

PARLIAMENTARY ASSEMBLY OF THE BLACK SEA ECONOMIC COOPERATION
PABSEC

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CULTURAL, EDUCATIONAL AND SOCIAL AFFAIRS COMMITTEE

DRAFT REPORT

on

**The Guidelines for the Programme of the Protection of the Cultural
Heritage in the Black Sea Region**

Rapporteur: **Mrs. Nina ZATSEPINA** (Russian Federation)

1. Introduction

The Sixth Meeting of the PABSEC Cultural, Educational and Social Affairs Committee held in Tbilisi on 12-13 March 1996 decided to complete the work of the Sub-Committee on the Protection of the Cultural Heritage and requested it to present its Draft Report and Draft Recommendation for consideration of the Seventh Meeting of the Committee in Yerevan on 4-5 October 1996.

The specialised Sub-Committee (the first Sub-Committee within the Assembly structure) on the Protection of the Cultural Heritage was set up in accordance with the decision of the Third Meeting of the Committee in Chisinau in September 1994 in order to pursue the activities of the Committee in this field and consider the elaboration of a regional programme for cultural heritage protection. Mr. Malkhaz Baramidze (Georgia) was elected Chairman and Mrs. Nina Zatsepina (Russia) was elected Rapporteur of the Sub-Committee.

The First Meeting of the Sub-Committee was held within the framework of the Fourth Meeting of the Cultural, Educational and Social Affairs Committee in Bucharest on 6-7 April 1995 and its Second Meeting was held within the framework of the Fifth Meeting of the Committee in Cheboksary on 20-21 September 1995.

While preparing this Report, the Rapporteur made use of the information and proposals from the national delegations of Armenia, Azerbaijan, Georgia, Greece, Romania, Russian Federation, Turkey and Ukraine, as well as materials at the disposal of the PABSEC International Secretariat.

2. The Protection of the Cultural Heritage in the PABSEC Member Countries: Previous Contribution of the Committee

The Report on the Protection of the Cultural Heritage of the PABSEC Member Countries (Doc.CC 499/94) and Recommendation 6/1994 (Doc.CC 500/94) were prepared by the Committee at its Third Meeting in Chisinau on 28-29 September 1994 and adopted by the Fourth Plenary Session of the PABSEC General Assembly on 13 December 1994 in Tirana. The Rapporteur is genuinely indebted to Mr. Constantin Dragomir (Romania), who was then Rapporteur on the subject, for his substantial contribution which laid a solid groundwork for further activities of the Committee in this field.

Mr. Dragomir's Report outlined the situation of the cultural heritage protection in the Black Sea region in the European and global contexts, described the regional and national aspects of the problem and put forward broad proposals for cooperation and joint projects in the fields of archaeology, historical and cultural monuments' preservation, art and ethnography.

Recommendation 6/1994 proposed a number of important initiatives aiming to safeguard the cultural heritage in the PABSEC member countries, in particular, with regard to setting up the Black Sea Cultural Heritage Foundation, drawing up national cultural heritage inventories and the consolidated Black Sea Cultural Heritage List, prevention of

illegal export and import of cultural objects, cooperation among museums and archives, cooperation with other international organisations, etc.

The implementation of Recommendation 6/1994 was further reviewed by the Fifth Meeting of the Committee in Cheboksary in September 1995 and the Sixth Plenary Session of the PABSEC General Assembly in Ankara in November 1995.

3. Specific Features of the Cultural Heritage Situation in the Region

The Black Sea geo-cultural region, as cross-roads and a bond between Europe and Asia, East and West since early times, has its own specific features. Here different cultures, traditions and religions have intertwined, influencing and enriching each other. This gives the Black Sea area a prominent place of its own on the global cultural scene. Many monuments from this area have been inscribed on the World Heritage List established under the Convention for the Protection of the World Cultural and Natural Heritage adopted by UNESCO in 1972.

The total number of historical and cultural monuments in the region is enormous. For example, the Standing List of Declared Archaeological Sites and Monuments in Greece (83 volumes) published in 1993 covers 25,000 monuments and sites, the list of protected monuments in the Russian Federation includes 82,000 titles out of which 21,000 are of federal (national) importance, over 100,000 cultural heritage monuments have been registered in Georgia. The cultural heritage of the Azeri people is comprised of over 3.5 million moveable and immovable monuments of history, architecture, urban construction, literature, art, household utensils and archaeological finds. There are 10 million items in the stocks of Ukrainian state-owned museums.

