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LEGAL AND ORGANISATIONAL MEASURES FOR PROTECTING MONUMENTS AGAINST FLOODING: LEARNING FROM THE 2024 FLOOD

Abstract. The publication focuses on legal and organisational measures serving to protect cultural heritage during flooding, considered in the context of events that took place in Poland in September 2024. Our aim was to identify legal and organisational tools for protecting cultural heritage, such as monuments, during times of flooding. The article employs theoretical methods, such as review and analysis of legal and organisational measures for protecting monuments against flooding. Government and ministerial documents as well as relevant literature were analysed. Our analysis was descriptive and analytical and relied on secondary data. Of the many legal and organisational measures serving to protect monuments from flooding and respond to their consequences, the following measures should be highlighted: law, governmental guidelines, national and international aid programmes, appointment of a coordinator for the protection of monuments in the event of flooding, the creation of national financial reserves, and international cooperation.

Keywords: crisis management; cultural heritage; monument protection; flood

INTRODUCTION

The increase in the frequency and intensity of extreme weather events, such as floods, torrential rains and droughts, poses a significant threat to cultural heritage in Central Europe (Cacciotti et al., 2021). Crisis management systems face numerous weaknesses; for example, global flood risk assessment systems

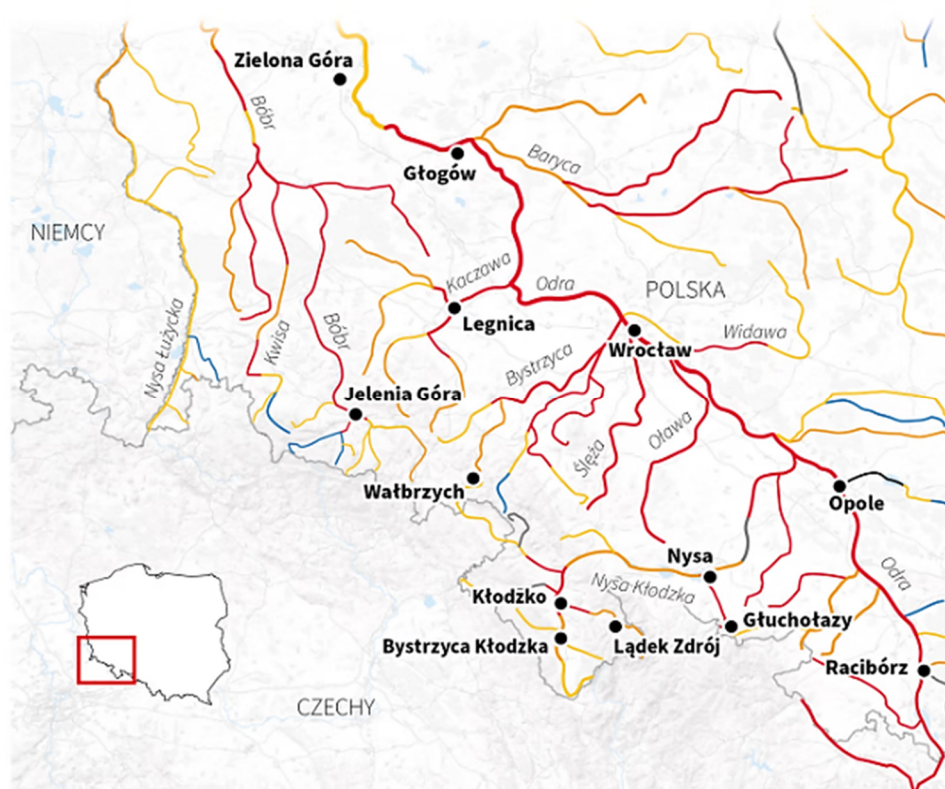
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are not sufficiently precise in identifying threats to historical monuments, which limits the possibilities for their effective protection (Nobile et. al, 2025). On the other hand, it is possible to take measures to protect cultural heritage, for example by locating buildings appropriately in relation to watercourses, avoiding the placement of valuable heritage objects in flood-prone areas, using durable construction materials, carrying out regular maintenance work, and implementing preventive and intervention measures related to flooding (Momčilović Petronijević and Petronijević, 2022). Another important element is the implementation of advanced vulnerability analyses based on historical data on flood damage, which enables more accurate risk assessment. It is also necessary to develop heavy rainfall scenarios which consider climate change and the insufficient capacity of current flood protection systems in cities (Kim and Sung, 2024). It should be emphasised that the process of assessing the vulnerability of historic buildings to flood damage is complex, as many scientific aspects and interests of various participants in the process should be considered, which further complicates risk assessment (Ceulemans et al., 2025). Undoubtedly, effective protection of cultural heritage requires interdisciplinary cooperation between specialists and openness to diverse approaches, which is crucial for effective flood risk management (Nedvědová and Pergl, 2013, p. 451). The effects of flooding can be mitigated by applying appropriate legal and organisational measures, which are described in this article using the example of the flood that occurred in Poland in 2024.

