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CRISTIAN CIOCAN
CRISTIAN DANIEL
MIRCEA GRAŢIAN DULUŞ
CLAUDIU GAIU
DIANA GEORGESCU
DAN LAZEA
VERA MARIN
DANIEL NIŢU
TOADER POPESCU
SAMUEL PAKUCS WILLCOCKS

Editor: Irina Vainovski-Mihai

VERA MARIN

Born in 1974, in Constanta

Ph.D. in urban planning, "Ion Mincu" University of Architecture and Urban Planning, Bucharest (2009)
Thesis: *Housing policies and urban planning: improving living conditions in collective housing areas in Bucharest*

Courses taught in housing theories and housing policies, Department of Theory and History, "Ion Mincu" University of Architecture and Urban Planning

Ph.D. research grant at IUL – Institut d'Urbanisme de Lyon, Universite Lyon II Lumiere – offered by the French Government (2001- 2005)
Summer University attendance at CEU – Central European University, Budapest (June-July 2008)

Participation to international conferences at NaI – National Institute for Architecture - Holland, BAUHAUS Weimar – Germany, INSA – Institut National des Sciences Appliquées Lyon - France

Articles in architecture journals in Romania and chapters in collective publications on the topic of housing policies, dwelling typologies, urban regeneration, sustainable urban development, etc.

Coordinator for the URBAN NET international research project entitled: *DEGRA-CO - Vectors of degradation process in privatized large housing estates built during 1950 - 1990 period* (2009-2010)
Coordinator of two applied research projects financed by the Romanian Ministry of Regional Development: *Urban Observatory – tool for monitoring, prognosis and evaluation of urban development* (2010) and *Methodology for the amelioration of public spaces in the collective housing ensembles (2009)*

Participation in several research projects coordinated by UAUIM and financed by the Romanian Ministry of Education and Research through CNCSIS on the topic of collective housing and public space. Participation in two applied research projects financed by the Ministry of Regional Development: *Methodology for the improvement of housing conditions for extreme poverty communities* (2008), *Methodology for Integrated Urban Project* (PUI) – area based approach for urban regeneration (2009).

PARALLEL DISCOURSES ON URBAN POLICY AND THE ROMANIAN URBAN PLANNERS: BETWEEN EU PRINCIPLES AND LOCAL CONTRADICTIONS

Every state is a community of some kind, and every community is established with a view to some good; for mankind always acts in order to obtain that which they think good. But, if all communities aim at some good, the state or political community, which is the highest of all, and which embraces all the rest, aims, and in a greater degree than any other, at the highest good[1] Aristotle's Politics.

Introduction:

This research project was motivated, on the one hand, by an ongoing interest in the institutional framework of urban development, and, on the other hand, by a special concern for understanding the role of the urban planner as described in legislation, but also as defined through current professional practice in a transitional society. Another research preoccupation concerns the position of professionals, civil society and decision makers across Europe in regard to a possible "model" for sustainable urban development proposed by international literature, by European Union institutions or by forums of the Member States' political representatives. Is there something solid to count on, any real content to the expression "sustainable development"? Is there a "right path" to take in order to ensure real conditions for "good development"?

The decision to study the processes affecting areas of cultural heritage value (protected areas) was influenced by the fact that these have been subject to lively position-taking by many groups of actors. The

conservationist section of the professional community is in conflict over their future with urban planners and dynamic architecture offices willing to accept the demolition of existing buildings to make space for new ones. Civic organization representatives see the real estate developers as enemies. Many old houses were bought for the land beneath them, and the new owners want to exploit these land parcels as much as possible. And, as we shall see, it was and indeed still is possible to change urban regulations in order to build more square meters. Public authorities of the administrative sectors of Bucharest are in competition with City Hall over the right to issue building permits within these "protected" perimeters, because the decision over the number of built square meters means power. Yet there is no similar level of concern from urban actors about the brownfield problem or the collective housing ensembles, for instance. Therefore, this project is concerned with a very specific zoning category, that of "protected area", a term which Romanian urban legislation defines as an area containing built or natural patrimony.[2] Although protected through a series of restrictive regulations concerning use, height, and built volume, "protected areas" differ from the category of "protected historic sites" in that they do not stipulate the conservation and protection of specific structures or artifacts, but rather of the character that brings cultural value to an entire area. Other names for this urban fabric would be "diffuse heritage", "domestic architecture" or "minor architecture". We refer to "protected areas" and not to "sites/ensembles", nor to the individual buildings classified as historical monuments and listed in the official documents as such. We prefer to make this distinction because there is a difference in their legal status, and the "protected areas" are to be defined at the local level, through a combination of technical input and community representatives' agreement (urban policies).

This focus on Bucharest's protected areas does not mean that we present them as "case studies" – there will be no chronological appraisal of their situation, nor a detailed description of the facts affecting their evolution. We anticipate that the processes presented in this paper will become less abstract by using the protected areas as "illustrations". This is because, as previously stated, the stakeholders' position we want to analyze is more visible when related to these areas in the city of Bucharest.

Questioning the roles of the stakeholders – local contradictions

In Bucharest, the historical center is defined as one "protected area" and there is also specific legislation concerning this part of the city.[3] This perimeter has been subject to various urban rehabilitation strategies and even some revisions. It has already been the subject for research.[4] For the present article, we want to give several examples of "protected areas" that have had protected status since the year 2000, outside the historical center of Bucharest, chosen because they present a clear failure to protect an area's character. Not only were massive new buildings allowed to appear and spoil the coherence of these small scale, charming areas, but "protection" did not encompass public action for the preservation and rehabilitation of old buildings.

For the city of Bucharest, the experts who drew up the studies leading to designation of protected areas in 1999[5] were aiming to cover as much territory as possible. The time allotted for these studies being extremely short, it was safer to define areas to which more attention should be paid in the future, if they were granted this special status. It was presumed that detailed studies and special care would follow and that it was therefore better to put more on the plate and exclude later, than to leave out some areas, which at first sight showed little value and risk losing them forever.[6] At this point, it must be emphasized that, in the western part of the country, the central European city model applies quite well, and the historical core of the city coincides with the "protected area" in most cases. But in cities in southern and eastern of Romania, because of the fact that their expansion over time has not been restricted by city walls, designation of areas to be protected for their historical significance and coherence is a more difficult task.

These perimeters were defined as "protected" through local urban regulatory documents, based on historical studies and on a set of criteria meant to identify their cultural value. It must be said though that the historical studies presenting arguments for their protection, as well as the urban regulations, were elaborated before the methodological instruments arrived two to three years later.

The General Master Plan of Bucharest entitled *PUZ Zone protejate*, approved in 2000, integrated regulations issued one year earlier. This document brought together 97 perimeters, with various morphological, functional and historical characteristics, within which the following categories have been defined:
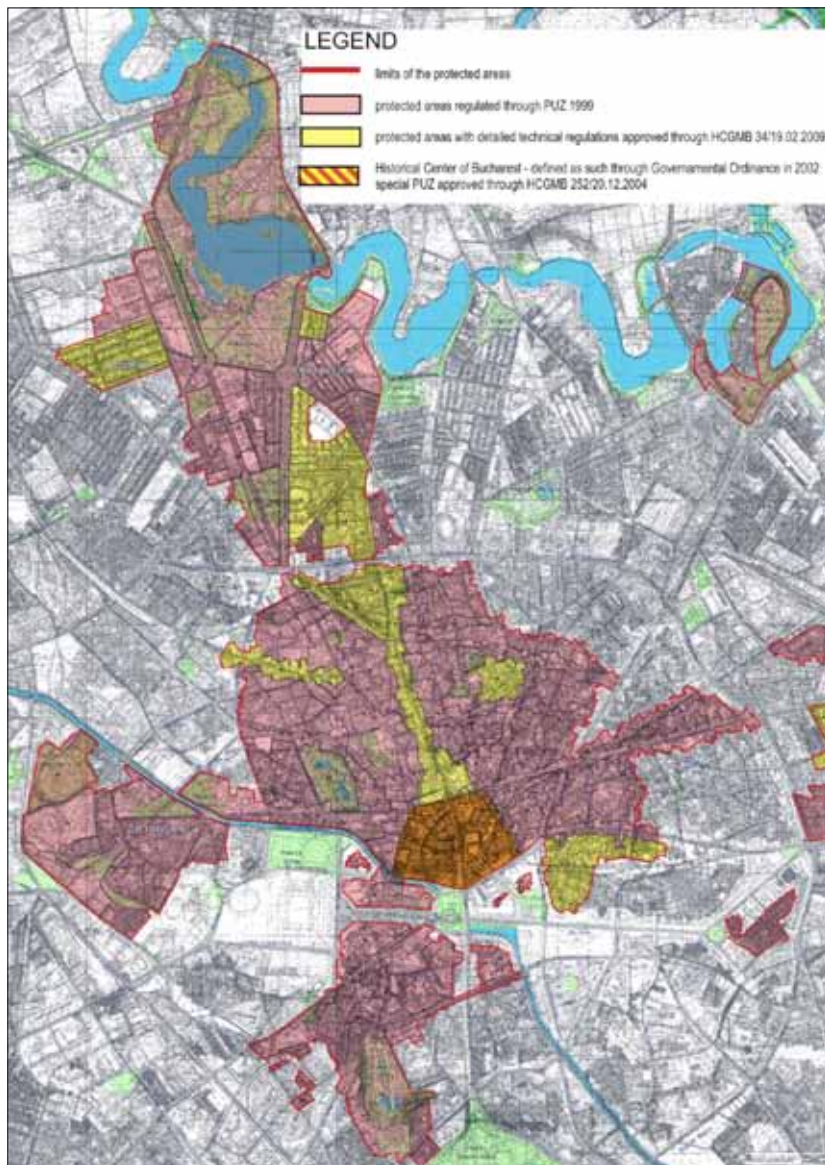
Fig. 1. Protected areas on the map of Bucharest

