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ACAWA-GR CONFERENCE PROCEEDINGS

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Ensuring high quality in safeguarding Cultural Heritage

The vital importance of protecting the title
and regulating the profession of
Conservation-Restoration in Europe

The Current Situation in Switzerland Concerning the Regulation of Professions in “Conservation- Restoration” and the Protection of the Title “Conservator-Restorer”

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The Current Situation in Switzerland Concerning the Regulation of Professions in “Conservation-Restoration” and the Protection of the Title “Conservator-Restorer”

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SHORT INTRODUCTION OF THE SWISS ASSOCIATION FOR CONSERVATION AND RESTORATION

The Swiss Association for Conservation and Restoration (SKR/SCR) was founded back in 1966. It supports all efforts to protect and professionally preserve the art as well as cultural assets and acts for the interests of its member conservators and restorers. These members are employed and self-employed professionals of all disciplines from all cultural and linguistic regions of Switzerland. They represent the vast majority of conservators-restorers working in Switzerland. In 1991, the SKR/SCR was a constituent member of the European Confederation of Conservator-Restorer's Organisations (E.C.C.O.). It works closely with national and international associations in the field of cultural property conservation. The SKR/SCR is based on its professional profile, its code of honour, and E.C.C.O.'s internationally recognised ethical documents “Professional Guidelines”.

ABSTRACT

The following article aims to depict the current legal background for conservators-restorers in Switzerland. It does not claim to contain all information on the subject.

The introduction in chapter one describes that neither the professions in “Conservation-Restoration” are regulated nor the professional title “Conservator-Restorer” is protected. Chapter two deals with the working life of conservators-restorers in Switzerland, which is often affected by various difficulties, like employment insecurity or lack of approval. Nonetheless, the role of conservators-restorers to accomplish quality assurance in safeguarding cultural heritage is partially established. As a federal state, Switzerland is organised on a federal, cantonal, and communal level. There are many laws, political agencies, and public institutions dealing with cultural heritage and its protection on these three levels. Chapter three will take a look at the federal regulations first. Afterwards, it continues with a focus on the cantonal regulations of the exemplary canton Bern. Communal law will not be discussed. In summary, conservation and restoration are mentioned only seldom and unspecific in federal and cantonal laws. Additionally, up to this date, a general law for the protection of explicitly all Swiss cultural heritage does not exist.

This article closes with a summary in chapter four and with an outlook in chapter five on the challenges of regulating the professions and protecting the title. There are a lot of questions and tasks, which will keep the SKR/SCR occupied for the next years.

1. INTRODUCTION

In Switzerland, there is no legislative or administrative regulation of professions in the field of “Conservation-Restoration” [1]. Therefore, also the professional title “Conservator-Restorer” is not protected. Generally speaking, even someone without any training can call him- or herself a “Conservator-Restorer” and work on cultural heritage without legal consequences.

Nevertheless, federal law protects titles gained through higher education like “Bachelor of Arts in Conservation” and “Master of Arts in Conservation-Restoration” [2]. Furthermore, conservators-restorers with an active working life and a master’s degree or an equivalent education have the option of becoming full members of the SKR/SCR and of adding the abbreviation “Konservator-Restaurator SKR/SCR” to their title [3]. Emphasising the titles of higher education and membership in the SKR/SCR are two practices of showcasing professional qualification.

However, confusion about the title “Conservator-Restorer” is added by related professional groups. On the one hand, there are several professions in the field of cultural heritage with vocational and/or academic training which integrate restoration into their field of work [4] or include the term “Restorer” in their professional title [5]. Moreover, in Switzerland, the term “Conservator” is occupied by historians and art historians curating exhibitions in museums. For this reason, members of the SKR/SCR favour the twin title “Conservator-Restorer”. On the other hand, after additional training of two years and a final exam, craftsmen and -women in monument preservation are called “Handwerker/in in der Denkmalpflege mit eidgenössischem Fachausweis (FA)” [6]. While this degree is clearly differentiated from the title of the “Konservator-Restaurator” in the German language, the French version of the degree “Artisanes/artisans en conservation du patrimoine bâti avec brevet fédéral (BF)” [7] is partially similar to the title “Conservateur-Restaurateur” in the French language.