In September 2024, Poland once again faced a natural disaster. Heavy rains, rapid river flooding and localised flooding mainly affected the south-western part of the country. The flooding occurred mainly in the provinces of Lower Silesia, Opole, Silesia and Lubusz, as well as in small areas of Lesser Poland, West Pomerania and Greater Poland. During the flooding, water overflowed flood defence structures. A state of natural disaster was declared in 231 municipalities, including 39 counties and 4 cities with county rights (Państwowe Gospodarstwo Wodne Wody Polskie, 2025). The legal basis for its declaration was the Regulation of the Council of Ministers of 16 September 2024 declaring a state of natural disaster in parts of the Lower Silesian, Opole and Silesian Voivodships (Regulation, 16 September 2024) and the Regulation of 28 September 2024 declaring a state of natural disaster in parts of the Lower Silesian and Lubusz voivodships (Regulation, 28 September 2024).

Figure 1. Water level zones in selected sections of rivers in the Oder basin



Note. Red = over alarm level, orange = over warning level, yellow = high level, blue = medium level, black = low level. Source: MapTiler, Hydro IMGW-PIB (September 18, 2024).

The natural disaster claimed lives and caused enormous material damage. Over 280 local government units suffered losses in municipal infrastructure (Główny Urząd Statystyczny, 2025). The effects of the flood also affected 475 buildings listed in the Cultural Register of Monuments, including 18 in the Silesian Voivodship, 183 in the Opole Voivodship, 240 in the Lower Silesian Voivodship, and 34 in the Lubusz Voivodship. Among the registered immovable monuments, 27 churches and 59 parks were flooded, and 9 monuments entered in the register, located outside the area of the natural disaster, were flooded or damaged as a result of heavy rainfall, including the fortress in Kostrzyn nad Odrą. In addition, 3,850 historic buildings entered in the Municipal Register of Monuments were destroyed, including 309 in the Silesian Voivodship, 1,358 in the Opole Voivodship, 2,120 in the Lower Silesian Voivodship and 63 in the

Lubusz Voivodship (Państwowe Gospodarstwo Wodne Wody Polski, 2025). The issue of damage to historic buildings was discussed by the Sejm in a session of the Culture and Media Committee, when Marlena Happach, acting director of the National Heritage Institute, pointed out that “729 buildings from the register of monuments were flooded, and 355 were listed. Unfortunately, we know that at least 40 buildings from the register of monuments have been damaged” (Darmoros, 2024). During the floods that took place in Poland in September 2024, the following buildings, among others, were damaged: the 17th-century Franciscan monastery in Kłodzko, the 17th-century parish church of the Nativity of the Blessed Virgin Mary in Łądek-Zdrój, the 17th-century Bishop’s Palace in Nysa, and the Bastion of St. Hedwig in Nysa from 1775 (Ministerstwo Kultury i Dziedzictwa Narodowego, 2024).

1. METHODOLOGICAL BASIS FOR RESEARCH ON THE PROTECTION OF HISTORICAL MONUMENTS IN FLOOD CONDITIONS

This publication relies on descriptive and analytical analysis of government documents, as well as normative analysis of legal regulations relating to the protection of monuments, funding of public tasks and mechanisms for responding to natural disasters. We focused on laws and executive acts, a draft legal act regulating crisis management issues together with its justification, as well as government and ministerial documents (targeted grants for monuments, guidelines, instructions from public administration bodies, reports, official letters). A review of the literature of the subject was also carried out. During the research, secondary data was used. The aim was to compile a catalogue of legal and organisational measures for the protection of cultural heritage in flood conditions. Our research combined a normative perspective (content and effects of regulations), a structural perspective (institutional architecture and support instruments) and a functional perspective (how mechanisms work in practice), which enabled a multifaceted identification of legal and organisational tools for the protection of monuments in the context of the 2024 floods in Poland.