– **linear areas**: commercial streets, Modernist boulevards, Haussmanian boulevards, residential boulevards, promenade boulevards, symbolic streets, major streets in the traditional urban fabric;

– **urban fragments or fabrics**: traditional commercial nucleus, monumental nucleus, diffuse traditional fabric, regulated or traditional plots, groups of ensembles, landmark;

– **historical parks**.

These categories of protected areas have two possible protection statuses: protected areas with high value and maximum protection, where the existing values are to be preserved, and protected areas with important value where the character and street layout are to be preserved. Building work in both categories must be analyzed and approved by the National Commission for Historical Monuments of the Ministry of Culture.

Over time, some argued that these areas were too numerous or too large. Too much tolerance was accorded to new buildings since it was considered unrealistic to think that the designated areas could all be preserved. Others expressed the opinion that regulations for these areas were too weak, especially in the cases of very heterogeneous parts of the city, for which general building rules for the whole area do not respond well to the challenges of each plot.

As things stand, it seems that cooperation between owners and public authorities mainly covered demolition of old buildings. There were no incentives to preserve listed historical monuments, but plenty of perfectly legal mechanisms to obtain demolition permits.

The study of these protected areas in Bucharest addresses the role of public authorities, both local and central, in managing protection processes. Even though the legal framework points towards local public authorities and the Ministry of Culture as guarantors for the wellbeing of the old parts of the city, the facts show a very low level of commitment to or real involvement in their protection, and even less for restoration work. **Our first assertion is that public authorities have in the last 20 years abdicated their legally defined responsibilities and their mission to coordinate other stakeholders in order to protect and restore historical parts of the city.**
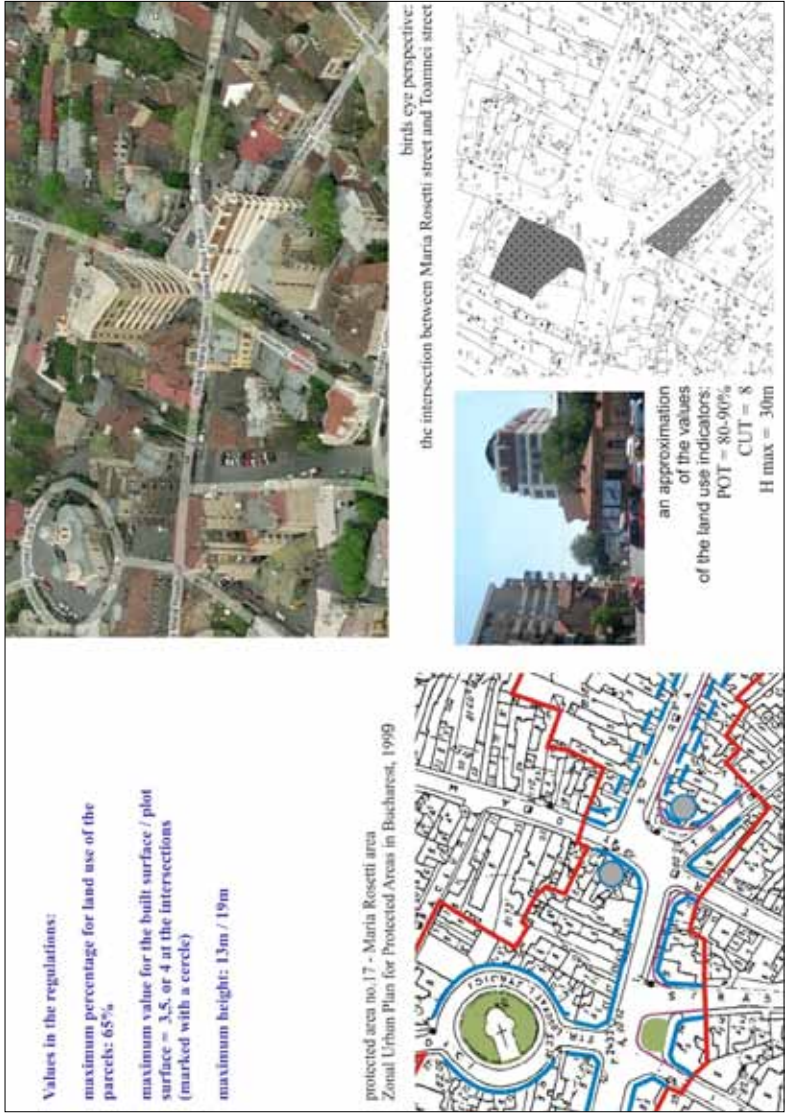
Values in the regulations:

maximum percentage for land use of the parcels: 65%

maximum value for the built surface / plot surface = 3,5, or 4 at the intersections (marked with a cercle)

maximum height: 13m / 19m

protected area no.17 - Maria Rosetti area
Zonal Urban Plan for Protected Areas in Bucharest, 1999

birds eye perspective:
the intersection between Maria Rosetti street and Toamnei street

an approximation
of the values
of the land use indicators:
POT = 80-90%
CUT = 8
H max = 30m

Fig. 2. Recent high rise buildings between small-scale protected areas

Over time, we have witnessed a considerable lack of cooperation between groups of urban actors. Shaping the city's future is not the exclusive domain of one group or another, and a successful outcome depends on the constant interaction of four main groups of urban stakeholders: decision makers, urban planners, civil society representatives, and real estate developers. These groups quite often conflict, since their interests in and visions for a particular place contradict each other, at least at first sight. From the definitions given by international professional associations,[7] we might suppose that the urban planner is expected to identify, analyze and understand, translate, mediate and give form to the interests of the other three groups. Through legislation as well as current practice, their professional input is requested at various stages of project development. Even more, the urban planner has the responsibility to direct development processes towards sustainable, well-balanced, secure development, which serves the interests of the whole community, in the long term – in other words, to ensure development which respects the "public interest". Urban planning exists to protect the "public interest", sometimes against "individual interests". By imposing building codes as well as by proposing urban projects, urban planning is meant to set the conditions for a city where various individual interests negotiate in search of solutions to accommodate them, with attention focused on the "common good".

Our second assertion is that **the influence of the professional group over the other groups with which the urban planner constantly interacts (clients, both private and public, decision makers, citizens more or less organized as civil society) has been very limited, and has had little impact on the protection and regeneration of old parts of the city of Bucharest.**

In the last few years, it seems that affirmations like "integrated urban development programs" and "coordination between the local and the regional levels" as well as "involvement of citizens and other partners" are void of content, or do not mean the same thing to all groups involved. Our assumption is that until concepts such as "good governance" and "integrated urban development approach" are established as benchmarks (common knowledge), very little meaningful action can be taken for balanced development, heritage protection, or environmental protection.