All in all, the knowledge about the distinctions between these differently trained groups is not spread widely in public, universally accepted definitions of competencies and responsibilities are missing, and there is a certain lack of quality assurance.

2. CONSERVATION-RESTORATION IN SWITZERLAND

2.1. Different Fields of Work

Institutions taking care of material cultural heritage can theoretically be divided into the following fields of work: archives and libraries, museums and collections, preservation of monuments including historical buildings, as well as archaeology. Conservators-restorers working in these fields protect and preserve movable objects and immovable monuments with significant historical, cultural, and aesthetic value. They usually do not take care of immaterial cultural heritage. The different fields of work often exhibit different starting points concerning valid legislation and existing institutions with inherent guidelines.

2.2. Education and Training

The academic path of education is covered by the “Swiss Conservation-Restoration Campus” with four places of study and eight specialisations. The Bachelor’s program usually requires three years of education, and the Master’s program two. The “Abegg-Stiftung” in Riggisberg provides education in textile conservation and restoration [8]. At the “Haute Ecole Arc Conservation-restauration” in Neuchâtel students specialise in archaeological and ethnologic objects or scientific, technical, and horologic objects during Master studies [9]. The “Hochschule der Künste Bern” offers four directions: architecture and furnishing, paintings and sculptures, graphics, written materials and photography, as well as modern materials and media [10]. In the “Scuola universitaria professionale e della Svizzera italiana” in Mendrisio all students specialise in the conservation and restoration of wall paintings, stucco works, and architectural surfaces [11].

The professional training of craftsmen and -women in the field of monument preservation is supported and partly organised by various institutions related to the preservation of monuments and arts and crafts [12]. The training lasts two years and is targeted at already trained craftsmen and -women with experience in the cultural heritage sector [6]. There are eight specialisations again: gardening, timber work, painting, masonry and plastering, furniture and interior work, natural stone, paving and dry masonry, as well as stucco [6].

2.3. Employment Conditions

At first, it can be recorded that within the members of the SKR/SCR, the representation of professionals working in employment and in self-employment is approximately equal. A survey among the members of the SKR/SCR was carried out in 2020 and 152 addressees filed the survey [13]. 72 participants of the survey work as employees (47,4%) and 80 participants as freelancers (52,6%).

Secondly, there are differences in wages in the community of conservators-restorers. For many, the earnings in the private sector are less than in the institutional sector. However, the salary grades of the federal, cantonal, and communal institutions show that the occupational group of conservators-restorers normally is classified closer to craftsmen and -women than to employees with an education in science or humanities.

Thirdly, employment security largely varies in the private and institutional sectors. In the institutional sector employment security is usually much better, at least for those with a permanent position. A traditional lifelong career is then possible. In the private sector, generally speaking, many employees have a very unstable perspective. Workshops, working with movable objects, usually operate under a constant workload over the whole year. Workshops, specialised in fieldwork, are usually faced with lesser employment opportunities during the winter months. Unfortunately, again and again, conservators-restorers with a good education are not able to earn their living off of work in their profession.

At last, it is important to look at the gender gap in the professions of academically educated conservators-restorers. There is a much bigger number of women than men studying and working in conservation-restoration. In SKR/SCRs survey of 2020 [13], almost two-thirds of the participants identified as female (62,5%) and almost one-third as male (28,3%). The rest of the participants made no statement on their gender (9,2%). Furthermore, 73,6% of the participants working in employment identified as female. The number of women and men working in self-employment showed to be more balanced with 52,5% of confirmed women among the participating freelancers.

2.4. Lack of Approval

Often, conservators-restorers of the association SKR/SCR are confronted with a lack of knowledge or disregard towards their skills and expertise in their working life. By word of mouth, many conservators-restorers in Switzerland have the perception of not being at eye level, for example, with historians and art historians in the field of museums and collections or with architects in the field of monument preservation. The most common professions in the departments of monument preservation actually are architects, historians, and art historians. Conservators-restorers are hardly represented.

