

Building a Partnership Model to Manage Irish Heritage: A Policy Tools Analysis



P A T C O O K E *

ABSTRACT

For many years, the Irish State has had the role of both owning and operating the majority of heritage sites and resources in Ireland. However, with the dramatic growth in the range and variety of heritage phenomena requiring protection over recent years, the State has found its resources under increasing pressure and has begun to explore the possibility of building a partnership structure to manage more of the country's heritage better. This article seeks to clarify the options available to government by outlining the policy tools available and attempting to map these onto the governmental, agency and trust structures that might form the elements of a partnership. It concludes that the optimal role for government is one of strategic coordination, that provision of information is the tool best suited to this purpose, and that ownership and operation should be devolved to local government, agencies and trusts.

Key Words: Heritage; Policy; Policy Tools; Partnership.

THE POLICY CHALLENGE

The structural arrangements for managing Ireland's heritage are among the most centralised in Europe. While most other EU countries seek to spread the management of heritage across a mix of

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governmental, agency and trust structures, Ireland has been slow to develop a model that widens the distribution of the burden. Despite initiatives like the recent restructuring of the National Museum and National Library into semi-state institutions, the regulation, financing and operational management of heritage is mediated overwhelmingly through government departments. Meanwhile, the role of local government remains limited, and that of non-governmental agency and trust structures is comparatively weak by international standards. The recent setting up of a non-statutory Irish National Trust (July 2006) was accomplished without the involvement of An Taisce, the body that for years has claimed the *ex officio* role of being Ireland's national trust.

The past twenty years have seen a dramatic expansion of the range and variety of heritage phenomena in Ireland requiring support and protection. 54 per cent of all existing heritage attractions were commissioned in the ten-year period 1989–99, including 44 per cent of all existing museums (Cooke, 2003). The burden of financing this expanded portfolio of heritage assets, along with heightened public expectations on heritage protection generally, has compelled the state to explore a broader social and institutional partnership to manage it.

However, in taking its first tentative steps towards building a partnership for heritage, the State finds itself in a double bind that is largely the product of its own overwhelming dominance of the field. On the one hand, its failure over the years to enable the development of strong non-governmental and private structures means that potential partners lack credible experience or substantial capacity in the management of heritage. On the other hand, heritage protection and management is still publicly perceived as largely the responsibility of government – because government largely takes direct responsibility for it anyway. The latter perception was crystallised in a survey of heritage awareness carried out by the Heritage Council in 1999. The survey found that 'heritage is perceived to be largely in public ownership, and its protection...is generally deemed to be the responsibility of the government' (Heritage Council, 1999: 6).

As we entered the new millennium, the State began to look for a policy model that would involve a greater range of stakeholders in

managing heritage. The first significant result of these efforts was the *Heritage Plan* of 2002. The Plan was published in the run-up to that year's general election, and was the first ever strategic analysis of the State's heritage policy, and the first comprehensive attempt to set cohesive, integrated goals for the future management of heritage in Ireland. Central to the Plan's vision was the idea of partnership; its leading proposition was that:

Individuals, communities, non-governmental organisations, regional and local authorities, and Government Departments and agencies all play a role and share responsibility in protecting heritage. Without the co-operation and active involvement of all concerned, there is little chance of success (Department of Arts, Heritage, Gaeltacht and the Islands, 2002: 13).

Yet, peculiarly for a plan that so enthusiastically embraced the principle of inclusiveness, the section entitled 'Supporting the Plan through Improved Structures and Resources' mentions only State agencies and local authorities. There is no reference at all to the potential contribution of the private and voluntary sector in a way surely implied by the kind of partnership vision just quoted. Not once, for example, is the name of An Taisce, the most significant voluntary body with a statutory role in protecting heritage, mentioned.

Where we stand today (2007) with the goal of partnership is difficult to determine, not least because of the Plan's fate. Within two months of its publication the Fianna Fáil/PD coalition returned to power. It immediately scrapped the Heritage Plan, along with its sponsoring department (Arts, Heritage, Gaeltacht and the Islands) and Dúchas, the departmental 'quasi-agency' which had been set up only six years earlier to manage the State's regulatory and property management functions in relation to heritage. The heritage functions of Dúchas were then split between the Department of Environment, Heritage and Local Government (DEHLG) (natural heritage and policy functions) and the Office of Public Works (OPW) (the built heritage), while the national institutions went to the new Department of Art, Sport and Tourism. None of this had been presaged in the Plan, and the initiative to set up an Irish National Trust only gained momentum from 2003 onwards.

