monuments. The great activity of the Voivodeship Office for the Protection of Monuments in Wrocław related to issuing conservation recommendations has been demonstrated.

KEYWORDS

cultural security, the Voivodeship Office for the Protection of Monuments in Wrocław (DWKZ), monument



© 2022 by Author(s). This is an open access article under the Creative Commons Attribution International License (CC BY). <http://creativecommons.org/licenses/by/4.0/>

Introduction to the issue under consideration

The purpose of the article is to determine and evaluate the effects of the activities of the Voivodeship Office for the Protection of Monuments in Wrocław (hereinafter referred to as: DWKZ) related to the implementation of tasks in selected areas of protection and care of monuments in the Dolnośląskie Voivodeship in the years 2015-2019. An assumption was

made that the involvement of DWKZ contributed to the preservation of material cultural heritage as an element of strengthening the cultural security of the region and the country. The literature on the subject demonstrates the relationship between the issue of protection and care of monuments and the strengthening of cultural security of the Republic of Poland [1, p. 17; 2, p. 232; 3, p. 575; 4, p. 202-203].

The following research problems are adopted in the article:

1. What was the practice of issuing a decision by DWKZ on the entry of monuments into the register of non-movable monuments and the register of movable monuments in the Dolnośląskie Voivodeship?
2. What was the involvement of DWKZ in the development of the content of spatial development plans in the Dolnośląskie Voivodeship?
3. What were the selected effects of the activities of DWKZ taking into account the management of monuments, conducting research, the performance of works, as well as other jobs related to monuments in the Dolnośląskie Voivodeship?
4. What was the scale and, in addition, the significance of the conservation recommendations issued by DWKZ in the process of monument protection in the Dolnośląskie Voivodeship?
5. To what extent did the Voivodeship Office for the Protection of Monuments in Wrocław participate in the process of financing the care of historical monuments over the years under assessment?
6. What were the effects of the control of the compliance with the provisions related to the protection and care of monuments with regard to the activities of DWKZ over the analysed years?

A research hypothesis of the following content was put forward in the article: In the years 2015-2019, various types of activity of DWKZ related to the protection and care of monuments were revealed, which should be considered as an added value for the preservation of the material cultural heritage of the region and the country.

Pursuant to Art. 91 sec. 1 and 1a of the Act of 23 July 2003 on protection and maintenance of historical monuments (hereinafter referred to as: the Act), a Voivodeship Conservator of Monuments is an authority appointed by the voivode at the request of the General Cultural Property Conservator, who indicates a candidate for the above-mentioned position. Dismissal of a Voivodeship Conservator of Monuments is also made by the voivode with the consent or at the request of the General Cultural Property Conservator. Art. 91 sec. 4 of the Act, contains examples of tasks of a Voivodeship Conservator of Monuments, such as: fulfilling the objectives set out in the national programme for the protection and care of monuments, drawing up plans for financing such protection and care, keeping a register of monuments in the voivodeship, maintenance of records of the activities conducted in that area, issuing decisions, provisions and certificates based on separate regulations. Furthermore, a Voivodeship Conservator of Monuments supervises the correctness of the performance of restoration research, archaeological, architectural, conservation and restoration works, as well as construction works related to the monuments. The entity organises and is responsible for the performance of inspections in the field of conservation and care of monuments and is required to prepare a plan for the protection of the monuments in the event of a crisis or an armed conflict. Also, a Voivodeship Conservator of Monuments disseminates knowledge about the monuments and cooperates in the field of monument protection with competent public administration bodies and public benefit organisations. The diversity of the tasks of

the described entity is one of the conditions of effective administrative-legal protection of monuments in Poland [5, p. 319].

In turn, Art. 92 sec. 1 and 2 of the Act on protection and maintenance of historical monuments, indicates that a Voivodeship Conservator of Monuments belongs to the combined voivodeship administration and manages the voivodeship office for cultural property protection, functioning based on regulations issued by a voivode, at the request of a Voivodeship Conservator of Monuments [6]. The role of a Voivodeship Conservator of Monuments confirms the importance of decentralising public tasks in the field of monument protection [7, p. 165-166]. It is pointed out that Voivodeship Conservators of Monuments, equipped with a number of legal measures, including procedural tools, are the core of the public administration specialised in the tasks related to the area of broadly-understood monument protection [8, p. 78].

The activities of DWKZ in the analysed area of creating cultural security in local terms should be treated as part of the institutional system of protection and care for the monuments of the Dolnośląskie Voivodeship. At the end of 2020, in the Dolnośląskie Voivodeship, there were 46,040 monuments entered in the register of monuments, the majority of which were movable monuments (36,418), followed by non-movable monuments (8,130) and archaeological monuments (1,492). The Dolnośląskie Voivodeship was ranked first in Poland in terms of the number of historic resources, followed by the two largest voivodeships, i.e. Mazowieckie and Wielkopolskie [9, p. 5]. The potential of the material cultural heritage of the Dolnośląskie Voivodeship, which is particularly high compared to the rest of the country, required complex measures to protect it in the context of strengthening the cultural security of the region and the country.

While analysing the protection of that heritage and, consequently, the impact of the DWKZ on the state of cultural security, certain problematic issues cannot be ignored. Some of them are [9, p. 12-16]:

- the fact that the condition of 33% of non-movable monuments, parks and historic cemeteries in the Dolnośląskie Voivodeship is average, they are endangered or in a state of ruin,
- the fact that only 41% of municipalities in Lower Silesia have developed a proper register of their historical monuments, and 37% of municipalities have not developed such a register at all,
- the fact that only 24% of municipalities in Lower Silesia have developed local monument care programmes, and in 59% of the municipalities such a programme has never been the subject of activities of their local governments,
- in the period under analysis, only 2 out of 26 districts (Lubin – until 2021 and Legnica until 2020) had district monument care programmes implemented,
- the prolonged administrative procedure of obtaining permits for investments in historic properties, as well as high costs of such investments,
- lack of development of a significant part of historic buildings owned by public institutions,
- lack of preparation by the self-government of the voivodeship of a diagnosis related to the protection of the cultural heritage of national minorities in Lower Silesia, despite the fact that such heritage largely shapes the historical resources of the region [10, p. 4].

The specificity of resources of tangible cultural heritage in Lower Silesia requires active actions on the part of both the self-government of the voivodeship and DWKZ as a representative

of the combined government administration in the voivodeship. It is worth taking a look at the results of the activities of DWKZ to notice the dynamics and trends in the protection and care of monuments in the Dolnośląskie Voivodeship.

