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CULTURAL HERITAGE OF THE EUROPEAN UNION: DEFINITION AND CATEGORIES

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Cultural heritage of the European Union is extremely diverse: it combines all of the cultural heritage of its Member States each of which is unique on its own. The importance of cultural heritage is often mentioned and there are a lot of documents in the field of international law aimed at its protection as well as the United Nations Educational, Scientific and Cultural Organization (UNESCO) whose aim is to preserve and promote cultural diversity. But what is the meaning of cultural heritage? What is its content and which categories of cultural heritage are there? In order to understand why exactly the preservation of cultural heritage and its protection from destruction as a result of international armed conflicts, which we have been witnessing for the last years, and different crimes related to its illegal trafficking, is important, it appears to be necessary to give answers to those questions.

1. Definition of cultural heritage

First of all, let's start from having a look at the meaning of the words "culture" and "heritage". By culture we usually understand a way of life of a group of people – their beliefs, experience and values that are passed along from one generation to another one. Heritage, on the other hand, is a group of features such as monuments, traditions and languages that belong to the culture of a particular society and have preserved their importance to this day.

So, what we understand, is that cultural heritage is our bond with the past which plays an important role in shaping our identity in the present. Cultural heritage of the European Union is unique for the reason that it combines those completely different experiences, values and traditions of each of its Member States into one European cultural heritage.

It is mentioned in the Article 167 of the Treaty on the Functioning of the European Union, which is one of the two fundamental treaties of the European Union, that the EU has to contribute to the development of the culture of each of its Member States and respect their national diversity while also ensuring to bring forward the common cultural heritage of the EU. According to it, the EU needs to encourage the cooperation between its Member States and support them in the areas of protection of cultural heritage that

are of European significance while at the same time improving the knowledge in the field of culture and history of European countries [7].

The main aspect of cultural heritage which makes its protection so important is its historical value. Architectural and historical monuments, museums, artefacts, ancient cities which are now protected by the legislation of countries they are situated in, all remind us and the international community of our past that shaped our identities and developed our values to become what it is today.

There are many different views in different international documents or opinions shared by scholars from various countries regarding the definition of cultural heritage. The definition of cultural heritage was first widely given in the Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of UNESCO in 1972.

Another definition, which explains what is understood by cultural heritage very well, is the definition given in the Council of Europe Framework Convention on the Value of Cultural Heritage for Society, also known as the Faro Convention. According to the Article 2 of the said Convention, cultural heritage is a group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. It is also mentioned that it includes all aspects of the environment resulting from the interaction between people and places through time [6].

Some scholars view cultural heritage as cultural values while others think that it is equivalent to the cultural objects. However, another group of scholars think that cultural heritage is something in between those two terms [2].

According to A.N. Panfilov, the difference between cultural heritage and cultural values is that cultural heritage always has a feature of an-

tiquity. The relationship between these concepts can be represented as follows: not every cultural value can be attributed to cultural heritage, but everything that relates to cultural heritage has a cultural value [3].

According to him, cultural heritage has its own features that help us with its differentiation. Said features are:

- anthropogenicity (cultural value is the result of creative activity of human beings)
- possession of a certain, usually big, cultural significance for society (historical, artistic, scientific, etc.)
- authenticity (in the absence of authenticity, an object or object loses its value, its importance that makes it unique and one of its kind) [3].

All the objects of cultural heritage are considered as such regardless of their origin, be it national or international, its type or who it belongs to. The criteria which really matters in defining an object as one of cultural heritage is its value and significance, which has been mentioned earlier, for the society or the population of a certain region or country as a whole. It has to be significant for society as that is what preserves its value over centuries rather than in the period it was created. For example, population of the country and tourists from foreign countries visit museums or historical places to learn and get information about objects or sites that have historical value and shaped the society and world to become what they know it as in the present. That importance and value is what makes it an object of international protection.

We can define cultural heritage as:

- common heritage of humanity regardless of its origin
- our ties to the past
- a group of objects which constitute historical, scientific, artistic and spiritual value
- tangible and intangible values which were created by previous generations and preserved their value to this day

– cultural values and history which embody significance for future generations

– an area of defining human identity

2. Categories of cultural heritage

What has been mentioned above, makes us come to the conclusion that not everything that has existed for a long period of time, sometimes even for centuries, can be considered an object of cultural heritage. But, while the definition of cultural heritage and the features that make it important explain why it is protected by international law, specialized organizations and national legislations and countries' different agencies, it is also necessary to understand what types and categories of cultural heritage there are.

The Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of UNESCO in 1972 defines what should be defined as “cultural heritage”:

– monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

– groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

– sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view [4].

According to UNESCO, cultural heritage can be divided into two main categories:

– Tangible cultural heritage;

– Intangible cultural heritage.

Tangible cultural heritage on the other hand can be divided into its own categories:

– Movable cultural heritage (includes sculptures, manuscripts, paintings, coins)

– Immovable cultural heritage (monuments, historical buildings and archaeological sites)

– Underwater cultural heritage (ship wrecks, underwater ruins and cities).

Intangible cultural heritage is divided into the next categories:

– oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;

– performing arts;

– social practices, rituals and festive events;

– knowledge and practices concerning nature and the universe;

– traditional craftsmanship [4].