2. LEGAL AND ORGANISATIONAL MEASURES FOR THE PROTECTION OF MONUMENTS AFTER NATURAL DISASTERS

One of the key legal acts constituting an instrument for the protection and care of monuments is the Regulation of the Minister of Culture and National Heritage of 16 August 2017 on targeted grants for conservation or restoration works on monuments entered in the Heritage Treasure List and on conservation, restoration and construction works on monuments entered in the Register of Monuments. This act played an important role in saving monuments after the flood that took place in September 2024 in the voivodships of Lower Silesia, Lubusz, Opole and Silesia, as it makes it possible to apply for financial support. The Minister of Culture and National Heritage took additional support measures by launching a special programme based on the regulation, entitled “Monument Protection 2025”, intended to protect flooded monuments. The aim of the programme was to preserve cultural heritage “by carrying out conservation and restoration work on immovable and movable monuments and making them available to the public” (Ministerstwo Kultury i Dziedzictwa Narodowego, 2025c). The programme provides for three types of assistance. The first is concerned with the protection of immovable and movable monuments – in this case, financial support is provided for conservation, restoration or construction works. The second type involves the protection of immovable and movable monuments, but in the form of reimbursement of costs incurred over the last three years for conservation, restoration or construction works. The total budget for calls for proposals for planned works and reimbursements was PLN 100,625,000. The third type of aid covered flood damage repair, under which financial support could be sought for: 1) the preparation of technical and conservation expert reports, together with documentation and necessary conservation studies, required to carry out work to secure monuments, and 2) preliminary work related to the protection of monuments entered in the register and their conservation (Ministerstwo Kultury i Dziedzictwa Narodowego, 2024). A billion złoty was earmarked in the budget for this purpose. In all three cases, the main condition is that a monument must be entered in the Register of Monuments. Notably, ‘monument’ refers to immovable property or a movable object, as well as “parts or complexes thereof, which are man-made or related to human activity and constitute evidence of a past era or event, the preservation of which is in the public interest due to their historical, artistic or scientific value” (Act, 23 July 2003). The results of the calls for proposals for the programmes “Protection of Immovable and Movable Monuments 2025 – Planned Works”, “Protection

of Immovable and Movable Monuments 2025 – Refunds” and “Removal of Flood Damage to Monuments Entered in the Register of Monuments – Planned Works”, announced by the Minister of Culture and National Heritage, show that 109 entities received funding under the third programme for a total amount of PLN 58,521,119 (the smallest amount of funding was PLN 25,000, the highest amounts were PLN 5,000,000 (St. John’s Bridge from 1565 in Łądek-Zdrój), PLN 2,940,000 (the 17th-century Parish Church of the Nativity of the Blessed Virgin Mary in Łądek-Zdrój), PLN 2,871,519 (the Town Hall from 1537 in Łądek-Zdrój) (Ministerstwo Kultury i Dziedzictwa Narodowego, 2025a).