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Overall, the administrative arrangements for heritage have been shuffled so frequently and so erratically over recent years that it suggests some confusion about the nature of the tools available for policy-making in the sector and how to apply them consistently in the pursuit of goals.

Broadly, therefore, two questions arise about strategic policy-making for the heritage sector in Ireland:

- (1) Are the policy tools available to be deployed in pursuit of a partnership goal sufficiently well understood?
- (2) Is the strategic thinking sufficiently dynamic and reflexive to generate a new partnership model – one which, radically conceived, might well include a reconfiguration of the State's own role within the policy framework?

In attempting to provide answers to these questions, the present essay will offer a two-part analysis:

- An outline of the policy tools available to clarify options and set goals for the heritage sector in line with a partnership strategy.
- An attempt to map the policy tools onto the configuration of partnership structures available (which contains essentially four dimensions: the State, local government structures, non-governmental agencies and trust-like structures).

THE POLICY ENVIRONMENT

Early in 2003 the Department of Environment, Heritage and Local Government (DEHLG) commissioned a report on the feasibility of setting up trust-like structures for Ireland. Though there is reference in the brief to proposing 'suitable models for the operational arrangement of trust-type or other organisations' (DEHLG, 2003a), the functional viability of whatever might be proposed is not an explicit aspect of the brief. Moreover, the research is directed towards assessing how new legislation 'might apply to safeguarding heritage properties which are likely to be under threat *in the future*' (DEHLG, 2003a) (my italics), implying that the portfolio of heritage properties currently in State care constitutes a *status quo ante*. The question of whether the existing portfolio of 740 properties in

State care has any substantial implication for the potential viability of any trust-like structure is not prescribed as a necessary dimension of the analysis.

An earlier memorandum had indicated that the need to investigate new trust-like structures had been prompted by the State's coming under increasing pressure to acquire historic properties in jeopardy. No less than thirteen such properties (almost all stately homes and historic houses) that had recently been the subject of appeals for State acquisition are listed. The acquisition costs for all these properties were estimated at some €28 million, and the combined running costs thereafter at approximately one million euro a year (DEHLG, 2003b: 4).

While the brief for the study of trust-like structures is prompted by an essentially economic challenge (looking to private and voluntary efforts to build capacity for managing more heritage resources more efficiently), the exercise assumes that the management of the State's portfolio is efficient, or that its existence has no implications for the efficiency of any putative trust or other players in the partnership model envisaged. It could be argued, however, that if the goal is to optimise the efficient management of heritage resources within a partnership framework, a much more comprehensive review is required, one in which the State's own management of heritage resources is examined in tandem with agency and private sector options.

THE NEED FOR A MORE DYNAMIC FRAMEWORK FOR HERITAGE POLICY

The search for the optimal mix of structural arrangements for the management of the heritage resource within a partnership framework must begin by recognising the dynamic interdependence of all the elements.

One of the primary features of this more dynamic model is competition. Regardless of whether heritage assets are State-run or managed by an agency or trust, there will be competition between them for visitors and their spend capacity. This economic reality is implicitly acknowledged in the 2003 memorandum 'Property Acquisitions' in the way it describes the contribution of State-owned heritage sites to sustainable tourism. According to this memorandum, between

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1991 and 1997 there had been a 174 per cent growth in the number of Irish fee-paying attractions, and the overall number of heritage attractions (both public and private) had grown by 32 per cent. However, when expressed in terms of visitor numbers, much of this growth had occurred at a minority of larger sites, while 67 per cent of sites received less than 20,000 visitors. Against this background, the memorandum notes, 'the Department performed better than the industry average – 53% of its sites received less than 20,000 visitors' (DEHLG, 2003b). In other words, the Department saw State-run visitor sites as being in competition with other players in the sector, and performing well according to that parameter. Moreover, in a survey of Dúchas sites carried out in 1999 it was shown that 'only the very dramatic sites or those on prime tourism routes attracted over 100,000 visitors' (DEHLG, 2003b). It so happens that most of the truly iconic heritage sites in the country are already in the government portfolio (places like Glendalough, the Rock of Cashel, Kilkenny Castle and Brú na Bóinne). This prompts the comment that 'there is a potential danger that many of the lesser-used sites, which are not in State ownership, will not remain viable with additional pressure arising on the Department to intervene' (DEHLG, 2003b).