So far, activists have wanted buildings preserved and restored with little consideration of the fact that not every owner has the means to do so. They were encouraged to see the owner as responsible for the

wellbeing of a heritage building, because heritage law[8] maintained the same principle: the owner is responsible for a historical monument. But, in the case of protected areas, individual buildings do not have the status of a historical monument, and the obligation for the owner to preserve them is less clear.

We claim that heritage protection activists and owners are two categories of actors who have taken understandable positions, that we characterize as reasonable in relation to their rights and obligations and their role in the city. Activists raise arguments of a long term perspective related to identity values, and the right of the citizen to live in a beautiful city. No one should complain that these people, who are defending ideals and are driven by the ambition to make the world a better place, willing to offer their time and energy in street protests against the demolition of an old building, lack pragmatism. The owners of buildings in protected areas also have a legitimate position: they would like more freedom to use their real estate, or to be compensated for the limitation of property rights. And those who take pride in being in an area with cultural value would like to public authority support in preserving the elements that contribute to this value. They expect at least some information, if not technical support or subsidies.[9]

But, the situation is different for the other two groups of actors named in our assertions above: we consider that an overall analysis of both public authority and professionals' mainly reveal failures. These two groups have moral and legal responsibilities for sustainable urban development, and are supposed to encourage other actors towards heritage protection, among other requirements of sustainability.

The local councils of Bucharest (neither the general City Hall council, nor the councils of the six districts) have never voted to give owners any incentives, tax reductions, subsidies, or technical support. They have never required restoration of facades in protected areas, nor imposed the preservation of historical monuments. But they have constantly voted for derogatory plans in these protected areas, initiated by private investors, which increase the land use indicators, allowing massive new buildings to be built legally, and indulging the individual interest of real estate developers even when in obvious conflict with the public interest.

The professional practice demonstrates concern for imposing rules and regulations that are supposed to protection heritage. But when the professionals are well aware that there are legal ways to avoid or change the regulations, they could have asked themselves questions about the

efficacy of their work. One could also question the professional practice of specific historical studies. These reports were, and still are, required during the approval process for building in protected areas. It may be stated that the very few people with the recognized expertise to sign these reports were tempted to manipulate conditions in order to secure more work for themselves, when the same people also sat on commissions and committees involved in the approval process. As members in these commissions, they did not ask the initiators of derogatory plans to bring overall studies or regulatory frameworks, which would have discouraged the piecemeal approach of building work aimed at increased land use parameters for one single plot.

All these questions point to one major concern: it becomes obvious that there is no unity in the professional community, and that very few architects and urbanists have a strong professional deontology. The professional organizations have not succeeded, in our view, in offering their members both the ambition to work for the "common interest" and protection in doing so, sometimes against their clients or against decision makers (as, for instance, the Association of Chief Architects of the Municipalities, when a wave of chief architects were dismissed by mayors wanting to prove, during or immediately after election campaigns, that they were taking measures against the "urbanistic chaos" denounced by civil society organizations). There are many possible explanations for the relative weakness of the professional organizations, related to the fact that all organizations in Romania have been struggling to find their way in an emerging civil society. Also, liberal practice was building itself, while strong competition among the architecture and urban planning companies was probably not very helpful for unity, especially in a field where ego and individualism are very strong.

Our two assertions also concern the relationship between the professional group of actors and the public authorities, both at central and local levels. It seems that, instead of a coalition for heritage protection between decision makers and professionals, we witness the results of two illicit coalitions. First, the coalition between real estate developers' capital and the technical argument, which ceased to be objective or serve the common good, since this capital paid the professional. Secondly, to unbalance the situation yet further, a very strong alliance between investors and decision makers. The investor was proposing very profitable development schemes in "protected areas". The public authorities gave

up too easily on securing advantages for the public interest during the negotiations for permits and approvals.

If the public administration had more concern for protected areas, then they would have been requested the professionals' help, and urban planners would have worked harder on urban regeneration strategies meeting civil society expectations as well as those of owners. This could go either way: if professional voices were louder, and more pressure put on decision makers, then local authorities would have done more in terms of policies and programs for the built heritage.

Urban policies and sustainable development – European principles

The debate over possible definitions for **urban policies** is underpins the present research paper. Relating the concept of urban policies to the recent (and still controversial) concept of good governance, one might conclude that local urban policies should be a mix of politics, professional input and representations of societal values. Political input is understood here as political ideologies but also as more or less "elegant" confrontations for achieving power. Professional/technical input comes both from civil servants and from experts working independently of public authorities. We refer to the concept of civil society in a wider sense, including civic organizations, opinion leaders, and international organizations. We have deliberately isolated the business sector from the "civil society" definition, because, as we shall see, the interests of non-profit organizations are often quite divergent from those of real estate developers and built heritage owners. The multiplicity of actors and interests makes the elaboration of local urban policy a very slow and complicated process, even for cities with a long democratic experience.

In a famous work entitled *The new Principles of Urban Planning*,[10] considered by some professionals (at least in the Francophone world) as the new charter for contemporary urban planning[11], Francois Ascher presents the conditions for the exercise of the urban planner profession in a society more rationalized, more differentiated and more individualized than ever before. Ascher showed that nowadays, every individual and every community has to face rapidly changing circumstances and that we can therefore count on very limited previous direct experience. As a consequence, special consideration adapted to a specific situation

is required, since exactly the same circumstances are unlikely to have occurred in the past. Ascher speaks of three stages of planning following modern revolutions. In the nineteenth century, "paleo-urbanism" responded to the first industrialization processes. The second stage produced the models named "urbanism", used to guide urbanization after the Second World War. The third moment is marked by the contemporary reconsideration of relationships between space and time for individuals, new approaches for risk management, and, very relevant for this article, the redefinition of the relationship between individual and collective interests.[12]

The planning instruments used previously are no longer appropriate. The rigid master plans that illustrated in detail what the city would look like in the future have been replaced by strategic plans, which give orientations and establish objectives, allowing room for negotiation and change in the details of a policy or program implementation. Master plans are used as the spatial expression of urban policies, and relationships between public authorities, professionals, citizens, and the business community have consequently changed. Therefore, instead of working with pre-designed, individual projects and frozen schemes, urban planning instruments are nowadays correlated with instruments of negotiation. Urban policies bring together not only professionals and decision makers, but also the business sector and the local community. They are defined as "multidisciplinary and constantly adjusting themselves to new demands".[13] To be successful, urban policies must be integrated. This means that multiple connections must be built across domains such as the labor market, spatial planning, housing issues, environmental sustainability, safety, mobility, economy, culture, and social inclusion concerns. The concept of governance is highly relevant to the role of local public administration in promoting sustainable development. In general, governance "refers to the way a society sets and manages the rules that guide policy-making and policy implementation".[14] European best practices and theoretical approaches show that good governance at local level means "increased citizen and civil society participation, as well as cooperation between local authorities and municipalities that are an indispensable part of urban policy and of effective management".[15]

In this section dedicated to the European principles for sustainable urban development we should emphasize that there is no "European Acquis" in urban planning. The principles stated in European Union official documents constantly emphasize *subsidiarity*, the fact that the

planning instruments and legal framework for urban development are the responsibility of the Member States. These documents also state that the local level best understands local needs and resources, and so, local policies and programs concerning urban development are most appropriate to solve local problems.

Even though there are no imposed requirements on how urban programs and projects are to be elaborated, judged, and approved, European Union institutions have proposed support for the exchange of experiences, research networks, and reflection forums on the issues of city planning across Europe. Since 1989, there have been three stages of financial support from the European Commission to local authorities for the implementation of urban regeneration projects (URBAN Community Initiative).

Official documents of the European Commission or European Parliament state the importance of sustainable urban development.[16] Based on these previous programs and experiences, for the financial period 2007-2013, the European Commission has decided that benchmarks have been already established, and that out of respect to the *subsidiarity* principle the mission of managing funds for urban regeneration has been passed to the administrative structures of Member States.

There are numerous references to how sustainable urban development should rely on "urban policy", "strategic development", "integrated development" and "good governance". These approaches are closely linked to each other in official documents of the European Union Institutions, but also in documents issued by associations of local authorities or by the network of ministries responsible for urban planning and development in all Member States. One very important such document is the **Charter of Leipzig**, adopted by the resort Ministries of the Member States in May 2007. Ministries responsible for urban development from the old Member States have a long history of cooperation in the search for policy objectives and common instruments.