1. The administrative activities of DWKZ for the protection of monuments over the years 2015-2019

The basic task, listed in Art. 9 sec. 1 of the Act on the protection and maintenance of historical monuments, related to the issuance of decisions on the entry of non-movable monuments into the register of historic monuments, became evident in the activities of DWKZ. Another required standard related to the protection of monuments in Poland is the fulfilment of the obligation imposed on DWKZ under Art. 9 sec. 4 of the Act, involving the disclosure of a non-movable monument in the land and mortgage register of a given property if the property is listed in the register of monuments. Although the effectiveness of the inclusion of a property in the relevant register of historical monuments does not depend on the disclosure of that fact in the land and mortgage register, the above-mentioned action can be considered a desirable standard due to the credibility attributed to the land and mortgage register. The courts that keep such registers are obliged to comply with the request of DWKZ. The discussed task is important as without the entry of a property into the land and mortgage register, the municipality's right of pre-emption of historical monuments cannot be fulfilled [11, p. 124]. The results of activities of DWKZ in the above-mentioned area are presented in Figure 1.

Based on the data presented in Figure 1, DWKZ made a decision to enter a non-movable monument into the register of monuments much more often upon the request of the owner or

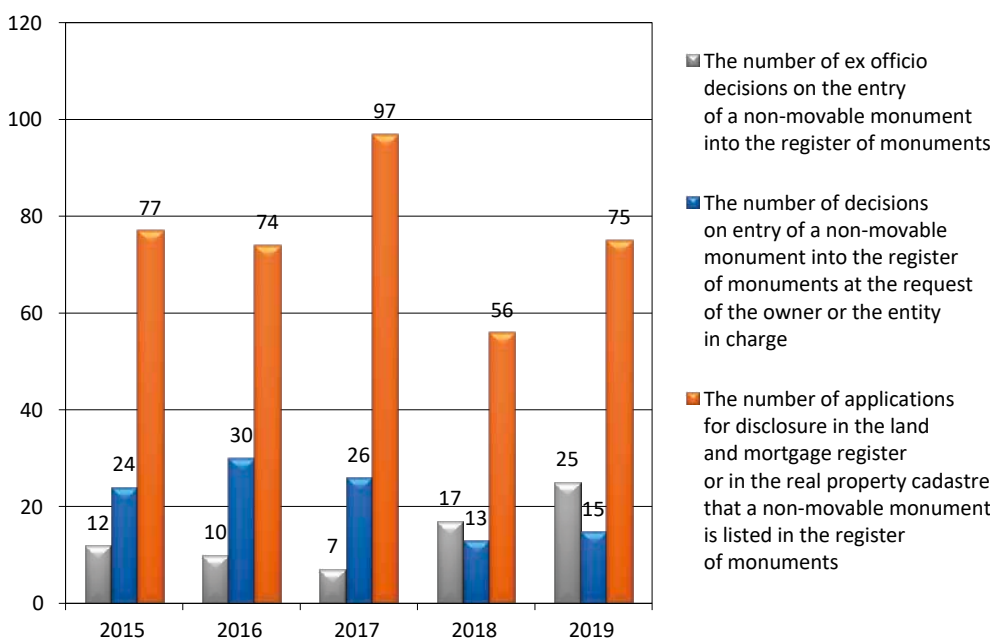


Fig. 1. Decisions issued by DWKZ related to the functioning of the register of non-movable monuments in the Dolnośląskie Voivodeship, in the years 2015-2019

Source: Own elaboration based on: [12-16].

the entity in charge (108 decisions) than ex officio (71 decisions). In the period from 2015 to 2019, the number of decisions on entry of the monument into the register at the request of the owner or the entity in charge generally decreased (37% decline), with an increase in the number of ex officio decisions (more than a 2-fold increase). In the period under assessment, DWKZ, much more often than in the case of both of the above-mentioned activities, decided to apply to have the entry of a non-movable monument in the register of monuments disclosed in the land and mortgage register or real property cadastre (379 applications in total); an average of approximately 76 applications per year was maintained.

Figure 2 presents the data related to the functioning of the register of movable monuments in the Dolnośląskie Voivodeship, in the years 2015-2019.

Based on the data presented in Figure 2, DWKZ made a decision to enter a movable monument into the register of monuments much more often upon the request of the owner of the monument (276 decisions) than ex officio (10 decisions). The revealed difference corresponds to the essence of that administrative and legal solution related to the protection of movable monuments as ex officio decisions to enter a monument into the register are made by Voivodeship Conservators of Monuments in Poland only in exceptional circumstances [3, p. 576-577]. Legal and factual justifications include concerns about the destruction, damage, illegal export of the monument abroad or export outside the Republic of Poland of a monument of exceptional artistic, historical or scientific value (Art. 10 sec. 2 of the Act on the protection and maintenance of historical monuments). With regard to the actions taken by DWKZ, there was a small number of refusals to enter the movable monument into the register at the request of the owner (13 decisions). Not counting the short-term change in the years 2017-2018, the number of decisions of DWKZ to enter a movable monument into the register of monuments at the request of the owner declined (decline by 25.9%). Overall, movable monuments were relatively frequently entered into the register of monuments. Decisions related to the entry of monuments into the register of monuments should be treated as an important form of the administrative and legal protection of cultural heritage in Poland [17, p. 12].

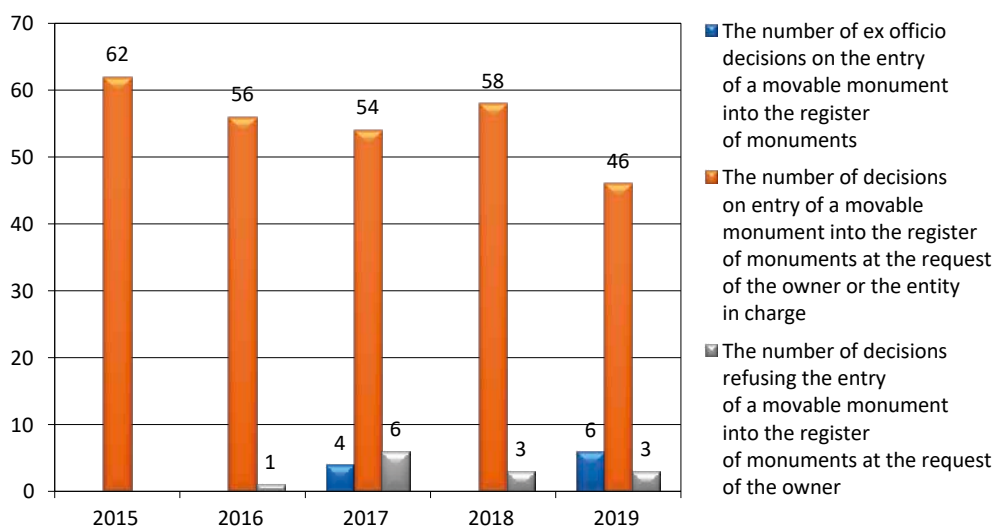


Fig. 2. Decisions issued by DWKZ related to the functioning of the register of movable monuments in the Dolnośląskie Voivodeship, in the years 2015-2019

Source: Own elaboration based on: [12-16].