But one clear implication of this last observation is not explicitly drawn: that the State's operation of the prestige portfolio of heritage properties has a direct impact on the potential viability of privately run heritage sites, whether managed individually or under some trust-like structure. In addition, because the State is not obliged to optimise the commercial potential of its portfolio, privately run sites or trusts are likely to find it correspondingly more difficult to compete and survive. The competition presented by the State's own portfolio of properties, therefore, is one of the significant challenges facing the new Irish Heritage Trust as it struggles to gain financial viability.

This point was highlighted in the British context in a submission made in October 2002 to the Parliamentary Select Committee on Culture, Media and Sport by the English Tourism Council. The Council opened its submission by expressing a concern that 'the impact of free admission to government-funded visitor attractions remains a key concern for the Attractions Forum as it is believed

that free entry creates a displacement effect' (English Tourism Council, 2002). It explained this concern as follows:

Commercial operators feel that they are disadvantaged by preferential pricing initiatives for Government-sponsored museums. Most commercial attractions have very high fixed costs and narrow operating margins and are highly susceptible to the detrimental effect of factors beyond their control. A government policy that creates a situation that adversely affects the viability of paid attractions and distorts the market may have a negative long-term impact on the number and range of tourist attractions (English Tourism Council, 2002).

Thus, while State-run attractions are cushioned from the full rigours of the market by direct government subvention, they are in competition with more market-dependent heritage attractions for visitors and income. Though motivated primarily by a concern for access, education and equity, the State's use of zero or sub-optimal pricing policies enhances its ability to attract visitors, thereby making the sustainability of more commercially exposed sites all the harder. (In June 2005 the OPW announced that it was eliminating entry charges at a number of its sites with poor visitor numbers to boost visitor levels.) It needs to be recognised, therefore, that the State's anxieties about having to take responsibility for failed private sector sites is not entirely unconnected with its own dominance in the market for visitors and their income.

This competitive scenario has another important dimension: almost all heritage sites are subject to market failure to some degree. Even sites that generate high levels of income still strive for marginal (most often capital) subvention from public funds. The more the State chooses to deploy its resources on wholly State-owned sites, the less it has available for the subvention of others. The question of optimal marginal support is directly related to the potential of sites to optimise income (the more income they can generate, the less subsidy they will need). In purely fiscal terms, it is a question of distributional efficiency.

However in arbitrating this issue the State finds itself both player and referee, regulator and operator. To gain a deeper insight into

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how the goal of optimal configuration of partners in the heritage field can be achieved, it is necessary to look at the nature of the policy tools available.

THE POLICY TOOLS

De Monchaux and Schuster have asserted (1997: 5) that there are really only five tools the State can use to design policy for the built heritage. These are:

- Ownership and operation
- Regulation
- Incentives and disincentives
- Establishment, allocation and enforcement of property rights
- Information

Before examining each of these in some detail, it is worth stressing an important point about how the use of this set of tools developed historically. According to Schuster (1997a), reliance on the first tool tends to be typical of State management of heritage in its initial growth phase. When society's understanding of heritage is relatively narrow, and the number of properties to be protected relatively limited, it is conceivable, he says, 'both financially and logistically, that the most important government tool to promote preservation would be direct ownership and operation of historic properties'. However, with the exponential growth in heritage globally over the past thirty years, private initiatives have begun to be taken more seriously, such that 'forms of intervention that draw out and promote multiple partners are generally seen as a good thing' (Schuster, 1997a: 49–51). It is the pressure to cope with an expanding resource, therefore, that tends to bring the full set of tools into play.

Ownership and Operation

This tool is at its most efficient when the scope of the heritage resource is within the capacity of the State to manage and fund it. But as the pressure on public finances develops, the question of opportunity cost comes into play; could better use of resources have been made elsewhere (on education or infrastructure for example)? State dominance in the management of heritage resources, as

already noted, may also serve to pre-empt the development of a culture of shared responsibility, with the buck being passed to the State whenever a threat to an individual property is manifested.

The term 'operation' implies resources that have visitor attraction potential. However heritage assets present no simple market failure profile, but a range of characteristics embracing market failure and commercial potential (you can, for example, have a very profitable shop at a stately home that otherwise does not pay its way). In this context, the need to match expenditure transparently with income to reveal optimal marginal relationships tends to favour accrual accounting over government accounting methods (the cash-based government accounting system handles budgetary allocations separately from income).