In recent years, the European Union institutions have increasingly focused on giving substance to the principles of sustainable urban development. Despite the somewhat arid and pompous language used in these documents, the declarations, action plans, and agreements of the ministries demonstrate continuity in the preoccupation to attain sustainable development. Many of these texts incorporate the results of numerous research projects in which multitudes of people have struggled to understand what could constitute good development, what are the

elements, the ingredients of a good plan or a good public program. Besides declarations and action programs,[17] there has been consistent concern since 2008 for a concrete set of criteria to give substance to the expression "sustainable urban development". The meeting held in Marseille in November 2008 was the starting moment for official agreement among ministries from all Member States that there could be a common reference framework for the spatial implications of urban development. As a consequence of this agreement, under the French presidency of the European Union in 2008, a group was formed by representatives from Member States, the European Commission, local authority networks, and experts. They took responsibility for producing an instrument for evaluating policies, programs, and projects and also for influencing the mindset and opinions of as many stakeholders as possible in favor of sustainable development. The concern for the "freedom of choice" of national or local governments is very important, and all documents describing or explaining the European Reference Framework for Sustainable Cities, emphasize that this is an orientation tool, a flexible instrument that allows and respects the differences between states and cities.

In June 2010, following the debate over the proposed Reference Framework, the Toledo Declaration of the Ministries responsible for urban development demonstrated that the tool was already being seriously taken into consideration. We summarize this document because it is clear to us that it incorporates many previous statements of both European Union institutions and resort ministries from the Member States. Not only is there evident continuity with previous declarations and agreements, but what was previously at the level of principle, with vague possibilities for application, has now become practice-oriented, with concrete directions for intervention.

The *Toledo Reference Document on Integrated Urban Regeneration and Its Strategic Potential for a Smarter, More Sustainable and Socially Inclusive Urban Development in Europe* gives very concrete examples of policy measures to encourage a better future for cities. These possible measures are grouped into several sections, to be considered together at least in the vulnerable parts of cities: environment protection, social aspects, economic aspects, planning and architecture aspects, and governance aspects. These five chapters are the sections of the *European Reference Framework for Sustainable Cities,* an evaluation grille assessing the sustainability of a project, program or policy.

From the environmental perspective, policies should lead to: more public transport and bikes, more compact cities, more thermal isolation of buildings, more re-use of urban land (urban regeneration for brownfield and abandoned urban areas), more trees in the city, more consumption of local products, et c. From the social perspective, the same cities should be addressed with policies aiming at: improving living conditions in disadvantaged neighborhoods, ensuring accessibility to social services for all citizens (a well balanced system of public use facilities in the city), reduction of spatial segregation through housing policies, keeping children and youngsters in the education system to give them the chance for a better future, etc. The economic perspective points towards urban policies capable of: furthering economic activities based on knowledge, innovation, research and creativity rather than on the use of natural resources. Links to the previous two groups of policies are ensured through the idea that more people could make a living from the rehabilitation of existing housing stock, in developing alternative energy resources, in environmental regeneration projects or in the provision of other types of green infrastructure. Ministries of the Member States and their advisers see this as the viable alternative to the reduction of the construction industry after the financial crisis.

Urban planning is placed together with architecture and the cultural approach of urban policies. This section is the most important one with regards to the topic of this article. We could even say that, in this part of the text, "cities" and "heritage" seem to be the same notion, when talking about "European history and culture". The document demonstrates the belief that, everywhere in Europe, "the need to preserve the historical and cultural heritage of the city, particularly its architectural heritage, is generally taken for granted as a way of keeping alive the collective memory that is characteristic of the European city model". We would like to point out that precisely the lack of common agreement upon this idea was one of the main obstacles for heritage protection in Romania. In the Toledo Declaration, it seems that the problem is not the will of every stakeholder to preserve the built heritage, but the need to give contemporary functions to old buildings: "besides protecting the heritage from a physical point of view, it is often necessary to guarantee its inhabitability and attractiveness in order to keep it really alive". The danger of "museification" is seen as more pressing than the danger of demolition. Another key point of this section is the quality of public space as a vehicle for citizenship: "the values of democracy, coexistence, exchange, civic progress, diversity,

living together and freedom are key factors in the culture of the European city, which are expressed most effectively in the public realm".

The final perspective of the document is dedicated to governance and this section summarizes in a very few words the conditions not fulfilled in the case of Romania for programs and projects that protect and promote the old parts of the city. "Good governance has acquired even greater importance in the current financial crisis, which makes it particularly significant to achieve the maximum optimization of resources and efforts by stressing cooperation and synergies, multilevel governance and the integrated approach".

In the scientific literature, researchers are restrained about the real possibilities of answering simultaneously all requirements of the sustainable approach. Very often, environmental protection interests conflict with those of economic development and with social development interests. In our perspective, this skeptical attitude is legitimated even more in transitional societies where economic development trumps all other concerns, and where social development and environment protection are on the public agenda just because "Europe says so". The document analyzed here answers this skepticism by acknowledging that it is a real challenge for urban policies makers "to be able to provide convergent answers with equal levels of efficiency to the environmental, social and economic questions raised in cities". But it also states that conflicts and discrepancies can be overcome by using an integrated approach and multi-level governance, ensuring "appropriate coordination platforms and frameworks – whether formal or informal" that would bring transversal, vertical and horizontal coordination among the actors involved in "city building" (public authorities, property and financial sector, professionals, et c.).[18]

These models of coordination between sectors, between administrative levels, between public authorities and other groups of stakeholders are presented as the best because they bring forward and exhibit all the interests and divergent ideas to be analyzed. And by so doing, negotiation becomes possible and the doors are then open to find the compromise that would please more than just one group. If we agree in principle with this mechanism that is supposed to set the conditions for negotiation, it is more difficult to see how these ideas apply in a context of mutual suspicion among the groups of actors and where, even for the same group of actors, interests are not clearly set.

As we have seen, the Toledo Declaration and its Reference Document plead for "integrated urban policies". They also represent a solid argument in favor of dialogue among stakeholders at the local level about the future of their city. We also have to acknowledge the efforts made nowadays to promote the governance model in urban development decision processes. This fact is demonstrated by the title of one of document section: "Towards a common understanding of the integrated approach in urban regeneration in particular and in urban development in general." This section states that all experiences in urban management (at local, regional, national, or European level) demonstrate several key characteristics of this integrated approach, to be promoted as benchmarks. First, in public policies concerning the city, we should be giving up the sectorial approach for a transversal and multi-dimensional one, that would help in "aligning different policy areas and resources". An integrated approach means not only sector integration (transport, housing, greenery, public space, public equipments, infrastructure, et c.), but also territorial integration – by seeing the city as a whole, "taking into account the role of each part of the city in the whole structure", and even more importantly, by working simultaneously "on all the multiple dimensions of sustainability — economic, social, cultural and environmental."

Heritage as common good and urban planning for public interest

Using the legislative framework for national patrimony as a starting point, this project assumes that built patrimony is a form of common good, and to protect such patrimony is to act in the public interest. Therefore, how should we perceive the paradox of having "public interest" violated in the name of the law? What does it mean to have urban legislation written in the name of "public interest", yet in practice for public decisions to protect private interests? It should be said that even though the legal status of listed historical monuments (building or ensemble) is clearer than that of protected areas, not much has been done for listed heritage buildings or sites. However, this is a separate topic. The unclear legal status of "protected areas" has resulted in a paradox: numerous building projects in "protected areas" have done the opposite of "protect" the patrimony of the area, yet have the legal backing of the municipality. Historic buildings

lacking "historic monument" status are left to deteriorate or are simply demolished through entirely legal means.