DWKZ was responsible for keeping the voivodeship register of monuments in Lower Silesia, and the results of involvement in the above matter are presented in Figure 3.

Based on the data in Figure 3, in the years 2015-2019, movable monuments (5,436) outnumbered non-movable monuments (2,265) in terms of the number of tangible elements of cultural heritage of Lower Silesia included in the voivodeship register of monuments. Over the years under assessment, the number of entries into the register increased significantly, both in the case of movable monuments (1.2 times) and, above all, in the case of non-movable monuments (3.6 times). With regard to the above, in one of the post-audit speeches of the Supreme Audit Office, the significance of the cooperation between DWKZ and the self-government of the Dolnośląskie Voivodeship was emphasised. The cooperation consisted in verifying the resources of cultural heritage in the voivodeship in terms of quantity and the state of preservation of monuments entered in the register of monuments and listed in the records of the voivodeship [10, p. 13].

In the period 2015-2019, another area of activity of DWKZ was its involvement in the preparation of projects and spatial development plans in the Dolnośląskie Voivodeship in terms of new buildings and land development in the context of strengthening the importance of the protection of historical monuments (Art. 20 of the Act on the protection and maintenance of historical monuments). This is an important task taking into account the preservation of the attractiveness and uniqueness of monuments to maintain the possibility of their effective protection in the future [18, p. 18; 19, p. 45-46]. It is emphasised that the position of DWKZ in the above matter is binding on the authorities in the municipality that make decisions on the adoption or amendment of local spatial development plans [18, p. 18]. The arrangements of DWKZ resulting from Art. 106 of the Act of 14 June 1960 – the Code of Administrative Procedure [20], have the character of an act of supervision over the manner of implementation of the described task by the local government of the municipality [21].

In the period 2015-2019, DWKZ prepared with the local government of Lower Silesia a total of 1,689 local spatial development plans and also agreed on 477 modifications to such plans

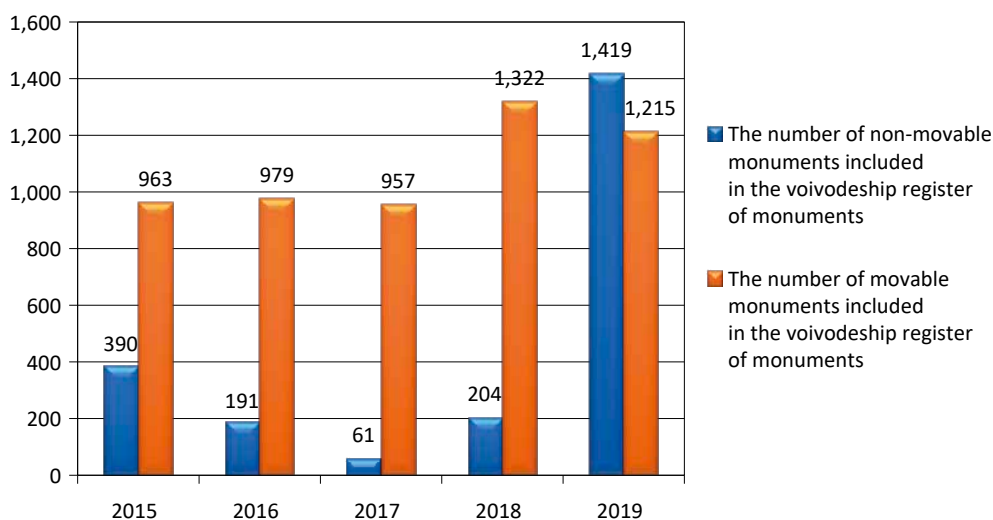


Fig. 3. The number of new entries into the voivodeship register of monuments in Dolnośląskie Voivodeship, in the years 2015-2019

Source: Own elaboration based on: [12-16].

for the effective protection of historic buildings in Lower Silesia. Generally, the number of agreed projects declined, not taking into account a short reversal of that trend in the years 2017-2018. Compared to previous years, in 2019, there was an increase in the number of modifications submitted to local authorities by DWKZ in relation to prepared local development plans. The implementation of the described task by DWKZ was important insofar as the role of agreeing the positions should be emphasised in the context of ensuring by the legislator adequate protection of monuments of a particularly value for the cultural heritage of a given region or country [22, p. 47-50].

One can also mention the right of DWKZ to refuse to agree to a spatial development plan. The result of such refusal may be the invalidation – in whole or in part – of the resolution of the municipal self-government on a local spatial development plan, possibly adopted against the action of the DWKZ [23]. The refusal to agree to the implementation of such plans represented a relatively small share in the structure of all positions taken by DWKZ in the described area. Based on the obtained documents, for example, in 2015, the rate of refusal to agree to development plans was 21.6% and it was 16.1% in 2019. In turn, the refusal to agree on amendments to such plans, compared to the number of approved amendments increased, from 22.2% in 2015 to 35.3% in 2019.

DWKZ carried out tasks related to the management of historical monuments, conducting research and works and undertaking other activities related to historical monuments, based on issued permits and decisions, based on the regulation contained in sec. 3 of the Act on the protection and maintenance of historical monuments, in Art. 25-37i. Selected results of the activities of the entity under assessment in that area are presented in Table 1.