The appointment of a coordinator for tasks related to flood damage repair can be considered an organisational and legal measure aimed at repairing monuments after a flood. This instrument is designed to coordinate government activities in the field of flood damage repair in south-western Poland (Kancelaria Prezesa Rady Ministrów, 2024). Another organisational and legal option is to apply for financial assistance from an international organisation. On 29 November 2024, the Minister of the Interior and Administration applied to the European Union (European Commission) for financial assistance from the EU Solidarity Fund in connection with the floods that occurred in September 2024 in south-western Poland. The total amount of expenditure and losses incurred in infrastructure, as reported by voivodship governors and ministries, exceeds PLN 13 billion (MSWiA, 2024). Reserves can be regarded as another organisational and legal measure. “The essence of a crisis management reserve is the unpredictability of expenditure that may occur after a threat materialises [...]. The funds earmarked in the reserves are intended to cover sudden, unforeseen expenditures” (Resolution, 8 May 2013). Furthermore, “funds from the reserve for the implementation of own tasks in the field of crisis management may only be used for the purposes specified in Article 2 of the Crisis Management Act”, i.e. for “the activities of public administration bodies that are part of national security management, which consist in preventing crisis situations, preparing to take control of them through planned actions, responding to crisis situations, removing their effects and restoring critical resources and infrastructure” (Resolution, 16 July 2013). The Budget Act of 18 January 2024 for the year 2024 established specific reserves for crisis management in the section on “public safety and fire protection”. In addition, the Act of 16 September 2011 on special measures related to flood damage repair provides the legal basis for the minister responsible for public finance to create special-purpose reserves in the budget year in which the flood occurred. Special-purpose reserves are created to finance flood damage repair.

According to the current Crisis Management Act (Act, 26 April 2007), crisis management procedures concerning monuments may only be activated in situations where an event has a significant negative impact on property. Work is currently underway to improve the crisis management system, which raises the question: does the bill amending the Crisis Management Act in force provide for the protection of cultural assets, including monuments, and if so, how? In answering this question, it should be noted that the draft act (ref. no. UC47), submitted by the Government Legislation Centre for consultation (Draft act, UC47), contains a proposal to extend the definition of a “crisis situation” to include these issues. According to the draft, a crisis situation will be understood as “a situation that negatively affects the level of [...] cultural heritage, causing significant limitations in the functioning of the relevant public administration bodies due to insufficient forces and resources or disruptions in the functioning of these bodies”. The introduction of the proposed definition of a “crisis situation” would mean that cultural heritage would be protected regardless of the extent of the damage. Furthermore, it needs to be clarified what prompted the legislator to introduce the changes. The current act on crisis management is not fully compliant with the law of the European Union, of which Poland is a member.

Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 clearly states that “the protection provided under the Union Mechanism shall cover primarily people, but also the environment and property, including cultural heritage [...]” (Article 1(2)). The proposed amendments to the Crisis Management Act are therefore not solely the result of Polish reflection following the 2024 flood experience but constitute the fulfilment of obligations towards the EU in the area of harmonisation of Member States’ laws. The decision defines a “natural disaster” or “catastrophe” as “any situation which causes or is likely to cause serious consequences for [...] property, including cultural heritage” (Article 4(1)). It is important to note that in the decision, the European Commission drew attention to “the need to strengthen the protection [...] of cultural heritage” (Article 13(2) of the decision).

The third argument in favour of supplementing the definition of a “crisis situation” with the protection of cultural heritage is that “the lack of regulations concerning the protection of cultural heritage may result in this issue not being taken into account in the emergency preparedness management system currently being developed, in particular in public administration at various levels, including through planning, organisational, training and control activities. Furthermore, it deprives cultural institutions that hold collections regarded as

national heritage of the possibility of using the human and equipment resources of entities specialising in rescue operations” (Rządowe Centrum Legislacji, 2024).

An important legal act concerning flood recovery measures is the Act of 16 September 2011 on special measures related to flood damage repair, which grants a so-called renovation bonus if the renovation project includes the repair of damage caused by flooding. Importantly, under Polish law, monuments are protected regardless of the occurrence of a crisis situation. Under the Act of 23 July 2003 on the protection and care of monuments, public administration bodies are legally obliged to take measures to protect monuments, including “preventing threats that could cause damage to the value of monuments”. Furthermore, when defining “strategies, analyses, plans and studies” concerning the protection of monuments, “solutions necessary to prevent threats to monuments, ensure their protection during the implementation of investments and restore monuments to the best possible condition” are specified. The act was followed by the Regulation of the Minister of Culture of 25 August 2004 on the organisation and method of protecting monuments in the event of armed conflict and crisis situations, which requires that monuments be protected in emergency situations through “the design and execution of engineering and technical works to secure monuments, such as [...] protection against the effects of [...] floods” (§ 1(3)(5)). In addition to legal acts, including executive acts, programmes and national strategies for the protection of monuments, there are also documents developed by experts and published online, for example: “Recommendations for museums on preparing for emergencies and war” (Narodowy Instytut Muzeów [NIM], 2023), a collection of publications entitled *Ochrona dóbr kultury w sytuacjach kryzysowych* (Protection of cultural property in crisis situations and armed conflicts) (*Zbiór publikacji*, n.d.), *Instrukcja ochrony zabytków na wypadek powodzi* (Instructions for the protection of monuments in the event of flooding) (Narodowy Instytut Dziedzictwa, 2024).