Today one can see serious problems facing the member countries in preserving and protecting their national cultural heritage, especially in the countries where the socio-economic changes and **difficulties of the transition period** have diminished the role of cultural affairs among other national priorities.

Financial constraints are among the fundamental causes of the deteriorating situation in the field of cultural heritage protection in these countries.

Changes in the forms of ownership and **privatisation** may exert a significant impact on the state of affairs in the protection of historical and cultural monuments. On the one hand, the transfer to the private sector of the cultural property that the state cannot afford to maintain may actually contribute to a better preservation and use of monuments themselves while also generating funds for the public budget. On the other hand, privatisation opportunities accompanied by the still existing legal uncertainty may provoke abuses and harm the cultural heritage.

Many known and newly discovered monuments need **restoration**. However, due to financial difficulties, restoration activities have been halted in many countries in transition. In Russia, the state-owned system of restoration agencies has collapsed causing a drastic reduction in the number of highly skilled specialists. In Georgia, the national restoration office which used to restore up to 300 monuments a year has stopped its work due to the

absence of financial resources; almost all **archaeological, art history and ethnographic research** there has been suspended.

A matter of very grave concern for all countries of the region is **illegal export and trade** in cultural heritage objects.

Armed conflicts have led to the destruction of historical and cultural monuments, in particular, in Azerbaijan and Georgia.

4. The Legal Framework

In our view, the Programme should analyse the role and place of such **international legal instruments** as the UNESCO Convention for the Protection of the World Cultural and Natural Heritage, the European Cultural Convention (Paris, 1954), the Convention for the Protection of the Architectural Heritage of Europe (Granada, 1985), the European Convention for the Protection of the Archaeological Heritage (Valetta, 1992), the UNESCO Convention on the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention, 1954), the Paris Convention concerning the measures prohibiting illegal import, export and transfer of cultural goods (1970), and the European Convention on Offences relating to Cultural Property (Delphi, 1985).

Setting out the universally accepted international standards and principles of the protection of the cultural heritage, these documents serve as a legal basis for the activities in this field of UNESCO, ICOMOS (International Council of Monuments and Sites), ICOM (International Council of Museums), the World Heritage Fund and the World Heritage Committee, Council for Cultural Co-operation of the Council of Europe as well as other international and European organisations and third countries with which the Black Sea countries can cooperate in order to exchange experiences, enhance expertise and mobilise resources needed for the cultural heritage protection programmes.

The most reliable guarantee for the improvement of the condition of our national historical and cultural assets is the accession of each member country to the universally recognised international agreements and conventions on the protection of the cultural heritage. However, today many countries in transition may find it difficult to meet the requirements of some of these conventions which envisage substantial public spending.

The problem of protecting the cultural heritage has been approached **at the regional level**, within the framework of the Black Sea Cultural Convention. **The Black Sea Convention on Cooperation in the Fields of Culture, Education, Science and Information** which was signed in Istanbul on 6 March, 1993 stresses the need for cooperation aiming at the preservation of historical and cultural values and historical and cultural monument protection. Article 4 of the Convention states that "the Parties will promote cooperation and joint projects in the fields of ... museums, research and publication of scientific works on archaeology, ethnography, history and art, historical and cultural monument protection, libraries and archives, by encouraging and facilitating:" - "visits to exchange information and to collect materials on protection of historical and cultural values and conservation and cooperation aiming at the preservation of historical and cultural values";

- "organisation of exhibitions of fine art and historical heritage";
- "exchange of exhibits, information as well as experts among museums and other cultural institutions and organisation of joint scientific projects in archaeology and studying ancient civilisations";
- "measures to simplify the access of experts of the Parties archives, library and museum stocks".

The Programme should reflect the **problems of the national legislations** of the PABSEC member countries (assessment of the scope of national legislation in this field, existence of laws on monuments' protection, ways to improve national legislations, a list of laws to be adopted in order to solve successfully the problems of the protection of the historical heritage).

Turkey and Greece which have acceded to most international conventions in the field of cultural heritage protection have also developed and enacted a significant national legislation. In particular, Greece adopted its Law on Antiquities back in 1932. It has been followed over the years by a series of legislative acts dealing with specific aspects of monument protection.

Some countries in transition have already adopted new legislation regarding the cultural heritage protection in line with the international standards and adapted to new political, social and economic realities. In particular, Romania adopted Law No. 11 in March, 1994. A new federal law, "On the Protection and Use of Historical and Cultural Monuments", recently drafted in the Russian Federation, puts forward a wide range of measures aiming not only to preserve historical and cultural monuments, but also to integrate them into an active economic, social and cultural life. The Parliament of Georgia is going to discuss a new law "On the Protection of Cultural Monuments" in October 1996. Museum laws have been recently adopted in Georgia, Russia and Ukraine.