Based on Table 1, in the analysed period, particular importance should be attributed to the activity of DKWZ in such areas of monument protection in the Dolnośląskie Voivodeship as: issuing permits to conduct archaeological research (14.7 thousand, with the growth rate

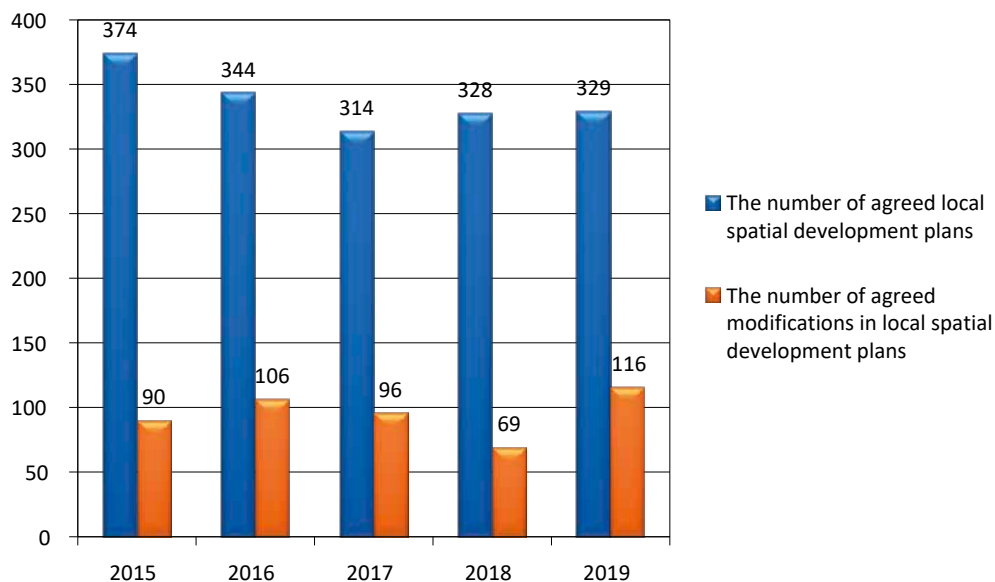


Fig. 4. Involvement of DWKZ in the preparation of spatial development plans in Dolnośląskie Voivodeship, in the years 2015-2019

Source: Own elaboration based on: [12-16].

Table 1. Selected effects of the activities of DWKZ taking into account management of monuments, performance of research and works and other actions related to monuments in the years 2015-2019?

Category	2015	2016	2017	2018	2019	Total
Number of permits to perform conservation or restoration works on movable monuments	152	241	170	186	187	936
Number of permits to perform conservation, restoration or construction works on non-movable monuments	692	2,107	1,358	1,716	1,866	7,739
Number of permits to perform construction works near monuments	8	4	0	0	0	12
Number of permits to perform conservation works on movable monuments	22	28	21	19	21	111
Number of permits to perform architectural works on non-movable monuments	3	15	17	30	33	98
Number of permits to perform archaeological works	2,468	2,797	3,107	3,120	3,230	14,722
Number of permits related to division of non-movable monuments	29	34	27	32	48	170
Number of permits to change the purpose or way of using the monument	1	4	6	4	3	18
Number of permits to search for hidden or abandoned movable monuments, including archaeological ones, with the use of technical, electronic and diving equipment	11	32	31	35	24	133
Number of permits to perform activities that may cause damage to the substance or change the appearance of monuments	1,435	1,369	2,185	1,280	1,216	7,485
Number of decisions refusing to take action in each of the above-mentioned area of activities related to monuments	51	118	78	85	73	405

Source: Own elaboration based on: [12-16].

of 30.8%), issuing permits to perform conservation, restoration and construction works on non-movable monuments (7.7 thousand, with the growth rate of 269.6%) and issuing permits to take actions that may result in violation of the substance or change in the appearance of monuments (7.4 thousand, with the decline rate of 15.3%). Less than 1,000 permits were issued for the performance of conservation or restoration works on movable monuments (with the growth rate of 23%). All other actions were taken by DWKZ much less frequently, although with the increasing importance of each of them, apart from the permits issued to perform construction works near monuments. With regard to the number of decisions of DWKZ to refuse to grant the right to various entities to take action in each of the above-mentioned areas of activities related to monuments, the refusal rate was at a low level of 1.28% (405 refusals compared to 31,412 permits). In the analysed areas of monument protection,

the relatively greatest importance of issuing permits to perform archaeological research became apparent in the activities of DWKZ. Such permits, issued based on Art. 36 sec. of the Act on the protection and maintenance of historical monuments, remain within the exclusive competence of a voivodeship conservator of monuments, which is currently one of the most important standards in the protection of cultural heritage as part of cultural security. This is due to the recognition of the special role of archaeological monuments in the structure of today's monuments [24, p. 6; 25, p. 6].

DWKZ may issue written conservation recommendations, in accordance with Art. 27 of the above-mentioned Act. In the recommendations, DWKZ may include instructions for the owner or the entity in charge of the monument on how to use the monument, how to protect it, as well as permissible conservation works and modifications that can be made to the monument. K. Zalańska stresses that conservation recommendations are “an important form of operation of the conservation administration” [26, p. 15] allowing, at the same time, “cooperation between the expert conservation administration and the owner or the entity in charge of the monument” [26, p. 14]. With regard to the commentary on the provision contained in Art. 25 of the Act on the protection and maintenance of historical monuments, one should agree with the position expressed in the literature on the subject, according to which the conservation recommendations precede the preparation of the conservation works plan for the development of a non-movable monument [27, p. 34].

The effects of activities of DWKZ related to issuing conservation recommendations in the studied period, are presented in Figure 5.

In the period under assessment, DWKZ prepared over 79,300 conservation recommendations at the request of the owner or the entity in charge of monuments. The number of issued recommendations increased steadily in the period from 2015 to 2018, and declined in the years 2018-2019. The growth rate was 30.9% and, based on the presented data, issuing conservation recommendations was an important area of activity of DWKZ in the process of monument protection in the Dolnośląskie Voivodeship.