Finally, it is worth mentioning the conclusions of two audits carried out by the Polish Supreme Audit Office (Najwyższa Izba Kontroli [NIK]). The first one concerned the compliance of decisions issued by district authorities on building permits and land development in areas particularly threatened by flooding with the current situation in 2018–2022, which showed that the measures taken by local authorities proved insufficient to effectively limit development in flood-prone areas. The Office also emphasises that the issuance of administrative decisions on development conditions, determining the location of public purpose investments and issuing building permits in areas at risk of flooding took place without prior analysis of the costs that may be incurred in the future by municipalities

for the implementation of infrastructure protecting residents from the effects of floods and inundations, and without taking into account possible losses related to the occurrence of these phenomena (NIK, 2022). A second audit conducted by the Office revealed that the catastrophic floods which affected southern and western Poland in July 1997 clearly and dramatically highlighted the lack of a long-term and annual government strategy for counteracting the effects of flood. An audit carried out by office between September 1998 and January 1999, covering the period from mid-July 1997 to the end of September 1998, showed that despite the passage of time since the disaster, the state of the flood protection system had not improved significantly. A nationwide flood protection management system has still not been developed, investments in water infrastructure have not been increased, and the level of hydrological and meteorological monitoring of hazards has remained unchanged and insufficient. The introduction of an automatic measurement system has had only limited functionality and has not significantly improved the early warning system (NIK, 2005). On the other hand, as indicated in a study entitled *Powódź 2024 z perspektywy muzealnej. Przygotowanie do sytuacji kryzysowej: reakcja – skutki – wnioski* (The Flood of 2024 from a museum perspective: Preparing for an emergency: response – consequences – conclusions) (NIM, 2024), the analysis of the 2024 flood and museum activities leads to the conclusion that the assumptions and guidelines contained in the study by the National Institute for Museums entitled *Zalecenia dla muzeów w zakresie przygotowania do sytuacji kryzysowej i wojny* (Recommendations for museums in the field of preparation for crisis situations and war) were effectively verified during the flood. Museums set up crisis management teams, monitored the situation (river water levels) and identified objects to be evacuated first. They operated using their own resources and funds, but also with the help of volunteers (NIM, 2024). It is worth noting that in December 2024 a representative of a cultural institution located in the Podlaskie Voivodeship contacted one of the article's authors anonymously by e-mail on the methods used so far to protect works from destruction, moisture, and adverse external conditions, as well as ways to minimize the effects of flooding in the context of destroyed or damaged works of art. He pointed out that his institution takes its own security and protection measures. To this end, it cooperates with specialised contractors, who are financed exclusively from the institution's own funds. In addition, he emphasised that he is aware of the shortcomings of Polish legal instruments regulating the protection of cultural heritage. He described the attitude of local authorities as passive. In his opinion, public administration bodies, including local authorities, prefer to engage in

matters of “greater importance” or issues of local significance, such as the construction of roads, sewage systems or education. The representative of the cultural institution also pointed out that conservation services do not show sufficient interest in protecting local collections in museums, even though cultural institutions in small towns collect “very valuable relics that testify not only to local cultural heritage”.

3. SYSTEMIC CONDITIONS FOR THE PROTECTION OF MONUMENTS IN CRISIS SITUATIONS

One of the legal instruments enabling the launch of specialised financial support programmes for the protection and rescue of monuments in emergency situations, such as the 2024 flood in Poland, is the Regulation of the Minister of Culture and National Heritage of 16 August 2017 on targeted grants for conservation or restoration works on monuments entered in the Heritage Treasures List and on conservation, restoration and construction works on monuments entered in the Register of Monuments, which confirms its central role in the cultural heritage protection system. In turn, the Monument Protection 2025 programme, based on the above-mentioned regulation, systematically combines the objectives of long-term heritage protection (conservation, restoration, making monuments available for public use) with ad hoc repair measures implemented after natural disasters, which indicates the growing integration of monument protection policy with crisis management policy.