5. The Institutional Framework

In Russia, the system of **state bodies in charge of monument protection** which took dozens of years to establish is now facing a crisis situation: except Moscow and few other regions, no work is being conducted to research, register and popularise monuments. In Azerbaijan, the government practically stopped financing the local branches of the Committee for the Protection and Restoration of Historical and Cultural Monuments. As a result, an irreparable harm is inflicted to monument protection, activities are slowed down to register all monuments using a unified format and to draw up a List of historical and cultural monuments of the Republic of Azerbaijan. A similar situation is observed in other countries in transition.

On the other hand, Greece and Turkey have an established system of monument protection combining government authorities and **non-government organisations**. In Greece, for example, this system looks like this:

Government Authorities:

- a. Ministry of Culture (regional services, Central Archaeological Council, regional archaeological councils)
- b. Ministry of National Education (Research Programme. university excavations)

c. Ministry of Environment, Regional Planning and Public Works (declaration of archaeological sites situated outside the limits of inhabited areas and city plans)

Non-government organisations:

- a. The Athens Archaeological Company which makes a significant research contribution
- b. The Unions of the Friends of Museums which conduct important activities for the protection of objects, monuments and sites constituting elements of the cultural tradition and heritage
- c. Foreign Archaeological Schools in Greece which have made an outstanding contribution to the protection of the cultural heritage (American Archaeological School, French Archaeological School, Italian Archaeological School, etc.)

In our view, the Programme should reflect **the structure of government and non-government bodies** dealing with issues related to the protection of the cultural and historical heritage. Both common and specific features should be shown for the following structures:

- (a) **legislative bodies** (committees, commissions, etc.) and their law elaboration and adoption practice;
- (b) **executive bodies** and supervision over their activities;
- (c) **scientific establishments** (central and regional): Academy of Sciences' institutions, universities, laboratories, university departments, museums, historical, archaeological and architectural preserves - and their activities in the concerned area in order to establish direct contacts, develop cooperation and coordinate projects' priorities;
- (d) **voluntary organisations** dealing with the protection of the cultural heritage, the system of supervision by voluntary organisations over the implementation of legislative acts, promotion of the cultural and historical heritage, contribution to the protection efforts, coordination and experience sharing within the framework of the PABSEC.

6. Methodological Aspects and Specific Measures

Practically all the PABSEC member countries have **scientifically based concepts** for museum work with archaeological, historical and cultural monuments, projects aiming to establish new museums and protected sites, as well as **programmes** to restore and conserve various monuments.

Some programmes are at the **national** level while most have a **regional** character. For instance, Georgia is completing a project envisaging the inclusion of the Svanetia monuments into the World Heritage List, the Krasnodar Region in Russia pursues programmes to restore the ancient city of Gorgyppia, a dolmen complex, the site of Hermonasse-Tmutarakan, and a megalithic complex. It would be important to associate all such projects, programmes and initiatives in the PABSEC member countries into the regional Programme of the Protection of the Cultural Heritage.

While elaborating the guidelines of the Programme of the Protection of the Cultural Heritage, we have encountered the necessity to define the **geographic area** to which the Programme should apply. This issue is particularly relevant for Russia, and possibly, for Ukraine. A large territory would not allow some of the PABSEC member countries to elaborate and apply the Programme for the whole of the country. In particular, Russia assumes that the sphere of the Programme's elaboration and implementation in Russia

should be limited to the area of the activities of the permanently functioning North Caucasus Archaeological Expedition (coastal regions up to 200-300 km away from the Black Sea coast).

The definition of the area is also needed to prepare the **maps** of the immovable monuments of the cultural heritage; this should be envisaged by the Programme.

It is impossible to safeguard the cultural heritage effectively before having identified and listed the assets of which it is comprised. It is therefore essential to compile **national inventories of protected cultural and historical monuments**. This work is in progress in many countries and finds itself at with various stages of completion.

This inventory should state the degree of monuments' preservation, their unique character and historical value. It is proposed to single out:

- restored monuments,
- monuments that need restoration on a priority basis,
- monuments that need conservation,
- monuments under exploration (excavations, assessment).

Having obtained this list which would become a significant part of the Programme, international experts would be able to identify and recommend the most important monuments for research and protection.