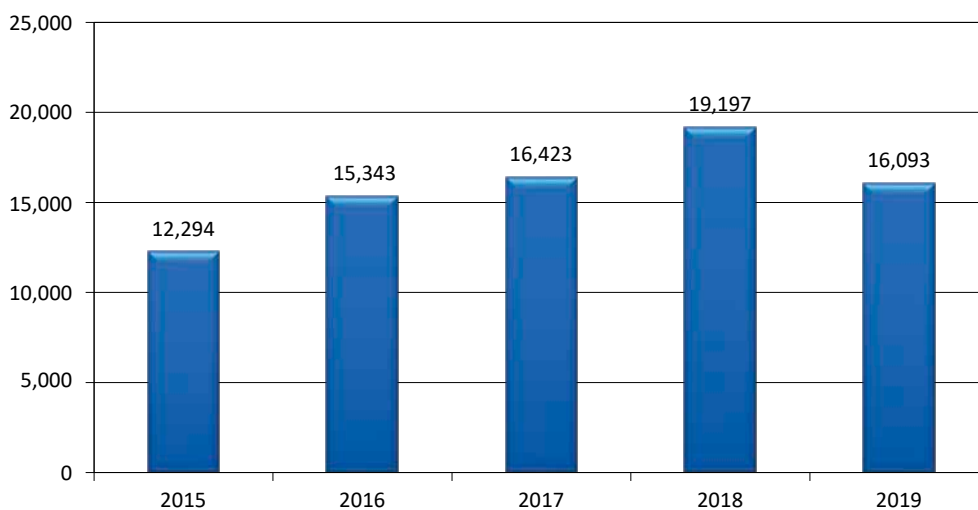


Fig. 5. The number of written conservation recommendations issued by DWKZ in the years 2015-2019

Source: Own elaboration based on: [12-16].

2. Activities in the field of financing the protection and care of monuments, as well as control and enforcement of compliance with statutory provisions

The effects of the involvement of voivodeship conservation services in the protection and care of monuments in Poland can be discussed from the point of view of financing the activities of entities that perform tasks the purpose of which is preserving monuments. The control and enforcement of compliance with statutory provisions in the form of fines imposed by voivodeship cultural property conservator are equally important. The activities of DWKZ in the last one of the mentioned areas should be treated as complementary to the criminal measures related to the protection of historic monuments in Poland [28-30].

Figure 6 presents the data on the value of subsidies granted by the Voivodeship Office of Monuments Preservation (hereinafter referred to as WUOZ) in Wrocław, in the years 2015-2019.

Based on the obtained data, as a result of the activities of WUOZ in Wrocław, subsidies in the amount of PLN 9,734,900 were granted to eligible entities in the period from 2015 to 2019. Record-breaking in this respect was the year 2018, with grants worth 55.8% of the total funds allocated for the period under assessment. In the years 2018-2019, there was a clear increase in the value of subsidies provided to various entities interested in taking care of monuments in Lower Silesia.

In the years 2015-2019, on behalf of WUOZ in Wrocław and the head of that institution, DWKZ, various entities received grants in the amount of over PLN 9.7 million for purposes related to the protection of monuments. The average value of a single grant ranged from PLN 28.8 thousand to PLN 90.5 thousand. This amount varied unevenly, increasing over the period from 2016 to 2018, and declining in the periods 2015-2016 and 2018-2019. Overall, an upward trend can be observed in the average amount of a single subsidy granted to individual entities that participate in the process of taking care of monuments in the Dolnośląskie Voivodeship.

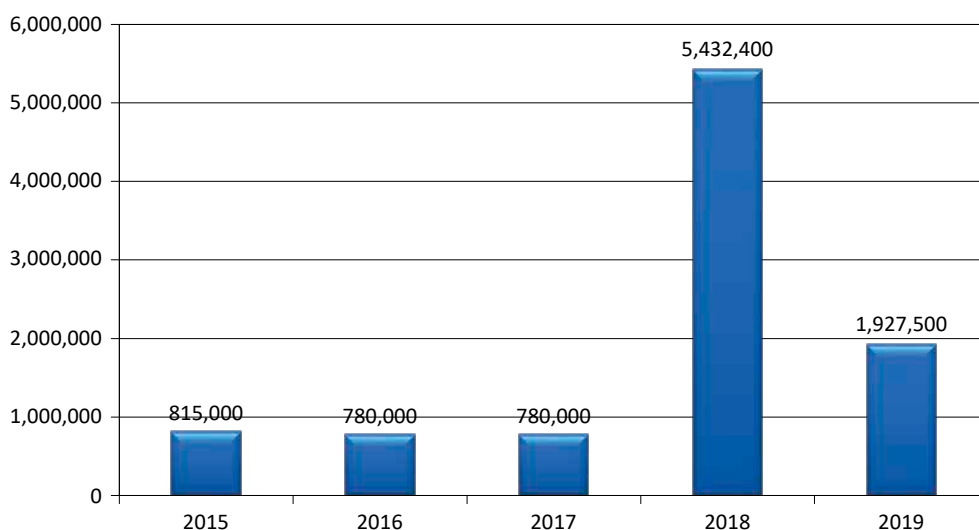


Fig. 6. Grants from WUOZ in the years 2015-2019 (in PLN)

Source: Own elaboration based on: [12-16].

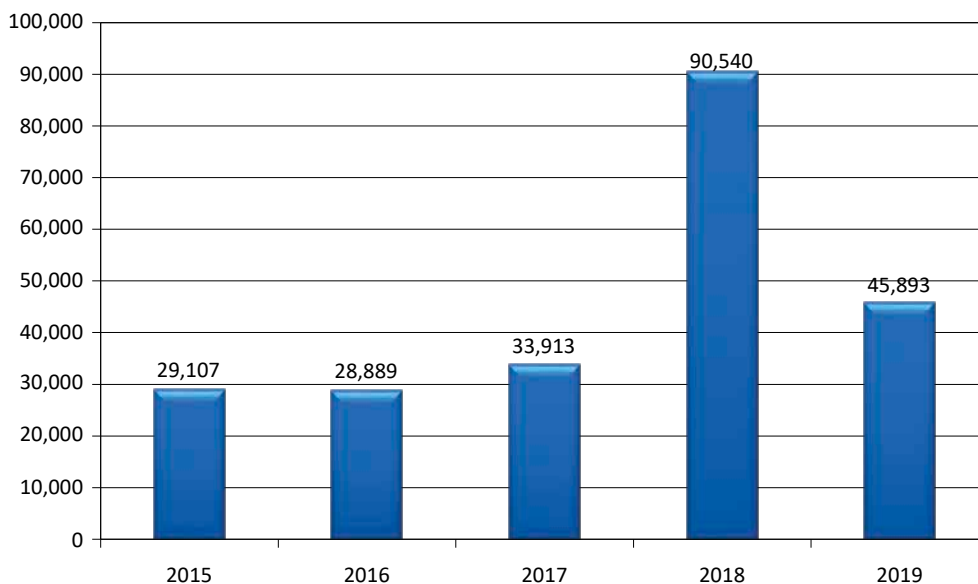


Fig. 7. Average value of a single grant awarded by WUOZ in Wrocław, in the years 2015-2019 (in PLN)
 Source: Own elaboration based on: [12-16].