Regulation

The State remains the most effective user of the regulatory tool, commanding the power to make and amend laws governing the field. But governments need to be circumspect in the way they use regulation, as it can result in even stronger pressures on resources. Pignataro and Rizzo (1997: 97) point out that using regulation to implement a strong conservationist ethos can end up restricting private sector intervention and increasing demands on government, with the ultimate effect of 'draining an ever increasing amount of resources from the public sector'.

The effectiveness of this tool is also seen to depend on levels of decentralisation within political systems. In the US for example, regulation tends to be the principal tool at state level, while the federal government favours incentives. Schuster (1997c: 125–126) says that over-centralised states (such as Ireland) tend to favour the regulatory tool above all others. He cautions that in countries 'accustomed to a highly centralised government bureaucracy' policy is often reduced to 'a search for the right law'.

In Ireland in recent years growth in the scope of heritage has been accompanied by an unprecedented enthusiasm for using regulatory measures to achieve protection. Over the years 1988–99 an additional 977 national monuments were registered for care, and preservation orders were issued on 65. The Planning and Development Act (2000) set in place a mechanism for the protection of architectural structures of historic significance. During the 1990s, the ratification

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of a series of international protocols for the protection of the natural environment led to over 30 per cent of the country's land area being declared Special Areas of Conservation (Craig, 2002).

Such developments involve a substantially widened exposure to claims for compensation by owners whose properties are listed as architecturally significant, and to farmers when their lands are designated for protection. So also do research, storage and conservation costs (of archaeological finds unearthed under the planning regulations), or taxes forgone (the relief afforded under section 482 of the Taxes Consolidation Act (1997) to owners of houses of historic significance). Netzer (1998: 139) has drawn attention to the implications of an ever-widening gap between the compliance costs of regulation and available resources: 'it is almost certain', he says, 'that if the costs of the full protection of all of the heritage are equal to a high fraction of GDP even in a rich country, such protection will not be forthcoming and the supply of heritage services will diminish over time, as heritage elements decay and eventually disappear from the stock'.

There is a link here with the incentive tool. Benhamou (1997: 200) insists that, 'public intervention, which links regulation to permanent subsidisation, leads to a continual increase in spending'. Bianca (1997) advocates decentralisation as a way of checking such tendencies. Placing direct responsibility for heritage regulation at the lowest possible level of government, he says, 'ensures a more tangible interrelation between the society and its heritage' (Bianca, 1997: 49–51).

Throsby (1997: 42) has pointed to some economic problems with regulation: it creates inefficiency by restricting market forces; it is costly in terms of administration and the compliance costs of meeting regulations; it offers no incentive to do better by not inspiring people to go beyond minimal prescribed standards; and it is amenable to capture by private owners and experts. He also emphasises the subsidiarity principle by insisting that financial provisions associated with regulation should work at national, regional and local levels.

Incentives/Disincentives

Incentives can be either *direct* (grants to individuals or matching grants and donations to non-profit organisations) or *indirect* (tax exemptions, loans, guarantees or exemption from regulations). The

key to the effective use of incentives is their conditional nature. Schuster (1997a: 51) says that grants should be made in a way that does not threaten property rights, thereby triggering compensation. To increase their effectiveness, the principle of subsidiarity should also be observed. In Switzerland, for example, the use of incentives is systematically linked to levels of government. All properties are graded according to national, regional and local significance, and government grant schemes are proportioned accordingly (30–40 per cent for buildings of national significance, 15–25 per cent for buildings of regional significance, and 10–15 per cent for buildings of local significance).

In the case of tax incentives, while they may be cheap and easy to implement, there are difficulties linking them to effective certification and compliance procedures to ensure that they are not captured by private owners. For example, in Ireland section 482 of the Taxes Consolidation Act (1997) allows owners of historic buildings to claim relief for renovations to their properties, subject to those properties being advertised and opened to the public for sixty days a year. A total of 386 properties successfully applied for tax relief under section 482 between 1983 and 2000 (Cooke, 2003: 12). Concerns have been expressed that some owners have not been complying with the public opening requirements. The effect of such non-compliance is the capture of a portion of the public good dimension of the property for private purposes. On the other hand, tax relief linked to income can depend on income levels for effectiveness. A recent report on Irish historic houses claimed that such provisions as section 482 'is of relatively little value to any owner who does not have a high taxable income' (Dooley, 2003: 33). Overall, one of the advantages to the State of effectively implemented incentives is that they facilitate much wider private sector participation in heritage conservation and 'allow the State to stay out of the actual process of conservation' (de la Torre and Mason, 1998: 40).