From our perspective, the idea of "public interest" and "common good" is the very raison d'être of urban planning. This notion can be considered as the basis of planning ethics, as well as the framework within which the planning profession actually operates. But while it is widely agreed that acting in the "public interest" is a positive value, not everyone agrees on the exact meaning of the concept of "public interest". Must a decision made in the name of "public interest" benefit every member of society? If an action is detrimental to a few individuals can it still be considered in the "public interest"? Last but not least, how do we conceptualize "public interest" in practice? Must the planner assume a neutral view in order to represent the public?[19]

According to such theorists as David Harvey, the rise of interest groups united under the banner of gender, ethnicity, and race raises the question of whether in the post-modern age we can speak anymore of such a thing as a public.[20] Some argue that the putative public/private opposition constitutes an age-old dilemma for planners, and that the public planner has always had to balance private values against a professional role as the arbiter of public moral values.[21] They point out that historically, moral value has been central to the process of planning, and that "neutrality with regard to private moral values is a higher order public moral value". As such, the planner's responsibility is to first take into account the public consensus on what constitutes the public interest, and put aside private moral values. But Ananya Roy sets out to challenge this very idea of morals as the basis of planning.[22] For Roy, the Habermasian conception of "public interest" is based on liberal norms of public morality. In this tradition, governance is articulated on the one hand through the idea of free autonomous individuals, on the other hand through the notion of "moral sentiments". An established sociological tradition follows this conception, in which "public interest" is gauged not on the basis of social change, but rather on the basis of social integration and public morality. Against this conception, Roy proposes a reformulation of "public interest", based not in moral rationality, but in political rationality. This political rationality is based on agonism (the potentially positive aspects of certain forms of political conflict) rather than consensus.[23] In this conception, planning prioritizes distributive justice rather than the liberal imperative of the private interest, a view that (Roy argues) opens new possibilities to

reformulate the ethics of planning for the public interest, and signals the age of post-liberalism.

Francois Ascher analyzes the weaker legitimacy of decisions taken by elected representatives in the name of "common interest" in *The new Principles of Urban Planning*.[24] According to Ascher, social links are weaker and less stable but much more numerous than before. They create multiple networks in a "hyper-text" society. Thereby, social groups (defined as groups of people sharing the same features in terms of income, culture, training, et c.) are ever less important. Individuals attach less importance to the idea of belonging to only one group, and one individual belongs to many different groups with a rapid dynamic. Therefore, representative democracy is facing a crisis, because its defining aspect was precisely to represent a group's interests between two election campaigns. All organizations claiming to represent a set of issues in one ideology or single program are also under a question mark. As a consequence, Ascher emphasizes the importance of multi-level governance and the need for flexibility in public administration. The *subsidiarity* principle must be applied, because the local level can create frames for consultation processes that legitimate decisions more thoroughly than representative democracy. "Common interest" is more and more difficult to identify. It is less clear and less stable than before. Therefore more deliberative democracy is necessary.

Concerning urban policies, Asher states that debate and citizen participation become essential. The explanation relies upon the fact that urban issues are so specific to a place, a moment, a certain group, that the local council or mayor has a limited mandate to take decisions, because the electorate cannot be represented as it was before. Nowadays, there are no stable majorities for a general solution to a set of problems, but only very dynamic minorities that constitute themselves temporarily around an issue, depending on specific circumstances. Urban policies are to be built more on partial consensus than on global agreements. Representative democracy is still important. The elected decision makers must still have a say, especially on controversial issues, but it is safer to decide only after other ways of reaching agreement have been employed. The legitimacy of a public decision is to be built now on processes that bring stakeholders together to identify themselves with the common interest.

Francois Ascher takes all these ideas into consideration in the set of principles proposed at the end of his essay. He advocates strategic urban management instead of master plans and long term programs. His

principles promote regulation not for the sake of imposing norms, but for the improvement of performance; embracing the complexity of the city through an integrated approach instead of focusing on the spatial. In the sixth of his ten "new principles for urban planning", he claims that sustaining a procedural approach to identify common interest and its pursuit is more appropriate nowadays than the approach focused on results, on the substance of the issue itself. The focus on procedure allows deconstructing a program into modules that could then be discussed and decided through negotiation among stakeholders, while the approach focused on substance means that the "common interest" is seen as a result, more important than the negotiation processes, and therefore somehow imposed.[25]

Not only have elected decision makers lost part of their legitimacy, but the same has happened for the urban planner as expert. The complexity of urban phenomena often creates controversies among experts. Because of "individual and social territories with variable geometry"[26] urban planning is confronted with such highly diverse interests and such highly complex urban issues that it is more and more difficult to speak of stable and objectively defined common interests in the city. The urban planner must accept that he or she no longer has the solution at hand, but that a **negotiation process is required even for the formulation of problems that need these solutions**. He or she must also accept that it takes longer than before to have a clear set of requirements for his or her expertise, and that projects must be flexible enough to accommodate changes in the local political scene or real estate market. Urban planners must also adapt to having other clients than the public administration. Various stakeholders require their skills, and this situation raises questions related to ethics and professional deontology.

After the Second World War, public administration managed urbanization processes through ensuring the application of laws, rules and regulations and, in accordance with the methods of urban planning at that time. **Through master plans and regulations, solutions were identified by experts and imposed by public authorities.** Functionalist urban planning tended to deny local specificities and to produce universally applicable solutions. As explained above, nowadays, local specificities are very important and both public management and professional urban planning have changed accordingly.

Many authors state that the most appropriate administrative level to elaborate, debate and decide on urban policies is the local level. And

here, nowadays, public administration must constantly ensure not so much the application of norms, as the frameworks within discuss and reconcile the interests of a multiplicity of stakeholders. The mission of public administration is no longer to impose top-down rules, but to create synergies among organizations and actors in the city, so that common projects can be realized. Therefore, together with the experts, decision makers must push stakeholders towards agreement, and work to limit dysfunctional aspects and to ensure coherence. In Ascher's words: "public authorities have to make the others do instead of doing",[27] but they must also permanently evaluate, control, correct, and find the right incentives or sanctions, so that stakeholders find their place in the overall scheme. And they may do so only with the help of professionals.

Diffuse heritage – a delicate balance between protection and development

After this extended excursion into the works of authors preoccupied with the question of common interest and democracy in urban policies and professional urban planning, we would like to introduce the question of heritage value which concerns not built objects, but urban fragments. Because our project is developed around the urban realities of "protected areas", our perspective will be focused less on the theoretical framework for heritage definition and heritage protection, and more concerned with the **delicate balance between protection and development** that is a specific issue for diffuse heritage, even more controversial than for heritage as historical monuments or historical ensembles.[28]

For the professional community to have a balanced attitude, there is a strong need to bring together the disciplines of conservation and restoration, and those of planning which represent development-driving forces – development which sometimes requires demolition and reconstruction. Is it possible to reach a compromise? Is there common ground for discussion between these two different approaches? We consider that **common ground is ensured by a common mindset with regards to heritage, and this is to be built on common references, common theoretical approaches, and common visions about the future of the heritage and the city as a whole.** We have seen some evidence that, in the local context for protected areas in Bucharest, stakeholder mindsets are completely polarized and stakeholder positions radicalized after two

decades of confusion, during which time many mistakes have been made, and many charming places in Bucharest lost.

It is no easy task to find one single answer to the question of methods for establishing value for heritage in general, and even more difficult to discuss objective criteria for deciding the cultural value of city fragments as diffuse heritage (minor architecture). The extension of the heritage approach from single objects and buildings to industrial sites or parts of the city with a certain type of morphology was the result of international debates, starting with the adoption of the "Venice Charter" in 1964. Its preamble states: "People are becoming more and more conscious of the unity of human values and regard ancient monuments as a common heritage. The common responsibility to safeguard them for future generations is recognized. It is our duty to hand them over to future generations in the full richness of their authenticity". The text of this Charter extends the concept of "historical monument" from single elements to groups, from "single architectural work" to "urban or rural setting in which is found the evidence of a particular civilization, a significant development, or an historic event". It also brings a considerable thematic extension: this concept of heritage "applies not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time". (First article of the Charter).

Twenty years later, the European Convention on architectural heritage (Granada, 1985) introduced the concept of "integrated conservation", placing heritage at the heart of urban policies and urban planning. Heritage was progressively opened from the individual historical monument to the urban and landscape ensemble, from the building's materiality to the immateriality of social relations. Nowadays, the concept of heritage exists not only through its material manifestation but also through its subjective content, namely through the relation of the individual and society to a cultural item identified as heritage.