At the same time, according to the estimates presented in the *Programme for the Protection and Care of Monuments in the Dolnośląskie Voivodeship for the years 2021-2024* for the previous period of the programme, financing with the use of the subsidy from WUOZ in Wrocław accounted for approximately 5% of the total amount provided by the government to finance the activities performed in the Dolnośląskie Voivodeship over the period 2016-2020. Subsidies from the Ministry of Culture and National Heritage (54%) and subsidies from the Ministry of Development (41%) were of much greater importance. Also, it should be remembered that the financing period of the Programme (2016-2020) does not fully cover the period under study (2015-2019) [9, p. 14]. Functioning in the structure of WUOZ in Wrocław, DWKZ remained one of the strategic partners in the implementation of subsequent versions of the regional programme for the protection and care of monuments, with the programme in force for the years 2016 to 2020 falling within the years analysed in this article.

Financing of tasks in the area of the protection and care of monuments involved the need for DWKZ to control the correct spending of those funds, as well as to control the actions taken with regard to the monuments.

Over the period from 2015 to 2019, DWKZ performed 689 inspections of compliance with the provisions of the Act on the protection and maintenance of historical monuments, and maintained a similar level of activity in that field in each of the following years (from 128 to 144 inspections, i.e., 137 per year, on average). The number of post-inspection recommendations issued by DWKZ amounted to 334, ranging from 53 to 77 annually, clearly decreasing after the year 2017. As a result of the performed inspections, DWKZ submitted 73 notices to the law enforcement authorities on possible offence or crime related to monuments, with an unevenly changing number of such notices in each subsequent year. As a result of the actions taken by DWKZ, the entity issued 63 requests to stop the performed activities that involved monuments, to protect them from unauthorised interference (on average over 12 such decisions per year). The presented activities fall within the scope of conservation

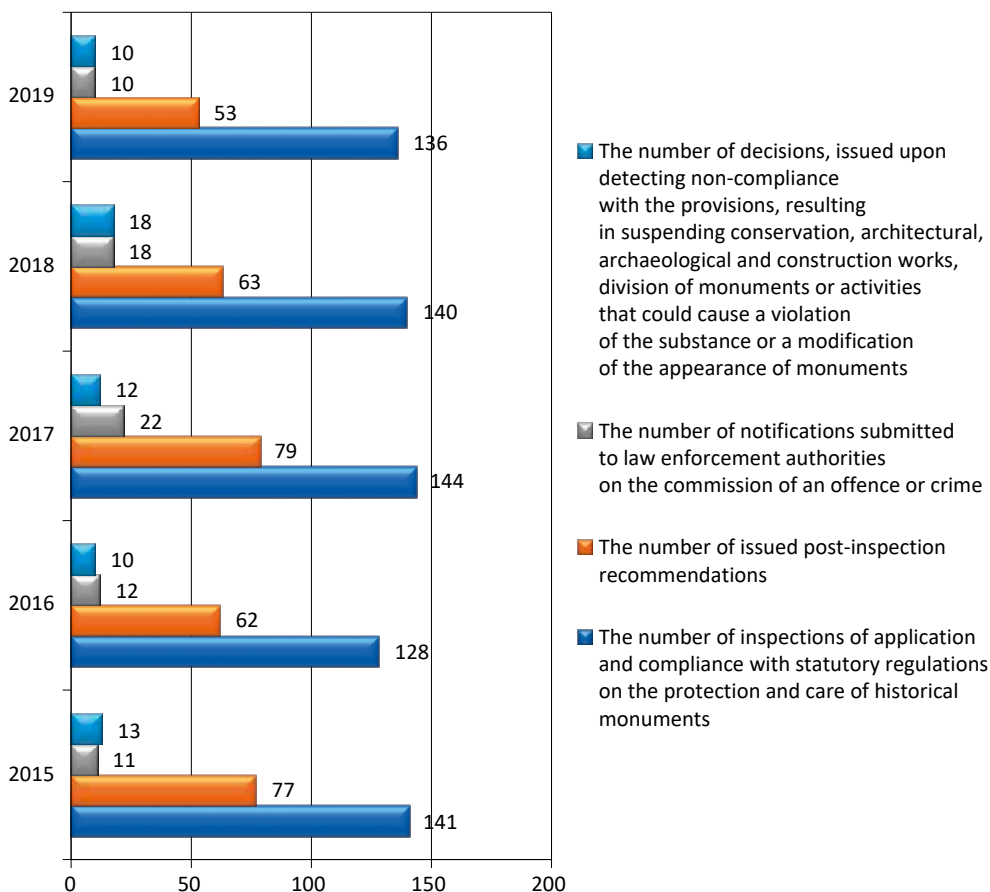


Fig. 8. Effects of the control by DWKZ of the compliance with the provisions related to the protection and care of monuments in the years 2015-2019

Source: Own elaboration based on: [12-16].

supervision as an important area of operation of DWKZ for the protection of monuments and thus strengthen the cultural security of the Republic of Poland [31, p. 297].

DWKZ may also impose administrative fines for improper behaviour or omission of the obliged parties, such as:

- failure to comply with information obligations (Art. 107a of the Act on the protection and maintenance of historical monuments),
- failure to comply with the obligation to notify about the import of a monument (Art. 107b of the Act on the protection and maintenance of historical monuments),
- preventing or making it difficult for the competent authority for the protection of monuments to access a monument (Art. 107v of the Act on the protection and maintenance of historical monuments),
- taking action without being authorised (Art. 107d of the Act on the protection and maintenance of historical monuments),
- failure to implement post-control recommendations issued by DWKZ (Art. 107e of the Act on the protection and maintenance of historical monuments).

Fines imposed by DWKZ are an enforcement measure leading directly to the fulfilment of the obligation of the owner or the entity in charge of a monument, in the case of the need to maintain, confirmed in the jurisprudence, the principle of applying the least burdensome measures for the obligated party. Such fines are not treated as a punishment but as a form of pressure, imposed through the financial disadvantage, to make the obliged party behave in a certain way [32-34]. The amount of administrative fines imposed by DWKZ in the years under review is presented in Table 2.