2.5. Quality Assurance

There are two very important tools for all conservators-restorers in quality assurance: the condition reports and the intervention reports on movable objects and immovable monuments. They are generally required and usually generated by conservation professionals. Additionally, conservators-restorers in museums and collections influence the loan agreements for movable objects concerning terms and conditions for handling, transport, and exhibition. Another quite common instrument for conservators-restorers is the annual reports of institutions. Thus, conservators-restorers do have a partial impact on achieving quality assurance in the preservation of cultural heritage.

3. FEDERAL AND CANTONAL REGULATIONS

3.1. Introductory Words

Switzerland, officially named Swiss Confederation, is a democratic, constitutional, and federal state. It consists of 26 cantons, which are sovereign in part. The capital Bern is the seat of the legislative authority, the parliament, and of the executive authority, the government. Within the "Federal Constitution of the Swiss Confederation", the responsibility for the protection of nature and heritage as well as for culture is assigned to the cantons [14].

Nevertheless, many laws, contracts, institutions, and guidelines deal with Swiss cultural heritage and its protection on different levels of competence.

On the one hand, there is the international level. As a signatory state of various international treaties, for example, "The World Heritage Convention" of UNESCO from 1972 [15] or "The Granada Convention" of the Council of Europe from 1985 [16], Switzerland is integrated into an international legal system.

On the other hand, in Switzerland, there are the federal, cantonal, and communal levels and within these, there are superior and subordinate laws. The wording of these laws is not always clear concerning cultural heritage. This difficulty already appears in the most important legal document, the federal constitution. Article 78 on the protection of nature and heritage, for example, determines the protection and preservation of landscapes, townscapes, historic sites, natural monuments and cultural monuments [14]. The German equivalent of the last keyword, "Kulturdenkmäler", is not a clearly defined term. The term "monument", something immovable by trend, could be replaced by the term "memorial", any object bearing witness of a former culture, movable or not. In any case, with the attribution of responsibility for the protection of nature and heritage to the cantons, the responsibility for the preservation of monuments and archaeology explicitly lies to a large extent with the cantons. Consequently, there are 26 different concepts of mo-

numents law in the Swiss legal system, depending on the respective canton. Incidentally, article 69 of the federal constitution on culture mainly enables the Confederation to support various cultural efforts in the public interest [14].

3.2. Regulations on the Federal Level

3.2.1. Existing Federal Laws

On the federal level, there is a superior law on the protection of cultural property in the event of armed conflicts, disasters, and emergencies [17]. It states the possibility for the Confederation to demand the preservation of cultural heritage assets in such cases. The terms “conservation” and “restoration” are not mentioned. Another superior law deals with the transfer of movable cultural heritage items [18]. This law allows the export of Swiss cultural heritage items for reasons of conservation treatments as well as financial support of such treatments on foreign cultural heritage items, being located in Switzerland.

Coming to the different fields of work for conservators-restorers, on the one hand, there are superior federal laws on very specific institutions, like the museums and collections of the Confederation [19] and the “Swiss National Library” [20]. These laws include single statements about preservation, but do not imply statements on conservation or restoration. A subordinate federal law on the promotion of museums, collections, and third parties concerning the preservation of cultural heritage does not mention conservation or restoration in particular either [21]. However, the subordinate federal law on the “Library at the Guisan Square” mentions at least the task to take care of professional and competent conservation and restoration [22]. One superior law and one subordinate law on archiving regulate the archiving of documents of different institutions, all with federal tasks. The former law enables the government to commission one specific institution, the “Federal Archive”, with works of conservation-restoration for third parties [23]. The latter law limits the reproduction of documents due to conservation reasons [24]. On the other hand, in the fields of monument preservation and archaeology, a superior law and its corresponding subordinate law on the protection of nature and heritage are generally applicable and essential at the federal level [25], [26]. Again, both laws include the terms “protection” and “preservation” of townscapes, historic sites, and cultural monuments several times, but not the terms “conservation” and “restoration”.

To conclude, the representation of conservation-restoration in this collection of federal laws is meagre. Only a few federal laws on specific institutions and subjects mention the terms “conservation” and/or “restoration”.

3.2.2. Federal Political Agencies

The most important agency on the federal level is the “Federal Office for Culture” (BAK). It aims to protect and preserve the material and immaterial Swiss cultural heritage and manages museums, collections, libraries, and archives owned by the Confederation. Also, it helps other institutions of the same kind financially [27].

