# Culture and Cultural Heritage: The Vector of Legislative Initiatives to Improve the Legislative and Regulatory Environment for Russia and the European Union

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I would like to thank the chairmen and add my voice to those who have already thanked the organizers for inviting us to this seminar.

This really does provide a wonderful opportunity for laying out our ideas about culture. After all, we have everything we need here – both top-flight participants and a broad range of their cultural involvements, as well as the fact that all in attendance here subscribe to a single vision of culture and cultural heritage. This is very important.

I would like to express a few theses that take the shape of thoughts and some recommendations concerning the legislative environment of our cultural and cultural heritage field, as well as the state of cooperation between Russia and the European Union today.

Many of us recall the days when international agreements, declarations and communiqués about culture and cultural heritage met fairly critical reviews from the audiences of both Russia and the European Union – including their expert communities. Some of the experts called these documents too declarative in nature – they made claims about the equality of goals and consistency of forms of activity, but were too lax in respect to the independent planning of these goals’ actual implementation. Others, on the other hand, claimed that these documents contained intent to bring everything in line with common standards. But judging on what we have today, neither of these opponents was right.

It is quite clear that the attitude toward these documents – or at least that of the professional expert community and society as a whole – has changed. And this positive attitude carries over to the state level, too. One of the reasons for this is clear – and it is a very simple one: looking past its particulars and details, in principle, our cultural legislation is organized exactly the way the European legislation is. It foundation rests on a declarative document that provides the framework for adding on specific documents for regulating certain specific dimensions of the industry, along with its main lines.

For us, this declarative, baseline document comes in the shape of the Russian Federation’s law on culture. This was once a very progressive document that intended to provide a type of “A cultural constitution.” And it did provide for some very important things. For example, it provided for the Soviet Union or Russia’s first-ever state-level cultural policy line, opening state guarantees to the field of culture for the first time. All of this came by no accident. It initially involved a tremendous amount of attention to international documents, including documents that were in effect in the European community at the time.

But now it is little more than declarative in tone. In subsequent years, there came a serious negative abridgement of this law’s regulations – ones that provided the basis for Russia’s cultural legislation. Entire important sections were removed, ones like Property in the Field of Culture, Financing, Investments in the Field of Culture, as well as provisions concerning the state’s financial guarantees in the field. This “cultural constitution” was further filled with a series of special laws – ones like the law On Museums and the Museum Fund, On the Cultural Autonomy of National Minorities, On Cultural Heritage, and so on.

It is obvious that the Russian Federation’s current legislation in the field of culture is fragmented. Suffice it to recall the important but endless discussions concerning the law on cultural heritage sites and historic monuments and culture heritage. There were many negative stories involving this law. The law itself was adopted in 2002. But its regulatory bylaws were not adopted until 2009 – seven years later. There are numerous other negative aspects; too, including the basic fact that this law regulates only the immovable monuments of culture, leaving the movable monuments in what many feel is a legal vacuum. And yet, there is another and even more important fact pointing to European cultural and cultural heritage documents’ growing relevance to contemporary Russia. We only need to recall two specific documents in this respect. One of them is a May 10, 2007 communiqué called the European Agenda for Culture in a Globalizing World. Another document, which goes back more than 10 years now but remains just as relevant today, involves the April 8, 1998 Action Plan on Cultural Policies for Development. I mention these because we now find ourselves standing in a very interesting and dynamic legislative field of culture and cultural heritage.

It is sufficient to mention the fact that the Committee for Culture of the State Duma of the Federal Assembly of the Russian Federation is currently engaged in some very interesting and intensive work. These efforts involve the development a new law on culture that amends the law on monuments and the law on cultural heritage sites. It is also sufficient to recall the work on cultural valuables being implemented by the Ministry of Culture’s legal department – including its work in the legislative and administrative aspects of the field.

We have also recently staged a fairly large number of interesting meetings and round tables. What is important is that these meetings and their accompanying series of reports, which date back to the 1990s – and whose subjects range from the report on Culture and Russia’s Future: New Insights made in 2006, to the very recent event – the joint session of the State Council Presidium and the Council under the President of the Russian Federation for Cultural Development, which was held in 2009 – both consistently adhere to a single fundamental idea: that from now on, culture and heritage will be treated as a vital resource of social, spiritual and economic growth. And to achieve this, lawmakers are now talking about opening up new, still unopened regulatory horizons – and even of introducing certain new categories of laws. The European community is long past this stage, covering it in its previous regulations and communiqués. For example, the above-mentioned 1998 Action Plan contains the following phrase: “Acknowledge the emergence of new categories in the area of cultural heritage, such as the cultural landscape, the industrial heritage and cultural tourism.” This very phrase and its accompanying idea provided the refrain for a report delivered at the September 2009 joint session of the State Council Presidium and the Council under the President of the Russian Federation for Cultural Development. The report introduced a new category of historical cultural centers whose mission involved grouping cultural heritage phenomena that remained devoid of proper legislative attention at the time.