Table 2. The amount of fines imposed by DWKZ in the years 2015-2019 (in PLN)

Category	2015	2016	2017	2018	2019	Total
Fines imposed in connection with Art. 107a-107e of the Act on the protection and maintenance of historical monuments	0	0	0	187,500	1,083,325.44	1,270,825.44
Fines imposed to enforce the obligation to perform construction or conservation works on a historical non-movable monument listed in the register of monuments	12,000	150,000	8,000	0	120,000	290,000

Source: Own elaboration based on: [12-16].

In the years 2015-2019, DWKZ imposed fines that amounted to over PLN 1.56 million, of which 81.4% were fines imposed in connection with the application of the provisions of Art. 107a-107e of the Act on the protection and maintenance of historical monuments, and the remaining fines were imposed pursuant to Art. 119 sec. 1 of the Act of 17 June 1966 on enforcement proceedings in administration [35]. Fines were imposed depending on the irregularities found, and the need to apply administrative fines under Art. 107a-107e of the Act on the protection and maintenance of historical monuments, was evident only in the years 2018-2019. The amount of fines in individual years should be defined as differentiated, due to the fact that the estimation of infringements required DWKZ to perform a detailed analysis of the facts, each time. In the period under study, DWKZ did not impose a single fine for violation of provisions of other acts applicable to particular areas of protection and care of monuments in Poland.

Conclusions

Based on the presented arguments, some general conclusions can be drawn to summarise the analysis. The following statements also answer the research questions posed earlier:

1. Entry of a non-movable monument into the register of monuments by DWKZ – at the request of the owner or the entity in charge – was a key form of activity related to the protection of monuments. In the period 2015-2019, the growing importance of including non-movable monuments in the voivodeship register of monuments became apparent in the activities of DWKZ, often done in cooperation with the self-government of the Dolnośląskie Voivodeship.

2. The increasing number of modifications indicated by DWKZ to local governments in connection with the created spatial development plans was an important trend that contributed to the increase in the level of protection of historical monuments in the Dolnośląskie Voivodeship, in the years 2015-2019.
3. The regulation by DWKZ of legally permitted activities in relation to monuments in the Dolnośląskie Voivodeship mainly concerned issuing permits to conduct archaeological research, with significant importance of permits to perform conservation, restoration or construction works on non-movable monuments and permits to perform activities that may have resulted in violation of the substance or may have changed the appearance of monuments.
4. Issuing conservation recommendations was an important area of activity of DWKZ in the process of protection of monuments in the Dolnośląskie Voivodeship, in the years 2015-2019.
5. Financing of the care of monuments by WUOZ in Wrocław did not constitute the dominant function of that entity with regard to the financing of the care of monuments if one considers the much greater importance of financing from the Ministry of Culture and National Heritage and the Ministry of Development.
6. More than 4/5 of fines imposed by DWKZ resulted from the finding that individual entities had violated only the provisions of the Act on the protection and maintenance of historical monuments.

The hypothesis adopted in the introduction to the study was confirmed, according to which in the years 2015-2019, various types of activity of DWKZ related to the protection and care of monuments were revealed, which should be considered as an added value for the preservation of the material cultural heritage of the region and the country.

Acknowledgement

No acknowledgement and potential founding was reported by the author.

Conflict of interests

The author declared no conflict of interests.

Author contributions

The author contributed to the interpretation of results and writing of the paper. The author read and approved the final manuscript.

Ethical statement

The research complies with all national and international ethical requirements.

ORCID

Tomasz Landmann  <https://orcid.org/0000-0002-9753-9373>

References

1. Czaja J. *Kulturowy wymiar bezpieczeństwa. Aspekty teoretyczne i praktyczne*. Kraków: Oficyna Wydawnicza AFM; 2013.
2. Hrynicki WM. *Potrzeba działań na rzecz bezpieczeństwa kulturowego w aspekcie jego współczesnych zagrożeń*. *Kultura Bezpieczeństwa. Nauka – Praktyka – Refleksje*. 2015;20:219-37.