The “Federal Commission for Monument Preservation” (EKD) inside of BAK is an independent, advisory committee of experts [28]. It supports the federation, cantons, and communes with the protection and preservation of townscapes, monuments and archaeological sites, for example with its “Guidelines for the Preservation of Built Heritage in Switzerland” [29]. Nonetheless, the main responsibility for monument preservation as well as for archaeology still lies in the hands of cantonal and communal departments.

Also important for the protection of Swiss cultural heritage is the “Department for the Protection of Cultural Property” [30] inside of the “Federal Office for the Protection of the Population”. It deals with this subject in close collaboration with BAKs “Specialised Body for the International Transfer of Cultural Property” and BAKs “Section Built Heritage” [31].

3.2.3. Public Institutions in Switzerland

An important public institution for Swiss cultural heritage is the “National Information Center about Cultural Heritage” (NIKE). It aims to anchor cultural heritage deeply into Swiss society and politics and comprises 41 member organisations from all sectors of cultural heritage [32]. Exemplary members of NIKE are the “International Council of Museums Switzerland” and the “Swiss Museums Association” [33]. They provide information and guidelines for their members concerning a wide range of themes, which apply to conservation-restoration, too. Fortunately, the vast majority of museums acknowledge the importance of hiring conservators-restorers with a master’s degree.

3.2.4. Federal Legislative Procedures

In Switzerland, the regulation of professions and the protection of professional titles takes place via legislative procedures. In SKR/SCRs opinion the protection of Swiss cultural heritage should be a federal competence and should be regulated on a federal level.

A new federal law is usually drafted by the government, but it can also be initiated by members of parliament, a parliamentary group, and a commission or be proposed by a canton [34]. Before a law reaches the federal parliament, where the dialectic discourse of its two chambers begins, a consultation takes place on the cantonal level and by civil society, modifying the draft in detail [34]. Additionally, during the discourse of the federal parliament, citizens with voting rights and eight cantons can seize a facultative referendum and enforce a popular vote [34]. Overall, passing a new federal law is a complex and tedious procedure, which takes at least one year up to more than ten years.

Interestingly, at this very moment, a legislative procedure on the preservation of Swiss cultural heritage is taking place. A motion by the “Commission on Science, Education, and Culture of the Council of States” demands a draft law on this subject by the end of 2022, which should comprise all cultural sectors, and therefore enable a superordinate strategy for the preservation of Swiss cultural heritage [35].

3.3. Regional Regulations in Canton Bern

3.3.1. Existing Cantonal Laws

First of all, in chapter 3.1., the “Constitution of the Canton Bern” [36] refers to article 78 of the federal constitution. Here, the word of law speaks of the protection of the environment, landscape and heritage. The subject is separated into two articles, 31 on the environment and 32 on landscape and heritage. Latter finally uses the term “cultural assets” alongside land- and townscapes and natural monuments deserving protection. A superior cantonal law on the promotion of culture in Bern sets the preservation of cultural heritage as a goal but does not include the terms “conservation” and “restoration” [37]. Article four specifies that cultural heritage should be preserved according to certain legislations, which are not further specified. A subordinate law on the same subject at least lists several museums and libraries as cultural institutions of national significance, which can be supported financially by the canton [38].

A superior law on archiving also strives for the protection of cultural heritage [39]. It gives conservation reasons reasons for restricting the public accessibility of archival materials.

Furthermore, it determines that the State Archive must run a restorer's workshop and fulfil tasks of preservation and restoration.

Since the cantons must include objectives from federal law in their cantonal legislation, in legislations of Canton Bern, the terms "conservation" and "restoration" most often occur in the context of the preservation of monuments. A superior law in this field of work, for example, mentions the terms "conservation" and "restoration" concerning scientific examinations of movable archaeological findings [40]. Moreover, the preservation and restoration of monuments are identified as reasons for financial support from the canton, as long as the monuments are under official declarations of protection. A corresponding subordinate law mentions the latter terms multiple times, mainly also concerning financial support for such treatments [41]. Furthermore, it deals with an official register on movable monuments and with official declarations of protection for immovable monuments. Unfortunately, the situation for conservators-restorers in Canton Bern is not enhanced by cantonal laws. Just like the federal laws of Switzerland, cantonal law in Bern rarely explicitly deals with conservation and restoration.