All those categories cover a huge number of objects of cultural heritage all over the world some of which haven't been discovered yet while some of them have been completely destroyed or badly damaged during airstrikes, bombs, shootings, fires and other actions as the result of destructive World Wars which took place in the 20th century, civil wars and international armed conflicts.

States are obliged to take necessary actions in order to protect their cultural heritage from future damage or destruction and create measures that could be used during their fight with illicit trafficking of movable cultural heritage. To ensure that effective actions are made to protect and conserve natural heritage on their territories, all the State Parties to 1975 Convention need:

1. to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs;

2. to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate

staff and possessing the means to discharge their functions;

3. to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;

4. to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage;

5. to foster the establishment or development of national or regional centers for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field [4].

Protection of cultural heritage can be provided not only within the state level, but at the same time at the level of international cooperation. And international cultural cooperation should first of all be based first on the fundamental principles of international law. Therefore, being an integral part of international cultural cooperation, provision of the protection of cultural heritage can be carried out by complying norms of international law, especially its universally recognized principles [1, p. 104].

States should criminalize acts that are related to the damage and harm to cultural heritage or trafficking of movable cultural heritage objects while also taking actions intended to strengthen crime prevention and fight with offences related to the cultural property. But which movable cultural heritage objects have to be protected? We can mention the next types of movable cultural heritage objects:

1. authentic pieces of furniture that are at least one hundred years old and present historical value;

2. products of archaeological discoveries;

3. objects of artistic value such as pictures,

paintings and drawings which were produced by hand;

4. sculptures and original works of art;

5. elements of artistic or historical monuments or objects from archaeological sites which were dismembered;

6. unique collections of historic, artistic value;

7. rare specimens of fauna, flora and anatomy;

8. archives related to history of science and technology, the life of world leaders, scientist and artists and to events of national and international importance and etc.

Every single State should make sure that in case their territory is used for trafficking of stolen objects of cultural heritage, the necessary actions are taken to guarantee the return of said objects to their original State and to ensure offenders are brought to justice according to the national legislation or, if the State is one of the Parties to the Convention or international agreement related to the regulation of such offences and legal measures taken to prevent and combat them, according to the said international document.

One of such Conventions is the Council of Europe Convention on Offences relating to Cultural Property, also known as Nicosia Convention, which aims to combat cultural property crimes and create conditions for international cooperation between Member States of Council of Europe and non-member States in that field. It defines the categories of actions related to the cultural heritage considered criminal such as:

– theft and other forms of unlawful appropriation (Article 3)

– unlawful excavation and removal (Article 4)

– Illegal importation (Article 5)

– Illegal exportation (Article 6)

– Acquisition (Article 7)

– Placing on the market (Article 8)

- Falsification of documents (Article 9)
- Destruction and damage (Article 10) [5].

Conclusion

Based on everything that has been mentioned, we can come to the conclusion that cultural heritage is and should continue being an object of intensive protection by national and international legislation. Regarding its definition and categories, it could be said that even though there are a lot of different opinions on its definition,

it still hasn't been fully covered yet. The reason for that is its extremely wide range that is hard to give one single definition to. The categories can continue getting developed with the discovery of new objects that could be considered to have enough value to the society to be considered cultural heritage. And with that, we can expect new documents in the field of cultural heritage, its protection and combating crime related to it which will cover all those new developments.

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İsmayılzadə Nuray Cövdət qızı

AVROPA İTTİFAQININ MƏDƏNİ İRSİ: ANLAYIŞ VƏ KATEQORİYALAR

XÜLASƏ

Avropa İttifaqının mədəni irsi onun bütün üzv dövlətlərinin yüksək dəyərə malik olan mədəni irs obyektlərinin birləşdirilməsinə görə unikalıdır. Mədəni irs anlayışı geniş tədqiq olunsada, çoxşaxəliliyinə görə onun hələ də birmənalı olduğu deyilə bilməz. Onun müxtəlif beynəlxalq sənədlərdə müəyyən edilmiş kateqoriyaları çox genişdir və onların əhatə elədiyi obyektlər həm mədəni irsin aid olduğu dövlətlər, həm də bütün beynəlxalq ictimaiyyət üçün böyük əhəmiyyət daşıyır. Məqalədə Aİ-nin mədəni irsinin konsepsiyası və xüsusiyyətlərindən, habelə onun kateqoriyalarından və bu sahədə cinayətlərə qarşı mübarizəyə yönəlmiş tədbirlərdən bəhs edilir.

Исмаилзаде Нурай Джовдет гызы

**КУЛЬТУРНОЕ НАСЛЕДИЕ ЕВРОПЕЙСКОГО СОЮЗА:
ПОНЯТИЕ И КАТЕГОРИИ**

РЕЗЮМЕ

Культурное наследие Европейского Союза уникально благодаря сочетанию ценных объектов культурного наследия всех его государств-членов. Хотя понятие культурного наследия широко изучено, его нельзя назвать однозначным из-за его многообразия. Его категории, определенные в различных международных документах, очень широки, а объекты, охватываемые ими, имеют большое значение как для государств, которым принадлежит культурное наследие, так и для всего международного сообщества. В статье рассматривается понятие и характеристика культурного наследия ЕС, а также его категории и меры, направленные на борьбу с преступлениями в этой сфере.

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