3. Landmann T. *Entry in the register of monuments as a form of administrative and legal protection of cultural heritage in Poland – legal and practical aspects*. Scientific Journal of the Military University of Land Forces. 2020;52;3(197):574-86.
4. Tokarz G. *Bezpieczeństwo kulturowe III Rzeczypospolitej – przegląd zagrożeń*. Rocznik Bezpieczeństwa Międzynarodowego. 2010;4:197-204.
5. Cherka M, Wąsowski K. *Organizacja organów ochrony zabytków*. In: Cherka M (ed.). *Ustawa o ochronie zabytków i opiece nad zabytkami. Komentarz*. Warszawa: WKP; 2010.
6. Ustawa z dnia 23 lipca 2003 roku o ochronie zabytków i opiece nad zabytkami (Dz. U. 2021, poz. 710).
7. Zalaśńska K. *Decentralizacja zadań z zakresu ochrony zabytków – stan obecny i perspektywy zmian ustroju administracji konserwatorskiej*. Ochrona Zabytków. 2015;2:163-70.
8. Trzewik J. *Status procesowy wojewódzkiego konserwatora zabytków w postępowaniu cywilnym na tle art. 95 ustawy o ochronie zabytków i opiece nad zabytkami*. Roczniki Nauk Prawnych. 2017;27(2): 77-96.
9. Belof M, Bartczak J, Halicka-Borucka M, Kasprzak M, et al. *Program Opieki nad Zabytkami Województwa Dolnośląskiego na lata 2021-2024*. Wrocław: Instytut Rozwoju Terytorialnego; 2021.
10. *Wystąpienie pokontrolne NIK z dnia 31 lipca 2019 roku. Kontrola P/19/023 – Ochrona materialnego dziedzictwa kulturowego mniejszości narodowych*. Wrocław: NIK. Delegatura we Wrocławiu; 2019.
11. Gwoździewicz P. *Ograniczenia prawa własności zabytków*. Roczniki Administracji i Prawa. 2009;9: 111-30.
12. *Sprawozdanie z działalności Dolnośląskiego Wojewódzkiego Konserwatora Zabytków za rok 2015*. WUOZ we Wrocławiu (materiały pozyskane z WUOZ we Wrocławiu); 2016.
13. *Sprawozdanie z działalności Dolnośląskiego Wojewódzkiego Konserwatora Zabytków za rok 2016*. WUOZ we Wrocławiu (materiały pozyskane z WUOZ we Wrocławiu); 2017.
14. *Sprawozdanie z działalności Dolnośląskiego Wojewódzkiego Konserwatora Zabytków za rok 2017*. WUOZ we Wrocławiu (materiały pozyskane z WUOZ we Wrocławiu); 2018.
15. *Sprawozdanie z działalności Dolnośląskiego Wojewódzkiego Konserwatora Zabytków za rok 2018*. WUOZ we Wrocławiu (materiały pozyskane z WUOZ we Wrocławiu); 2019.
16. *Sprawozdanie z działalności Dolnośląskiego Wojewódzkiego Konserwatora Zabytków za rok 2019*. WUOZ we Wrocławiu (materiały pozyskane z WUOZ we Wrocławiu); 2020.
17. Dobosz P. *Aktualne problemy prawne i finansowe ochrony zabytków w Polsce w dobie przekształceń ustrojowych państwa*. Ochrona Zabytków. 2000;53(1):12-8.
18. Lis W. *Rola miejscowego planu zagospodarowania przestrzennego w ochronie zabytków*. Studia Prawnoustrojowe. 2018;39:5-20.
19. Pilarz K. *Ochrona dziedzictwa kulturowego i zabytków jako czynnik determinujący proces planowania przestrzennego*. Metropolitan. Przegląd Naukowy. 2019;1:40-9.
20. Ustawa z dnia 14 czerwca 1960 roku Kodeks postępowania administracyjnego (Dz. U. 2021, poz. 735).
21. *Postanowienie NSA z dnia 23 maja 2012 roku, II OSK 1136/12*, [online]. Available at: <https://sip.lex.pl/orzeczenia-i-pisma-urzedowe/orzeczenia-sadow/ii-osk-1136-12-postanowienie-naczelnego-sadu-521345452> [Accessed: 27 May 2021].
22. Bąkowski T. *Uzgodnienie projektu miejscowego planu zagospodarowania przestrzennego w trybie art. 106 k.p.a.* In: Gryszczyńska A, Konieczna B (eds.). *Ochrona zabytków militarnych Helu*. Toruń: TNOiK; 2007.
23. Wyrok NSA z dnia 8 listopada 2012 roku, II OSK 2024/12. LEX nr 1291954.
24. Gawroński K, Hernik J. *Planistyczno-przestrzenne i inwestycyjne problemy związane z występowaniem obiektów zabytkowych i stanowisk archeologicznych*. Infrastruktura i Ekologia Terenów Wiejskich. 2012;3(2):5-15.
25. Misiuk Z, Oniszczyk A, Wrzosek J, Sekuła M. *Standardy prowadzenia badań archeologicznych, cz. 2. Badania inwazyjne lądowe*. Warszawa: NID; 2019.
26. Zalaśńska K. *Charakter prawny zaleceń konserwatorskich*. Kurier Konserwatorski. 2010;6:11-5.
27. Sikora D. *Specyfika działań konserwatorskich w ogrodach regularnych*. Kurier Konserwatorski. 2010; 7:32-42.

28. Kaczmarek J, Zeidler K. *Karnoprawna ochrona zabytków*. Prokuratura i Prawo. 2004;2:71-85.
29. Landmann T. *Criminal law and practical approaches to fighting crime in the area of protection of cultural property as an element of forming the cultural security of the Third Polish Republic*. Scientific Journal of the Military University of Land Forces. 2019;51;2(192):238-52.
30. Sobczak J. *Ochrona prawnokarna dóbr kultury*. Środkowoeuropejskie Studia Polityczne. 2009;3:5-37.
31. Golań R. *Szczególne zasady nadzoru nad muzeami*. Muzealnictwo. 2009;50:294-8.
32. *Wyrok NSA z dnia 2 lutego 2010 roku, II OSK 235/09*, [online]. Available at: <https://orzeczenia.nsa.gov.pl/doc/EA402E4B42> [Accessed: 27 May 2021].
33. *Wyrok NSA z dnia 23 lutego 2010 roku, I OSK 1169/09*. LEX nr 591217.
34. *Wyrok WSA w Warszawie z dnia 10 lipca 2012 roku, I SA/Wa 131/12*. LEX nr 1270631.
35. Ustawa z dnia 17 czerwca 1966 roku o postępowaniu egzekucyjnym w administracji (Dz. U. 2022, poz. 479).

Biographical note

Tomasz Landmann – doctor of humanities in the field of history. A museologist, a curator of the Museum of Land Forces in Wrocław in the years 1998-2006. His area of scientific interest includes issues related to national security, contemporary history, cultural security. An author of numerous publications on cultural security and protection of cultural assets.

Efekty działań Dolnośląskiego Wojewódzkiego Konserwatora Zabytków w perspektywie bezpieczeństwa kulturowego w ujęciu lokalnym w latach 2015-2019

STRESZCZENIE

Celem rozważań podjętych w artykule jest określenie i ocena efektów działań Dolnośląskiego Wojewódzkiego Konserwatora Zabytków w realizowaniu zadań w wybranych obszarach ochrony i opieki nad zabytkami w województwie dolnośląskim w latach 2015-2019.

W artykule zastosowano metody badawcze w postaci krytycznej analizy piśmiennictwa naukowego, analizy aktów prawnych, a także – w zasadniczym zakresie – analizy dokumentów.

Ustalono zróżnicowanie efektów działań Dolnośląskiego Wojewódzkiego Konserwatora Zabytków w opisywanym obszarze. Działania administracyjne dotyczyły istotnej roli dokonywania wpisu zabytków nieruchomości na wniosek właściciela lub posiadacza do rejestru zabytków, dokonywania nowych wpisów w wojewódzkiej ewidencji zabytków, czy rekomendowania samorządom zmian w lokalnych planach zagospodarowania przestrzennego. Wydawanie pozwoleń na prowadzenie badań archeologicznych dominowało nad regulowaniem innych dozwolonych prawnie działań wobec zabytków. Wykazano dużą aktywność DWKZ w wydawaniu zaleceń konserwatorskich.

SŁOWA KLUCZOWE bezpieczeństwo kulturowe, Dolnośląski Wojewódzki Konserwator Zabytków, zabytek

How to cite this paper

Landmann T. *The outcomes of the activities of the Voivodeship Office for the Protection of Monuments in Wrocław in the perspective of cultural security from the local point of view in the years 2015-2019*. Scientific Journal of the Military University of Land Forces. 2022;54;4(206):524-39. DOI: 10.5604/01.3001.0016.1762.



This work is licensed under the Creative Commons Attribution International License (CC BY).
<http://creativecommons.org/licenses/by/4.0/>