Property Rights

Heritage regulations usually place restrictions on what the owner can do with a property, affecting property rights, which tends to include development rights. Heritage regulations can, for example, restrict what one can do with the façade of a building. Such devices as façade easements and land swaps can be used to mitigate the

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encroachment on property rights and to minimise exposure to compensation claims relating to listed buildings.

Owners generally become sensitive to property rights only if there is a real or perceived drop in property values due to listing or other regulatory provisions. The evidence for how regulation affects property values is mixed. Netzer (cited in Hutter and Rizzo, 1997: 175) says that property values in the US are reduced by conservation provisions, whereas Benhamou (cited in Hutter and Rizzo, 1997: 208) says that grants and tax deductions combine in France to sustain the value of properties. However, the latter case reveals that it is often only the addition of a public subsidy that sustains property values. Overall, it would appear that whether property values rise or fall varies between jurisdictions, depending on how interventionist the legislation is and the mix of subsidies and relief available.

Information

This is the one tool that can transcend purely financial resource constraints. Like preventive medicine, preventive conservation is largely achieved by promoting understanding of the practices and methods by which the need for more extensive intervention, and thereby higher costs, are avoided. It is closely related to incentives in the way it encourages property owners to undertake conservation efforts voluntarily.

Over the past decade in Ireland the Heritage Council (a non-departmental statutory body set up under the Heritage Act of 1995) has wholeheartedly taken on the role of gathering data and disseminating information with the overall goal of raising awareness of heritage through society.

The 1985 Convention for the Protection of the Architectural Heritage of Europe called for the establishment of processes to foster the supply of information, consultation and cooperation. Through the concerted use of information, says Schuster (1997b: 102), 'the certainty that a particular property will be preserved either through State ownership and operation or through regulation is traded for the possibility that the overall level of preservation activity will rise when more actors become involved'. Indeed, once fiscal and financial resources have been stretched to the limit, 'information may in fact be the only tool that can be deployed with

any effect' (Schuster, 1997b: 102). A further benefit of the information tool is that, when effectively exercised by government, it can contribute positively to the climate of civic engagement on which voluntary organisations depend for support. As Taboroff points out, trusts are 'an expression of civic engagement' (2002: 1).

HOW A TOOLS APPROACH CAN HELP CLARIFY ROLES AND FUNCTIONS

The key question prompted by Schuster's (1997b) typology of tools, as outlined above, is this: how can the State sustain the difficult balancing act of being both regulator and operator? Understanding the distinctions between these tools, and when and how they should be used separately or in combination, can help clarify the policy-making process in heritage.

Historically, the State's dominant role in managing a limited resource meant that there was only a limited call for it to act as regulator, and that it could meet most of its actual or perceived protective obligations through owning and operating a portfolio of properties. But the spectacular widening of the range of phenomena now demanding protection as heritage, along with the obligation to implement related EU and UNESCO protocols, has seen the State become a more pervasive user of regulatory tools over the past thirty years. As a consequence, being both owner/operator and regulator has become an increasingly complex task for the State to execute with clarity and equity. In particular, it is difficult for the State to apply its regulatory processes to itself. Following public controversy in the early 1990s over the State's intention to build visitor centres for the Burren and Wicklow national parks, a Supreme Court judgment directed that the State's heritage site developments should henceforth be subject to the planning laws. Up to then, the State had been exempt from the planning regulations it imposed on citizens.

Another problem with the dual regulator/operator role is that the State finds it difficult to make practical administrative distinctions between the policy and operational aspects of its own role. In the 2003 restructuring of heritage functions between the DEHLG and the OPW, for example, at least two elements that appear to be essentially operational in nature (and thus appropriate to the OPW role)

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are defined as policy functions to remain with the DEHLG (responsibility for deciding which sites should have a guide service and responsibility for World Heritage Site Plans) (DEHLG, 2003a: 22).