Starting with the work of Aloïs Riegl, published early last century (1903 – The Modern Cult of Monuments) and recently revisited by various theorists, we could state that heritage is a political matter, and that objectivity in the selection of artifacts to be protected is limited.[29] Marta de la Torre regards cultural significance as resulting from the superposition of perspectives: "the importance of a site is determined by the aggregate of values attributed to it".[30] She also writes that new groups of people must be included in the evaluation processes of cultural values: "As conservation professionals, we are familiar and comfortable with the

assessment methods used by traditional heritage experts. However, to identify and measure 'social' values, we must venture into new areas. The stakeholders of social values are usually members of the public who have not traditionally participated in our work or had their opinions taken into consideration. Today, as we recognize the importance of including all stakeholders in the process, we must turn to other disciplines to bring these new groups into the discussions."[31]

In a paper presented in 2005 entitled *The Ecological Cult of Heritage*[32], a team of researchers from Eindhoven University of Technology refer to that part of the built heritage not formed by objects, but by the urban fabric, which has constantly gained importance starting with John Ruskin and Giovannoni's interest for "minor architecture". The problem when the scale of heritage becomes so important is that **it is increasingly difficult to institutionalize protection and to cover large number of objects in a coherent and controlled approach**. Therefore, we agree with the authors when they argue that, "as a result of such enlargement and global thoughtfulness, we face the need of involving all the other social groups in a mutual goal: the preservation of the cultural heritage (...) And for that aim, we have first to develop methodologies that can contribute to this achievement and in fact, reduce the dilapidation of buildings and percentage of obsolescence."

The article subdivides the stakeholder group of experts into two opposite "interest groups": historians and archaeologists are considered much more conservative than architects and engineers, who "look further on spatiality, aesthetics, functionality, and technology". Under these assumptions, an opposition between the conservation and the development approach is reflected in an opposition between two groups of experts. We consider that attributing one of two approaches to one profession oversimplifies in a manner not very helpful for understanding the matter. The following section introduces stakeholders and their positions in regard to protected areas in Bucharest, so that the portrayal of conservation versus development driving forces becomes more concrete. The above theoretical frameworks are used to interpret these realities.

Local contradictions in stakeholder roles
Legal frame and responsibilities: planning versus protection?

We will try to explain briefly why there is so much confusion nowadays in the official definition of "protected areas" in the current legal framework. As mentioned, our interest is in the areas identified as having cultural value and benefiting from a special regime, not because they are on the historical monument list, but because they are defined as "built protected areas" in the local urban regulations. Since 2001, there are three categories of historical monuments in the current legal framework, following the 1972 UNESCO Convention for Heritage: monuments, ensembles, and historical sites. As previously explained, our object of study does not form part of these categories, but sometimes the protected area is understood in the sense of protection for a listed historical monument. Sometimes historical monuments from the List are included in the protected areas, but sometimes these areas do not contain any listed building. To further increase the confusion, another legal definition of "protected areas" is given in the National Territorial Planning Act – section III – which includes natural protected areas and built protected areas, the latter group including historical centers of cities and villages with a high degree of coherence. It could therefore be stated that, even though the definition of "protected area" differs from one law to another, for the purposes of this article, practice clearly points towards urban planning documentation to identify and regulate the areas to be protected.

Romanian heritage legislation is based on the principle that heritage is a common interest and therefore needs institutionalized protection, but there is also much confusion in the responsibilities of public institutions, and a very low level of enforcement. No punitive measures are included against local authorities who chose to ignore governmental ordinances and even laws imposing, for instance, the inventory of green spaces or the simple counting of blocks of flats. Another example related to the topic of this article: the law approving natural and cultural protected areas of national importance[33] states that local authorities (with the support of the central authorities) are obliged to finance and ensure studies for the designation of areas listed in the law, with a maximum delay of 12 months. After designation, local authorities are supposed to have specific urban planning documentation for these areas, elaborated under methodological frames for a *Zonal Urban Plan (PUZ) for Protected areas*, issued by the Ministry of Transport, Construction and Tourism[34], as tools related to

the Urban Planning Law. There are also official methodological frames for drawing up the historical studies that are the basis for the definition of areas to be protected. They show clearly the role of the professionals in designating areas having the status of protection, and in presenting these areas in the PUG – general master plan, and they also explain in detail the studies and procedures needed for the elaboration of a Zonal Urban Plan for a Protected Area. **The Zonal Urban Plan for protected area methodology would be a very useful instrument, if it were followed closely by the professionals in their work, or by the public authorities when issuing permits.**

Even though the text of the heritage law mentions, for instance, fines for the owners of historical monuments who do not take care of their property, and even penal action against those who destroy the historical monuments, no visible actions is taken against these people. What is visible on the streets of Bucharest are decaying buildings and protest banners of the civil society organizations, new constructions of overwhelming size whose materials and architectural language clash with the characteristics of the place where they are inserted. Even though the Ministry of Culture and the Municipalities have the right of preemption, the budget for that is always low.

We can also speak about lack of coherence between the legal frameworks for heritage, territorial and urban planning, or public administration. A pro-active attitude of local public municipalities in negotiating with the private sector is conspicuous by its absence, and one explanation is that there are no legal frameworks specifically designed for public-private partnership in urban development, nor any formal instruments for urban scale operations (neither for new urbanization perimeters, nor for regeneration or restructuring of existing parts of the city). Besides, the law concerning building permits has changed dramatically several times since 1991, and at times coordination was lacking between the general procedures for building permits and specific procedures in protected areas. For Bucharest, the legal responsibilities were even less clear, even though the city has its own Directorate for Culture and its own "regional" commission, as Bucharest is assimilated to county level for many administrative issues. Much confusion was made possible through numerous changes in the laws, but also through the abuse in interpretation of these laws by public servants in urban planning departments of the local administration or by Ministry of Culture regional and central directors. One such abuse saw chief architects from the sector city halls ask for a

permit from the Museum of History of Bucharest (an entity of the Ministry of Culture), with this permit then accepted as an official document of the Ministry of Culture. In this way, the National Commission and the Direction were avoided.

The Ministry of Culture has established a special section of the National Commission for Historical Monuments, the *Section for Urbanism and Protected Areas*. It is a consultative body, the permits being issued by the *Directorate of Historical Monuments, Archaeology, Cultural Landscapes and Protected Areas*, coordinated by the State Secretary for National Cultural Patrimony. This commission has the role of analyzing not only the technical documentations, but also the historical studies that are part of the preliminary work before proposing urban regulation documentations or demolition/construction technical documentation. The Ministry of Culture also has county level Directions for Culture and National Patrimony, de-centralized public services reporting to the General Directorate and relying on advice from a Regional Commission established for several neighboring counties. In the last years of increasingly intense real estate pressure, how effective were the National Commission, the General Directorate and the Bucharest Directorate of the Ministry of Culture in resisting building proposals that we see now realized? Illegal situations are very hard to document and prove without the support of the Ministry or the State Inspectorate in Constructions, or the Discipline in Construction services of the Municipality of Bucharest, or of the administrative sectors. These structures should be the first to flag up and take measures to punish illegal building. Instead, they resist not-for-profit heritage protection organizations' requests for information, where people spend their time chasing bulldozers. It could be stated that, within legal frameworks, and with the blessing of the bodies responsible for watching over heritage, it was indeed standard practice to approve demolition permits and zonal derogatory master plans that completely changed the rules in the interest of owners of parcels within a protected area. If so, we could claim that the culture preservation guardians were weak.

The urban planning law was contested precisely because it was too flexible in accommodating private individual interests, sometimes against the common interests.[35] In a huge number of cases, with perfectly legal backup, historical monuments have been demolished for bigger new buildings. As previously explained, in the "protected areas", protection is to be ensured more through "local law" expressed in urbanism regulations than in nationally binding rules. Very soon after its approval by the Bucharest

general council,[36] the PUG was contradicted by smaller zonal master plans initiated by private investors to accommodate their development interests. The Urban Planning Law from 2001 allowed private investors to initiate and finance urban planning documentations to suit their purposes. The legislators argued that some cities have limited local budgets, and that development must be welcomed especially in these cities; if developers have the funds to pay for studies and propose new regulations, this should be accepted in order to enable development. A measure meant to make room for exceptional situations unfortunately became the rule, and this "private urbanism" has been practiced everywhere in Romania, no matter how big or small the local budget.