In practice, difficult comprehensive cultural heritage sites and cultural landscapes rarely become the focus of attention at the level of the state. Russian legislation is full of terms: a historic settlement, a notable place, places of traditional national artistic trades. While, international legislation makes fairly broad and successful use of comprehensive concepts, our list is composed of 23 individual items – with most of them being cultural heritage sites, and nearly all of them being comprehensive ones. Looking at the list, one can find everything from the historic monuments of Veliky (Great) Novgorod and its surroundings, to the Moscow Kremlin and Red Square, and the historic center of Saint Petersburg and its accompanying group of monuments. The list of state-protected sites does not actually include a place called “the historic center of Saint Petersburg and its accompanying group of monuments”. The primary reason for this is that this is a complex site, one that cannot be reduced to our existing conceptions of “ensemble” and “protected zone”. Neither its monuments nor a group of monuments – or even the actual territory, in the general sense of the word are protected there – but the city’s panorama and the city’s environment, the single architectural and natural environment incorporating the unique visual expression of Saint Petersburg. The city’s panorama cannot be codified in protected zones – it can still be ruined by high-rises that stand outside this zone.

The fierce debates that recently swept Saint Petersburg and other major Russian cities show that our lack of practice in applying comprehensive heritage site designations to notable historic panoramas has provoked a range of serious public conflicts about these environments’ historic preservation. At the same time, Russia is also running into substantial difficulties in developing a comprehensive list of heritage sites that could become a part of the UNESCO World Heritage List. This is because there is still no clearly-expressed official documents telling us which particular sites can be incorporated into UNESCO’s vision of this term – could this list potentially include a site called “the historic monuments of Veliky Novgorod and its surroundings” or that very same “historic center of Saint Petersburg and its accompanying group of monuments”? In this respect, the time is ripe for us to conduct work clarifying the actual makeup of these comprehensive monuments, and of – at the appropriate level – confirming the corresponding lists. These lists not only could add a sense of certainty to the terms used by UNESCO, but also directly affect the protection categories that these heritage sites fall into, and ways in which they are actually used.

I still have a few more ideas that might best expressed in the form of recommendations for a final document. I believe that an interesting and healthy atmosphere is being created that can help push the Russian legal field in line with the existing culture and cultural heritage regulations– including those used in the international European law. And, with the partial help of the joint session of the State Council Presidium and the Council under the President of the Russian Federation for Cultural Development, we now have a series of recommendation that contain both the concepts and the basis required for ensuring that these recommendations’ performance can harmonize the legal environments of culture and cultural heritage in Russia and the European Union.

In my opinion, this list of recommendations should necessarily include the following: firstly, an expansion of the comprehensive concepts included in the international cultural heritage lists; secondly, an enhancement of the legal base used for operating these comprehensive terms in international practice; and thirdly, an expansion and enhancement of such phenomena as cultural reserves, memorial estates, historic settlements, and places of traditional national artistic trades.

These are the truly important landmarks on a country’s cultural map. And an optimisation in how these operate in the legal field could help make a substantial impact on our understanding, on the identity and harmony of the Russian and European legal environments.

The last point I would like to raise concerns the fact that the world knows no examples of nations in which the state refuses to provide cultural support – first and foremost, in the financial sense. Culture would never survive without state support in Russia today. But it is important that some of these initiatives come from outside the state level as well. For example, the State Institute of Natural Science has engaged in some fruitful and fairly extensive cooperation with the Russian expert community, also using public movements to cooperate with the international expert community. And this is a very important benefit. After all, this elaborately interlacing environment between Europe and Russia is exactly what promotes the emergence of progressive ideas – including those concerning international legislation – and their eventual incorporation in our legislations. So in my opinion, our international seminar’s final document should also underscore the need to provide every possible means of support for expanding the ties that the Russian and European professional expert communities hold in the field of culture and cultural heritage.