THREE PRINCIPLES GUIDING THE APPLICATION OF THE POLICY TOOLS

Schuster (1997b: 150) observes in many countries a trend towards the involvement of more and more actors in the preservation effort. As these partnership models develop, the role of coordination becomes increasingly important, and it is this coordinating role that the State is most suited to play. Bergami and Senn (cited in Ellger, 2001: 30) put this another way when they insist that to clarify the State's role in heritage it is necessary 'to separate the responsibility for cultural supply and the responsibility for cultural policy'. In other words, there needs to be a clear distinction between the ownership/operation tool (cultural supply) and the regulatory tool (cultural policy).

This gives the first of three propositions relevant to the analysis being conducted here: **the optimal role for the State in relation to other players is that of coordinator**. The most relevant tools to this role are regulation and information.

The next key point to emerge from Schuster et al.'s (1997) account of the policy tools is that their effectiveness is considerably dependent on the principle of subsidiarity. In Ireland, however, the over-centralised management of heritage reflects the relative weakness of local government and other structures to deal with heritage. The abolition of household rates in 1977 – a system particularly suited to heritage regulation and incentivisation as so many heritage costs are more accurately captured through local taxation systems – has made it very difficult to link incentives with effective listing and protection processes. Instead, government funds local authorities for compensation claims through a central fund administered by the DEHLG.

As far back as 1991, a report entitled *Local Government Reorganisation and Reform* recommended that local authorities should be 'given prime responsibility in the general amenity and heritage area,' and specifically that 'non-national parks, historic sites and

buildings should become the responsibility of local government' (Barrington, 1991: 23). Though some local authorities do manage significant heritage resources, the devolution of power and responsibility for heritage management on a systematic basis has yet to take place. Bianca's observation on how subsidiarity can reinforce a tangible inter-relation between society and its heritage was anticipated by the Barrington report (1991: 11) when it stated that 'there must be some link between spending and raising money in order to promote responsibility and accountability'.

The second proposition, therefore, is that **effective use of the tools is dependent upon the principle of subsidiarity** forming part of the strategic framework within which they are deployed. Regulation is deemed to work best when linked to a decentralised (national, regional, local) classification system that allows the tool of incentives to be deployed at the appropriate level of effective government.

The third proposition is that **information is the tool that can best reinforce the State's coordinating role**. Information remains a relatively neglected tool. It is the only one of the five capable of expanding participation in heritage protection at relatively little cost to public funds. Because consistency is an essential aspect of effective information processes, it is a strategic tool that is particularly well-suited to the State's exercise of the coordinating role. In the 2003 review information was perceived as part of policy, but it is more helpful to see it as one of the most effective functional tools the State can deploy, whether through interpretative programmes at heritage sites or by grant-aiding heritage bodies (both public and private) to provide people with the self-help resources to protect heritage through preventive measures.

TOWARDS PARTNERSHIP: THE ROLE OF AGENCIES AND TRUSTS

At the end of this article you will find an attempt to map the policy tools onto the various structural arrangements available to manage heritage within a partnership framework (Appendices 6.1 and 6.2). However, to provide further insight into these maps, two of the key components – agencies and trusts – need further analysis. It comes

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down to the question: what is it that agencies and trusts are better suited to delivering than the State, and how can these functions be aligned with the policy tools?

All players in the heritage sector, including the State, are in competition for scarce resources. The dynamics of this competitive environment implies that any strategic review of the sector ought to involve a close analysis of the role each element plays. The role of government itself cannot be ring-fenced. The overarching goal of creating a workable partnership means building a system of trust where each organisation has a clear understanding of its distinctive contribution. The strategic design of a partnership involves optimising complementarity between all of the players, which in turn means eliminating as many confusions and functional overlaps as possible. It can be brought down to one question: what distinctive contribution can each player (government, local government, agencies and trusts) bring to a partnership, the overall purpose of which is to manage as much heritage as possible to a high standard?

The role of the State in the English context (via the Department of Culture, Media and Sport) is overwhelmingly one of coordination. The State manages no properties directly and confines itself to setting strategic policy goals and objectives for non-government agencies, such as English Heritage (EH). And while EH's broad remit obliges it to be both a regulator and operator, it is clear that exercising both of these functions has caused it some difficulty. As a result of a quinquennial review in 2003, the organisation was obliged to further streamline its operational functions from its regulatory role by setting up a Properties and Outreach division.