Gheorghe Patrascu and Irina Popescu Criveanu also analyzed the legal framework for built heritage in a publication entitled *Heritage, Historical Centers and Local Development – cooperation between France and Romania.*[37] Here, the authors describe the situation of the heritage protection field before, during and after the Communist regime. Among the positive aspects of the Communist period, they list the creation of a good "restoration school" between 1962 and 1977, with professors educated abroad, mainly in Rome. This group of experts paid great attention to identifying urban fabric with cultural value ("minor architecture"), and there were also studies and projects for the restoration of historical centers seen as complex operations. Unfortunately, the Communist party imposed the restructuring of city centers to erase the past and demonstrate the force of modernity through new architecture; consequently many cities witnessed great heritageloss. These demolitions were permitted since, in the same year as the famous Systematization Law (1974), laws on built heritage were replaced by a very schematic legal act. After 1977, the Historic Monuments Directorate disappeared and no financial resources were dedicated to heritage. Only in the academic environment did the preoccupation for built heritage continue. Criveanu states that without real practice, and because of this hiatus in the field, an entire generation of architects and planners now at the peak of their professional career lack experience both in restoration and urban interventions in historical fabric.

In 1990, one of the first conciliatory political gestures was to re-establish the National Commission for Monuments, Historical Sites and Ensembles. The authors of this report on the legal framework show that in the first years after Communism, the Ministry of Culture and the Ministry responsible for urban planning issues were cooperating well in identifying and

protecting valuable historical parts of cities and villages. The perspective was very much advanced, because the official document mentioned in this report[38] stated that these areas should be protected through specific regulations, but also mentions the need to integrate protected areas into the economic and social life of these settlements. Thus both conservation and development aspects are taken into consideration, an advanced sustainable approach very much encouraged in the European Union, as we will see in the following section. The very valuable cooperation between the two ministries concerned with the "diffuse heritage" was unfortunately lost in the year 2000.

Irina Popescu Criveanu, presents this common official document[39] of the National Commissions of the two ministries in her Master's thesis,[40] as well as other joint documents of the first years after the fall of the Communist regime, when the two ministries were issuing common orders.[41] These documents express the agreement between the two ministries that both urban planning and conservation have the same purpose of harmonious development. They also emphasize the importance of preliminary studies, and give examples of instruments harmonizing practice with the international principles in the field. At that time there was a clear will among both politicians at central level and professionals to use urban planning regulatory instruments in the field of heritage protection.

So, whether or not appreciated by professionals or public servants, the two ministries are connected for issues concerning protected areas; among other things, as already explained for the case of Bucharest, the laws impose the definition of protected areas through the General Master Plan (PUG – Planul Urbanistic General). Preliminary studies designating protected areas have to go through the National Commission in the Ministry of Culture. The Ministry dealing with urban planning issues has changed its name many times. It has, of course, oversight in analyzing proposed General Master Plans, including the definition of protected areas, and in reviewing the zonal regulatory plans that include historical monuments, archaeological sites, and historical ensembles.

Even though we have seen, a strong connection between the central public institutions from the planning field and the Ministry of Culture with its local and regional structures, immediately after the fall of the communist regime, in recent years we have witnessed an increasing polarization of approaches. Opinion leaders, politicians, ministries, public servants, NGO representatives and professionals declare their loyalty to one group or the other, as if it were inconceivable to see development and protection

together. A plan must travel from one commission to another and from one General Directorate to another, and even though protected areas are recognized by central administration institutions as being both "urbanism" and "culture", it has prove impossible to gather the two perspectives into one single document issued by both institutions.[42] The proposition was rejected not only by representatives of the Ministry of Culture, but also by professionals and by some non-governmental organizations. The argument was that while the Ministry of Regional Development represents "development", the Ministry of Culture represents "preservation", and these two "opposite" perspectives cannot be on the same official document. Therefore, a common commission is not appropriate, since there must be room for confrontation between these supposed positions.

With decentralization, local administrations have the freedom to approve local council decisions that would help an owner with technical advice, subsidy, and tax reductions. Most financial departments in local administration fear the Ministry of Finance, and many public servants in financial departments prefer to avoid the risks of having to answer complicated questions. Therefore, in most cases, the only relationship between owners in a protected area and the local authority concerns revolves around rules and supplementary permits that make the honest owner regret the special status of his or her asset. Decentralization has allocated more and more responsibilities to the local level, but in a context with scarce financial resources. Human resources have always represented another very important problem at local level. The legal framework makes local authorities responsible for the wellbeing of the local community and for future sustainable development. Planning this future today means that decision makers and public servants are working together with the professionals, using instruments sometimes imposed or furnished by the central authorities. In a nutshell, following decentralization, apart from some governmental programs through which the central government could impose conditions on local authorities in exchange for funding, there has been very little cooperation between the local and the central level.[43]

Now, because many protected areas are in city centers and because real estate pressure has naturally been placed on the centers, many derogatory urban planning documents aimed to change PUG regulations in the protected areas. Private investors' energy was not redirected towards other parts of the city through urban policies. In general terms, local authorities have not taken a pro-active attitude towards investors, but a reactive one: local councils have, in most cases voted in favor of these derogations.

At this point, we would like to emphasize another very important problem related to the lack of coherence between the above mentioned planning instruments (urban regulatory plans) and local development strategies. That development strategies and land use regulations must be strongly connected is still not obvious for decision makers, and not even for consultancy firms and professionals. We have seen local development strategies that do not have one single map of the city on which to place proposed projects. And we have also seen general master plans that have nothing in common with the local development strategy voted one or two years before and forgotten on a shelf somewhere. And the derogatory urban documentation was approved by the same decision makers who were also voting for development strategies that stated the importance of heritage protection.

Conclusions:

Recently, the international financial crisis has brought knock on effects in the transformation of Romanian cities, and of Bucharest in particular. Before the crisis, local authorities took a passive position. This was caused by extremely lucrative deals in the real estate market (fabulous investments returns, higher than anywhere else in Europe). Local authorities limited their approach to approving or (rarely) rejecting ideas and energies coming from outside City Hall and often from outside the city itself. These initiatives and associated funds have currently lost their force; hence, local authorities will need to replace them with projects and incentives anchored in local needs. In order to identify, promote and prioritize urban projects, a democratically elected local council needs arguments to decide how public funds will be spent. Local authorities will have to work with coherent public policies, including programs and projects for improving the quality of public space and public use facilities, to ensure integrated and consistent help for deprived neighborhoods, and also, for the topic of our paper, to support owners of buildings sited in protected areas.

Europe seems increasingly interested in promoting a concrete set of criteria and a rigorous orientation for decision makers willing to embrace sustainable development principles.

From our perspective, the fact that the actors do not have a common definition for the concept of sustainable urban development is strongly connected to the lack of trust between the four categories of quoted

actors. We claim that there is a cause-effect relationship to be proved: weak cooperation between the groups of actors is caused by the lack of a common concern for sustainability. There has rarely been a fruitful collaboration between technical input and the decision making processes, between professionals proposing protection regulations and the owners of the buildings concerned, between these owners and activists for built heritage protection, and, even less, between watchdogs tasked to oversee public institutions with heritage protection responsibilities and the persons who sign and stamp demolition permits or building permits, causing damage to old buildings. And the actors are in conflict or simply ignore each other because each category of actors pursues its goal, with very little understanding of the other's position and interest, and sometimes with much disdain for the pressures faced by other groups. If more pressure for sustainable solutions were placed on all actors, then instead of confrontation, possible frameworks for mutual cooperation could be established.

For now, in Romania, only a small group of professionals has spoken ot on sustainable development to other actors and, as a consequence, there is only limited knowledge of related processes, tools, and responsibilities. Our assumption is that urban planners do have a real, privileged position that allows them to improve the thinking frames of other stakeholders. But are urban planners in Romania able and willing to encourage cooperation between various experts, local council representatives, public servants, NGO representatives, business men and women? For professional reasons, urban planners are likely to understand space better than others. Yet do they have the required capacity to understand social and political issues? Do they have the necessary tools for really working together with the social sciences to include community and societal values into spatial planning? Do spatial planners have the understanding, motivation, and interest to encourage public participation and cooperation of all urban stakeholders to build inclusive urban policies? Are they interested in fighting for a stronger position in the equilibrium of power to decide over the future of their city?