3.3.2. Political Agencies in Canton Bern

The political agencies in Canton Bern are to a great extent responsible for the practical implementation of the openly formulated laws on the preservation of cultural assets. As relevant political agencies in Canton Bern the "Directorate for Education and Culture" and therein the "Office for Culture" with its "Promotion of Culture", its "Archaeological Service", and its "Preservation of Monuments" are to be mentioned [42].

3.3.3. Legislative Procedures in Canton Bern

The "Grand Council of Canton Bern" is responsible for the legislation of new laws [43]. Its members can bring up subjects, initiate the drafting of laws and place orders with the "Council of Government", the executive authority, with several parliamentary instruments. Even though federal regulations for the protection of Swiss cultural heritage and the professional field of conservation-restoration are desirable, it would be reasonable to take into account that the path of legislative procedures on the cantonal level might be more promising. Members of cantonal parliaments might be more approachable and their instruments might be easier to apply.

3.4. Concluding Words

In Switzerland, the laws on the federal and cantonal levels are often unspecific about the regulation of responsibilities in the protection and preservation of Swiss cultural heritage. Neither the role of conservation and restoration in general nor the role of the differently trained specialists in this professional field is defined in detail.

Legal background and the requirements for conservators-restorers may differ, depending not only on the canton, but also on the field of work, the specialisation, and the institutions within which one is active. All in all, the practical implementation of this legal and administrative background is rather difficult and complex.

4. SUMMARY

To sum up, this article reflects how little support conservators-restorers get through political and public acknowledgement at the moment. They can hardly lean on legislative regulations when they argue for their expertise, their working conditions, and their wages. The present federal and cantonal laws do not shed much light on how to protect and

preserve cultural heritage exactly, on who is qualified to carry out these works, or on how quality assurance could be accomplished.

In this respect, it would be helpful to have a general and consistent law on the protection and preservation of all Swiss cultural heritage. This law and corresponding regulations should cover all fields of work in conservation-restoration and define the qualifications, competencies, and responsibilities of the differently trained specialists in detail.

If more positions in the cultural heritage sector open up for conservators-restorers, invaluable expertise could be added to the preservation of Swiss cultural heritage.

5. OUTLOOK

A lot of conservators-restorers are united in seeing the need for improvement in different aspects of their working life. This could be achieved by changes in the legislative and administrative regulations. The SKR/SCR strives for consistent and universally accepted regulations of the protection of Swiss cultural heritage as well as of the indispensable role of conservation-restoration in it. Another goal of the SKR/SCR is to improve public knowledge about the different professions in conservation-restoration, with their different titles and different competencies. While, in monument preservation and archaeology, cooperation between supplementary trained craftsmen and -women and academically trained conservators-restorers is encouraged or even requested in bigger projects, there is much space to further increase synergies between the two groups.

Following the path of federal and/or cantonal legislative procedures will be challenging for the SKR/SCR regarding resources like the amount of time and financial investment. Nonetheless, a federal legislative procedure on the preservation of Swiss cultural heritage is on its way right now (see chapter 3. 2. 4.) and might still be a good opportunity for the SKR/SCR to jump into the discussion. As a preliminary step for further proceedings, it would be beneficial to collect and analyse different institutional attachments, comparable with the “Professional Guidelines” by E.C.C.O. or with the “Guidelines for the Preservation of Built Heritage in Switzerland” by Swiss EKD (see chapter 3. 2. 2.). These guidelines could offer a basis for appropriate and consistent legislative regulations in the future. As another step, the SKR/SCR will organise a round table in Spring 2023 to gather more information on challenges, strategies, and common procedures. For this occasion, the SKR/SCR would like to invite representatives of different professions in health care [44] and of the professional groups of psychologists [45] and patent attorneys [46]. All these groups recently went through the federal legislative procedures regarding professional regulation and/or title protection successfully. Additionally, the SKR/SCR would like to welcome colleagues with experience on this topic from the European conservation-restoration environment.

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