In Ireland, the State has consistently sought to carry out both the regulatory and operator roles directly at departmental levels. At present, the operational functions are spread across two departments (DEHLG and OPW), while one of the objectives of the recent re-organisation was to concentrate regulatory functions in the DEHLG. It could be argued however that in a context where the State has set up an Irish National Trust, it would make sense to divest itself of the operational role by setting up a non-governmental agency, along the lines of EH, to manage its heritage portfolio as a coherent resource

management enterprise. A number of benefits would follow from such a move:

- (a) The State would be less directly vulnerable to unrealistic public expectations that virtually all threatened heritage properties should be salvaged by the State.
- (b) It would be in a much freer position to act as regulator and arbiter of resource allocation issues arising between local authorities, an agency and a trust.
- (c) It could concentrate its resources on strategic planning and policy for the sector, and would be free to concentrate the energy of skilled personnel on setting and monitoring targets for local authorities, agencies and voluntary bodies.
- (d) Cooperation through service level and inter-site management agreements would be more easily accomplished between two institutions that shared a business-like approach to resource management, with the State acting strategically to encourage and support such cooperation.

Schuster (1997a: 51) strongly suggests that it is no longer efficient for the State to exercise the owner/operator tool directly. The exponential growth in heritage witnessed internationally over the past thirty years has resulted in the State no longer being able to carry the burden of caring for heritage directly from its own resources. In fulfilling its strategic planning role for the sector, the State needs to be deploying all of the tools appropriately if it is to fulfil the goal of building capacity through partnership.

Close attention must also be paid to how the regulatory tool is used, and particularly to the need for effective forms of decentralisation to underpin the effectiveness of regulation. Both Bianca (1997: 49) and Benahmou (1997: 200) have cautioned that when regulation is linked to permanent subsidies it leads to continual increases in spending. Decentralisation is seen as a way of checking these tendencies. Ensuring a more tangible relation between a society and its heritage, as Bianca puts it, is a realistic way of making public expenditure on heritage more efficient.

In Ireland in recent years there has been unprecedented enthusiasm for using legislative measures to manage heritage. The National

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Monuments Act, for example, has been amended three times in recent years (1987, 1997 and most recently in 2004). Schuster (1997c) sees this tendency as a symptom of over-centralisation, with the search for the right policy reduced primarily to a search for the right law. Again, over-regulation only compounds the public perception of heritage as a responsibility of State; its ultimate effect is to discourage private sector involvement and drive up the public costs of heritage protection. It makes sense, therefore, not only to make greater use of the incentive and information tool as a way of reducing dependency on regulation, but also to push out the use of regulatory functions to other bodies, and particularly to local government.

Given Ireland's now ingrained habits of centralised government, bringing about this kind of change is not going to be easy. However, there is no real responsibility without power. If the State's long-term objective is to build capacity in the local government sector, it is going to have to begin somewhere with a genuine devolution of powers to manage heritage locally. The long-term aim might be not so much to regulate through laws, as through supervising the operational activities of local authorities and trusts through clear strategic policies, best-practice standards and consistent monitoring of performance. In turn, these organisations might be invested with appropriate levels of statutory power to regulate heritage locally in a manner consistent with their remit.

The correct use of the information tool holds perhaps the best potential for government initiatives in the sector. By withdrawing to a less dominant role in the management of heritage resources, the State sends out a message that heritage is a collective civic responsibility. If it accompanies this shift with a strong information campaign to raise civic consciousness of heritage values, it will simultaneously improve the environment for trusts and agencies. It is difficult for a trust to thrive and achieve the high levels of voluntary involvement on which it depends if there is a prevailing perception that heritage is ultimately a State responsibility. Here is a very good example where a clarification of existing roles based on a clear understanding of the policy tools can contribute directly to the strategic goal of effective partnership.

Mason and Mitroff (1998: 42) describe three key characteristics of a complex policy-making environment:

- Policy-making situations comprise many problems and issues.
- Problems and issues tend to be highly inter-related. Consequently the solution to one problem requires a solution to all the other problems. At the same time, each solution creates additional dimensions to be incorporated into the solutions to other problems.
- Few, if any, problems can be isolated effectively for separate treatment.