NOTES

1.   Book I, 1252 a, Bekker ed. translated by Benjamin Jowett with introduction, analysis and index bv H. W. C. Davis, M.A., Fellow of Balliol; Oxford, at the Clarendon Press, 1916.
2.   Urban Planning Law no. 350 / 2001.
3.   Governmental Ordinance no 77/2001, approved through the Law 140/01.04.2002, establishing an intergovernmental body for the urban rehabilitation of Historical Center of Bucharest - this body was created but has never taken any decision or any visible action.
4.   BLUM Ileana, PhD , 2008, or Adrian CRACIUNESCU – ACUM volume, UAUIM, 2010 http://www.uauim.ro/catedre/istorie_teorie_restaurare/discipline/ACP/1e_adrian-craciunescu-centrul-istoric-acum-3.pdf
5.   Zonal Urban Plan approved through the General City Council Decision no 113 from 10.06.1999.
6.   Dan Marin, remark at the meeting organized in February 2010, by CE-RE – Resource Center for Public Participation, together with several other NGOs, in the frame of their project "In Search of Lost Bucharest." Project at http://www.ce-re.ro/ENG/in-search-of-little-paris
7.   European Council of Spatial Planners – ECTP – CEU - http://www.ceu-ectp.eu, The Founding Charter: **Towards the establishment of common rules for the town planning profession**, Appendix A - The Field And Nature Of The Professional Town Planner's Activities.
8.   Protection of Historical Monuments law 442/2001.
9.   Survey results produced by the project **In search of lost Bucharest,** coordinated by CERE - The Resource Center for Public Participation (CeRe) and its partners, Save Bucharest Association and Bucharest - Pro Urbe Association. The aim of this project is to bring to the public attention the degrading state of the architectural and urban heritage of Bucharest and to get the citizens of Bucharest actively involved in finding solutions to harness the potential of this heritage. http://www.ce-re.ro/ENG/in-search-of-little-pari
10.   Ascher, F – *Les nouveaux principes de l'urbanisme*, Ed. de L'aube, Paris, 2001, p. 11.
11.   Thierry Paquot, review from "L'Urbanisme" on the back cover of the French edition, 2001: "le principal mérite de cet essai, très clair et bien charpente, réside dans la volonté d'articuler la réflexion théorique aux pratiques des urbanistes."
12.   *Ibidem* 10, p. 59.
13.   http://www.eukn.org
14.   http://unpan1.un.org/intradoc/groups/public/documents/un/unpan027075.pdf
15.   http://www.eukn.org

[16] For instance: *Sustainable Urban Development in the European Union: A Framework for Action - Communication from the Commission* COM(1998) 605 final, 28.10.98, or the more recent Guide from the Commission on The urban dimension in Community policies for the period 2007 – 2013" updated in December 2009.

[17] *Lille Action Program* adopted at the Informal Council of Ministers responsible for urban affairs held in Lille on 3 November 2000, *Urban Acquis* adopted at the Informal Council of Ministers responsible for territorial cohesion, held in Rotterdam on 29 November 2004; the *Bristol Accord* adopted at the Informal Council of Ministers on sustainable communities held in Bristol on 6-7 December 2005; the *Territorial Agenda of the EU - Towards a More Competitive and Sustainable Europe of Diverse Regions* - adopted at the Informal Council of Ministers responsible for spatial planning and urban development held in Leipzig on 24-25 May 2007.

[18] Toledo Reference Document on Integrated Urban Regeneration and Its Strategic Potential for a Smarter, More Sustainable and Socially Inclusive Urban Development in Europe, http://ec.europa.eu/regional_policy/newsroom/pdf/201006_toledo_declaration_en.pdf , June 2010.

[19] Lloyd G. *Planning and the public interest in the modern world. Sir Patrick Geddes Commemorative Lecture 2006.* Royal Town Planning Institute in Scotland and the Saltire Society, 2006.

[20] Harvey D., *The Condition of Postmodernity.* Malden, Massachusetts: Wiley-Blackwell, 1989.

[21] Stein S.M. and Harper T. L.. *Rawls's, Justice as Fairness': A Moral Basis for Contemporary Planning Theory*. Planning Theory 4: p. 147. 2005.

[22] Roy A., Post-Liberalism: On the Ethico-Politics of Planning. Planning Theory, 7: 92. 2008.

[23] Mouffe C., *The Return of the Political.* New York: Verso. 1993.

[24] Ascher, F – Les nouveaux principes de l'urbanisme, Ed. de L'aube, Paris, 2001, p. 11.

[25] *Ibidem* 24, p. 80.

[26] *Ibidem* 24, p. 90.

[27] *Ibidem* 24, p. 93.

[28] Definitions from the Protection of Historical Monuments Law no. 442/2001address three categories of historical monuments: historical monument as object, historical monument as ensemble and historical monument as site.

[29] *Le culte moderne des monuments*, trad. J. Boulet, Paris, l'Harmattan, 2003 - *Socio-anthropologie* [En ligne], N9 / 2001, mis en ligne le 15 janvier 2003.

[30] Marta DE LA TORRE: *Assessing the values of cultural heritage*: Research report, The Getty Conservation Institute, Los Angeles, 2002 - http://www.getty.edu/conservation/publications/pdf_publications/assessing.pdf

31   *Ibidem* 30 p. 3.

32   International Conference HERITAGE OF TECHNOLOGY, May 4-7, 2005, Ana Rita PEREIRA, Jouke POST, Peter ERKELENS Architectural Design + Engineering Unit, Eindhoven University of Technology, the Netherlands - http://alexandria.tue.nl/openaccess/Metis211367.pdf p. 6.

33   Law no 5/ 2000 PATN – Plan for the National Territorial Development – section V – Protected Areas http://www.mdrl.ro/_documente/dezvoltare_teritoriala/amenajarea_teritoriului/patn_elaborate/legea5.pdf

34   *Metodologia de elaborare si continutul-cadru al documentatiilor de urbanism pentru zone construite protejate (PUZ)* - Regulation issued by the Ministry of Transport, Construction and Tourism, Published in Official Monitory, no. 125bis from 11/02/2004, elaborated by Research Institute for Urban and Territorial Planning - *Urban Proiect.*

35   August 2008 – Governamental ordinance no. 27 brought limitations for derogatory plans in the protected areas (Art. 18 of the ordinance, modifying Art 47 of the Urban Planning Law no 350/2001). If one owner/developer was willing to change the urban regulations for a plot which was part of a protected area, then the whole area should be subject to a new regulatory zonal plan. One year later, when validated as law no…, this limitation was not accepted by Parliament.

36   PUG – General Urban Plan – approved through the Bucharest General City Council Decision no.269/2000.

37   Patrascu Ghe. and Popescu Criveanu, I - *Histoire comparee des legislations, des outils de protection du patrimoine et des autorisations des travaux en France et en Roumanie* – chapter of the publication: *Patrimonies, centres historiques, developpement local, la cooperation franco-roumaine*, ed. Simetria, November 2007, p.41 - published in 2007 as a result of two cooperation conferences held in 2004 in Targoviste and 2005 in Sibiu.

38   *Ibidem* 37, p.44.

39   Common official document no. 836/21.05.1990, signed by the members of the National Commission for Urbanism and Territorial Planning and the National Commission for Historical Monuments, Sites and Ensembles and addressed to County Councils across the country.

40   POPESCU CRIVEANU I. – Le Patrimoine Urbain dans la societe roumaine contemporaine, DEA – Diplome d'Etudes Apprfondi, at IFU – Institut Francais d'Urbanisme, 1997.

41   Ministry of Culture order no. 130 / 23.12.1991 co-signed by Ministry of Public Works and Territorial Planning with order no. 589 D/09.01.1992 – concerning some measures necessary for limiting degradation of heritage and its protection.

42   Incentive of the Ministry of Regional Development, through the General Directorate for Urbanism and Territorial Planning, in 2009: In the pursuit of the simplification of authorization procedures required by the European

Commission, instead of having two different permits, it has been recently proposed by the General Direction for Urban and Territorial Planning from the Ministry of Regional Development and Tourism to have only one document, issued and signed by both General Directorates when there was a building project in a protected area.

[43] For instance, in an attempt to gather data about the professional background of chief architects and public servants from urban planning departments in city halls across the country, the Ministry of Regional Development had to ask the support of the Ministry for Public Administration to get the questionnaires filled in; even so, the ratio of participation was not high.