The diversity of forms of assistance (financing of ongoing works, reimbursement of expenses already incurred, funds for expert opinions and flood protection work) and the high total level of public funds involved testify to the institutional recognition of the significant scale of needs in the field of monument protection and to the treatment of cultural heritage as a resource requiring priority support in state policy.

Additionally, it should be noted that entering a specific site in the Register of Monuments is a prerequisite for obtaining financial support, which demonstrates that the current model of monument protection focuses on resources that have already been formally identified, which may mean that culturally valuable but unregistered sites are left to themselves and thus more prone to damage or destruction by natural disasters.

The scale of distribution of funds under the programme (number of beneficiaries, variable amount of funding, concentration of the largest amounts spent

on key heritage sites) indicates a selective, hierarchical model of resource allocation, in which monuments of major historical and symbolic value for the national heritage are a priority.

The appointment of a flood damage removal coordinator, the use of international instruments and crisis reserves confirm that the protection of monuments in natural disaster situations increasingly involves a multi-level crisis management architecture covering the national, local and EU levels.

The planned clarification of the meaning of ‘crisis situation’ and the inclusion of cultural heritage directly in the catalogue of assets subject to protection within the crisis management system demonstrate the evolution of the protection paradigm, in which monuments are no longer treated as a marginal category, but become an integral component of the cultural security of the state.

The gap between regulations and spatial and investment planning practices in flood-prone areas, identified in audits by the Supreme Audit Office, points to the need for a stronger link between monument protection instruments and spatial development policy and long-term infrastructure investment planning.

CONCLUSION

The floods that hit Poland in September 2024 caused a lot of damage and, above all, the loss of human lives. The process of rebuilding the region is going to take many years. The adverse phenomenon also caused extensive damage to historical resources. It is therefore necessary to take all measures available to strengthen the system of monument protection and further develop it in a way that ensures effective protection in the future.

Effective protection of monuments in the face of increasing climate threats requires not only a reactive disaster relief system, but primarily a systematic, proactive approach. The protection of cultural heritage should be made a permanent element of spatial planning, flood risk management and public investment programming mechanisms, using coordination and financial tools available at all levels of administration. Only such an integrated, horizontal approach will allow for a real reduction in the vulnerability of monuments to the effects of natural disasters and ensure consistency between the declared protection objectives and the practices of state and local government bodies. In this context, cultural heritage ceases to be solely the subject of conservation protection and becomes part of strategic thinking about cultural heritage security.

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ŚRODKI PRAWNO-ORGANIZACYJNE OCHRONY ZABYTKÓW PRZED POWODZIĄ NA PRZYKŁADZIE WYDARZEŃ Z 2024 ROKU

Streszczenie

Publikacja koncentruje się na środkach prawno-organizacyjnych służących ochronie dziedzictwa kulturowego w obliczu powodzi, na przykładzie zdarzeń, które miały miejsce w Polsce we wrześniu 2024 roku. Celem artykułu było wyszukanie narzędzi prawno-organizacyjnych służących do ochrony dziedzictwa kulturowego, w tym zabytków podczas pojawienia się powodzi. W artykule wykorzystano metody teoretyczne, takie jak przegląd i analizę prawno-organizacyjnych środków zabezpieczających zabytki przed powodzią. Poddano też analizie dokumenty rządowe i resortowe, a także literaturę przedmiotową. Analiza miała charakter deskryptywno-analityczny i opierała się na danych wtórnych. Wśród wielu środków prawno-organizacyjnych zabezpieczających zabytki przed zagrożeniem powodzią oraz możliwości reagowania na jej skutki należy wskazać: prawo, rządowe wytyczne, krajowe i międzynarodowe programy pomocowe, powołanie koordynatora do spraw ochrony zabytków w przypadku powodzi, stworzenie krajowych rezerw finansowych, współpracę międzynarodową.

Słowa kluczowe: zarządzanie kryzysowe; dziedzictwo kulturowe; ochrona zabytków; powódź