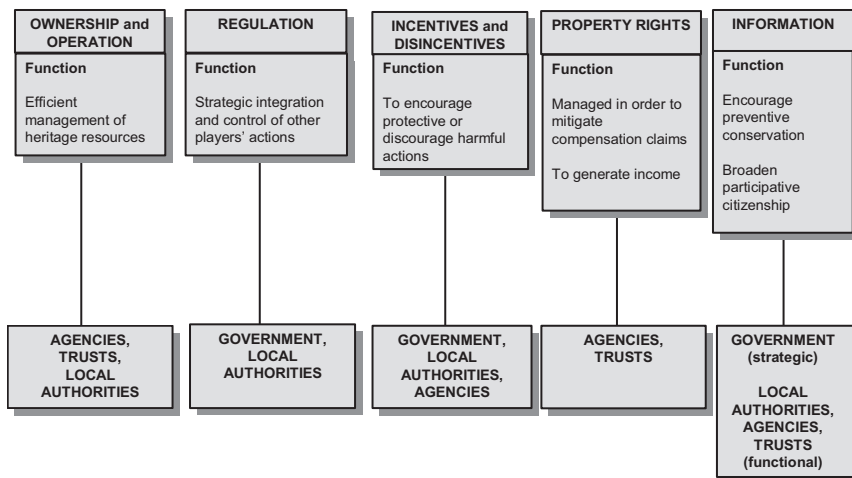
The kind of dynamic thinking required for strategic planning in the heritage sector reflects these symptoms of complexity.

As the Getty Institute research (de la Torre and Mason, 2002: 3) shows, drawing up useful and practical planning tools for a phenomenon that is elusive in nature (heritage, like health, can be whatever you decide it should be) is a daunting challenge. Moreover, strategic planning requires the successful integration of qualitative (cultural) and quantitative (economic) values. An attempt to solve one problem (getting additional players into the field to help deal with the scarcity of resources) immediately raises others that require new solutions (the State is not outside the loop; it must be identified as part of the problem and included in any putative solution). And because the range of stakeholder interests (public, private, professional, voluntary, corporate and individual) cuts across any attempt to define neat boundaries, it is difficult to isolate any one problem for separate treatment.

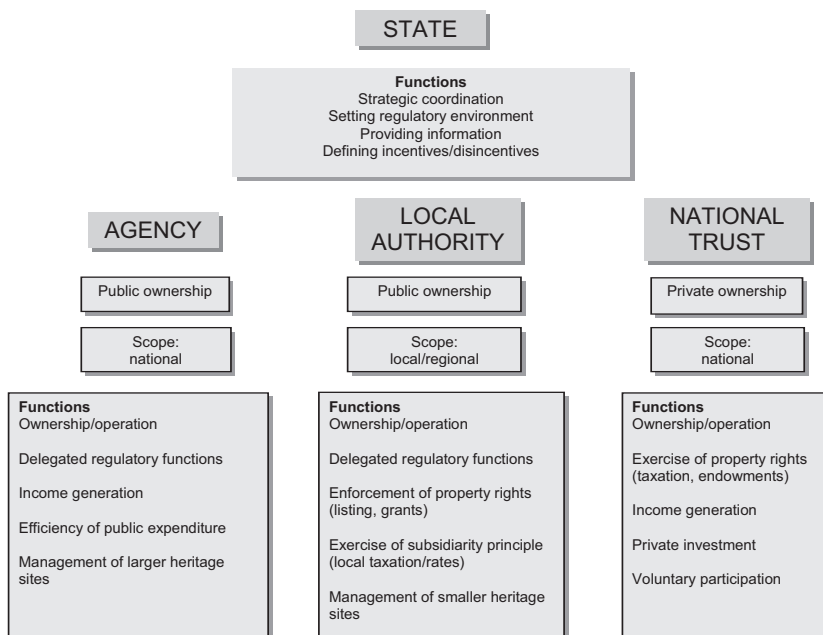
Heritage, in other words, conforms to what Mason and Mitroff (1998: 42) have famously described as a 'wicked' problem. Virtually all countries are at present wrestling with how to find effective organisational solutions to the challenges posed by the heritage explosion of the past few decades. One of the characteristics of 'wicked' problems is that they set in train iterative processes: finality is usually not achievable. 'Like a Faustian bargain,' say the authors (Mason and Mitroff, 1998: 46), 'they require eternal vigilance'. But vigilance is better than a complacent assumption that limited tinkering will suffice to dispel the wickedness.

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APPENDIX 6.1: MAPPING THE POLICY TOOLS ONTO THE MOST APPROPRIATE STRUCTURES



APPENDIX 6.2: OPTIMISING STRUCTURES FOR MANAGING HERITAGE: FUNCTIONAL APPLICATION OF TOOLS



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