This would be a natural step towards the inscription of the historical and cultural monuments of the PABSEC member countries into the World Heritage List. They would complement the protection inventory of the monuments situated in the Black Sea Region and already included into the UNESCO World Heritage List.

The drawing up of national cultural heritage lists and endangered cultural heritage lists - one of the intermediate goals of the Programme - can only be implemented on condition that **all the PABSEC member countries make an active contribution** and provide necessary information.

To carry out this effort, experts, scientists and consultants should be engaged. This could be done by organising **experts' meeting**, with 1-2 representatives from each country participating in the Programme, in order to coordinate the activities to elaborate the Programme.

It is deemed necessary to develop **experts' potential**, organise their cooperation, work out **common approaches** towards expert assessments, arrange broad **exchanges among experts** while implementing specific tasks envisaged by the Programme. It would be desirable to consider the possibility of the establishment, within the PABSEC framework, of **Experts' Council** in the field of the protection of the cultural heritage.

The information part of the Programme is impossible without setting up a data bank in order to register and search for lost cultural values and adopt measures for their return.

With this aim in view, it is suggested that, with the assistance of the PABSEC Economic Committee, an **inter-state agreement** be concluded **on cooperation among the customs services** in the detention and return of illegally exported and imported historical and cultural values.

The participants of the elaboration of the Programme's guidelines have insistently advocated the idea to set up a Fund to protect cultural monuments. This **Cultural Heritage Protection Fund** would accumulate resources of not only government bodies, but also various non-government foundations and organisations, as well as private individuals wishing to contribute to the implementation of the Programme and its concrete projects.

As we know, a number of countries where **armed conflicts** have emerged are compelled to elaborate legislation aiming to protect the cultural heritage during armed conflicts. Such a law has been drafted in Russia and is soon to be adopted by the State Duma. The above mentioned legal international instruments, especially **the Hague Convention**, should be strictly observed. With this aim in view, the government Georgia has requested UNESCO to check information on the destruction of historical and cultural monuments in Abkhazia and, should it be confirmed, to take the case to the International Court of Justice.

Some **specific steps** are proposed by the national delegation of Georgia:

- setting up a council associated with the PABSEC and composed of the directors of the government bodies in charge of the protection of the cultural heritage monuments. This council could plan and coordinate joint measures to research and protect cultural heritage monuments. It would also identify the objects which need a priority assistance. It seems desirable to publish such a list accompanied by illustrations, drawings and a brief description;
- a seminar, possibly in cooperation with the Black Sea University, to take up the problem of the restoration and conservation of monuments. The seminar could also deal with the problem of illegal export and trade in cultural heritage objects;
- a common expedition in the countries of the Black Sea region in order to inspect cultural heritage monuments and ascertain the situation in each country (5-6 countries a year);
- itinerant exhibitions of archaeology, ethnography, art as well as modern painting to raise funds for the Cultural Heritage Fund.

A guarantee for the successful accomplishment of measures to safeguard the cultural heritage is a **favourable psychological climate** in the society and first of all within the legislative, executive and judicial branches of power. Central government and local officials, architects, civil engineers, members of the business community, all citizens should become aware of the importance and great role of the cultural heritage in the life of a nation and each individual. **Environmental education** cultivating a sense of respect for the natural and cultural habitats and possessing a strong **cultural environment** content would help to raise the **public awareness** and ensure a wide **public participation** in the protection of the cultural heritage.

7. Conclusion

On the basis of the guidelines described above, it seems possible to develop the Programme of the Protection of the Cultural Heritage of the PABSEC Member Countries provided that fruitful efforts are applied to fill the project with necessary information, proposals and initiatives.

According to the proposals which we have received and following previous discussions on the subject, the PABSEC member countries do not experience a shortage of serious fundamental research in this field. However, there is no possibility to finance activities in this field since most of the PABSEC countries find themselves in the transition period.

This situation cannot, in our view, rule out or cast a doubt over the elaboration of the Programme of the Protection of the Cultural Heritage. On the contrary, it necessitates a systematic rearrangement of research and activities pursued in this field, which is urgently needed particularly under the conditions of political and economic instability, local wars and armed conflicts.

The creation of the Programme is a very serious and noble work and no PABSEC member country should stay away from it. The historical and cultural heritage of the countries of the region is rich and varied and if we miss some features typical for one area or for one country, we all shall become poorer. However, if we are able to preserve our heritage for ourselves and for generations to come, if we can discover new things about our past and our cultures, it will make all of us richer giving a new impetus to our cultural cooperation for the benefit of our peoples.