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The European Union Policy on Cultural Heritage: A Shift in
Guidelines for the Twenty-First Century

Specific Case – Venice and its Lagoon: A Vulnerable Cultural, Natural and
Historical Heritage

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ABSTRACT

Il presente lavoro è il risultato di una ricerca sui percorsi intrapresi nel campo del patrimonio culturale dall'Unione Europea. Dalla creazione della Comunità Europea alle questioni emergenti contemporanee riflette sui motivi e i metodi con cui la Comunità Europea ha integrato il patrimonio culturale nelle sue politiche e nei suoi strumenti finanziari. In questa prospettiva, la tesi fornisce un quadro generale degli strumenti giuridici, delle procedure, delle iniziative e dei progetti disponibili per la sua tutela e, inoltre, si pone come obiettivo quello di aumentare la rilevanza della salvaguardia e della valorizzazione del patrimonio culturale. In un recente aumento di interesse in questo campo, si pone la questione del momento in cui il patrimonio culturale ha iniziato ad essere considerato uno strumento e una risorsa utile per l'Unione europea e i suoi cittadini. La tesi esamina infine le recenti problematiche che hanno caratterizzato il settore fin dall'inizio del ventunesimo secolo. Infatti, occorre considerare nuove questioni esistenziali: cambiamenti climatici, disastri naturali o causati dall'uomo, velocità dei cambiamenti digitali e tecnologici, crisi economica, sociale e democratica ecc. L'obiettivo generale di questa tesi è di dimostrare l'interesse generale dell'Unione Europea e dei suoi cittadini per la conservazione e la valorizzazione del patrimonio culturale. Infatti, questo campo potrebbe rappresentare una leva per la partecipazione democratica, dare potere alle istituzioni europee, incoraggiare l'inclusione sociale ed economica e costruire resilienza e sostenibilità. Attraverso l'analisi del caso della città di Venezia e della sua laguna, viene esaminata a livello locale la concreta attuazione territoriale di fondi e progetti dell'Unione Europea nel campo del patrimonio culturale.

Questo studio è diviso in tre parti da cui si cerca di comprendere le questioni che stanno alla base del patrimonio culturale.

Il primo capitolo di questa tesi presenta lo sviluppo della politica del patrimonio culturale da parte della Comunità Europea attraverso un quadro storico e giuridico. Nonostante la difficoltà di determinare con accuratezza la natura di questo concetto si cerca innanzitutto di esplorare la definizione essenziale della nozione al fine di determinare l'origine dell'interesse e il riconoscimento della questione. Tuttavia, datte le diverse fase di coinvolgimento del patrimonio culturale nella storia, nella cultura e

nell'ambiente, questo campo è diventato progressivamente soggetto alle legislazioni nazionale e internazionale. Pertanto, questo capitolo esplora come il significato della nozione sia strettamente legato ai documenti e agli strumenti legali. Nel panorama internazionale, molti accordi stipulati da organizzazioni internazionali, come l'UNESCO, l'ICOMOS e il Consiglio d'Europa, hanno rafforzato il valore e la protezione del patrimonio culturale. La *Convenzione per la protezione dei beni culturali in caso di conflitto armato* dell'UNESCO, adottata a L'Aia nel 1954, ha introdotto ufficialmente il concetto di patrimonio culturale materiale per la prima volta attraverso il termine di "beni culturali". Seguirono molte convenzioni che hanno proseguito nell'elaborazione della definizione di patrimonio, includendo perciò il patrimonio tangibile, il patrimonio architettonico, il patrimonio archeologico, il patrimonio paesaggistico, il patrimonio audiovisivo, il patrimonio culturale subacqueo e il patrimonio culturale immateriale. Nel quadro europeo, il concetto di patrimonio culturale europeo ha plasmato i discorsi ufficiali dell'Unione europea a partire dagli anni '70 fino al raggiungimento di una competenza formale di sostegno nel trattato di Maastricht attraverso l'introduzione dell'articolo 128 del Trattato della Comunità Europea, denominato specificamente "Cultura". In tal modo, l'Unione Europea ha progressivamente incluso il progetto di integrazione politica e culturale all'integrazione economica. Le competenze di supporto hanno lo scopo di incoraggiare la cooperazione internazionale e transnazionale e di promuovere la conservazione del patrimonio culturale e sono concretamente attuate attraverso fondi europei. Sono stati infatti istituiti una serie di strumenti finanziari: i programmi di prima generazione (*Caleidoscopio, Arianna e Raffaello*), *Cultura 2000* e *Cultura 2007-2013*, e infine l'attuale *Europa Creativa*. I primi tre programmi hanno rappresentato un passo essenziale verso la realizzazione della cooperazione culturale europea nei settori dell'arte, della letteratura e del patrimonio culturale, ma non furono sufficienti. Nasce così un programma a quadro unico che combina i programmi precedenti per aumentare l'efficacia e la coerenza delle azioni culturali. Nonostante ciò, la volontà delle istituzioni europee di promuovere questo settore è stata insufficiente a garantire una politica culturale forte, in primo luogo a causa della mancanza di risorse finanziarie e in secondo luogo per le piene competenze che rimangono agli Stati. Tuttavia, questi non sono gli unici strumenti per finanziare il patrimonio culturale, anzi, altre politiche dell'UE influenzano le azioni in campo culturale. I fondi diretti dell'Unione Europea hanno finanziato progetti nel campo dell'istruzione e della formazione, delle tecnologie digitali, della ricerca e

dell'innovazione, del mercato interno del turismo e dell'imprenditorialità, dell'agricoltura, del settore marittimo, dell'ambiente e delle relazioni esterne; mentre i fondi strutturali, attraverso i Fondi europei di sviluppo regionale, hanno finanziato la cooperazione transfrontaliera, transnazionale e interregionale nel campo del patrimonio culturale. Ciò riflette in particolare la natura multidimensionale del settore del patrimonio culturale, un settore che deve ora adattarsi ad un mondo in costante evoluzione e affrontare le numerose sfide che lo minacciano.

Il secondo capitolo si concentra sulle nuove minacce e sulle sfide che il settore del patrimonio culturale deve affrontare. L'ambiente in continua evoluzione provoca la creazione di nuovi campi di manovra ed esigenze per la tutela del patrimonio culturale nell'ambito dell'Unione Europea. Grazie agli inneschi di politiche e progetti come i *Cultural Heritage Counts for Europe* e l'*Anno europeo del patrimonio culturale 2018*, l'UE ha recentemente spostato il focus delle sue iniziative sul patrimonio culturale per affrontare nuove sfide finanziarie, sociali, democratiche e tecnologiche. È soprattutto quest'ultimo evento che ha dato un contributo positivo al riconoscimento del patrimonio culturale europeo come risorsa essenziale per l'Europa. L'Anno europeo del patrimonio culturale è stato infatti la dimostrazione di un incredibile dialogo interculturale, ha rispecchiato la diversità e la ricchezza del patrimonio europeo, ha sensibilizzato i popoli europei alle loro storie e tradizioni e ha rafforzato il senso di appartenenza ad uno spazio europeo condiviso. L'evento ha quindi aumentato la consapevolezza delle opportunità offerte dal settore, ma ha anche contribuito a mettere in risalto alcune delle sue acute vulnerabilità. In questa prospettiva, il presente capitolo descrive in modo più dettagliato le numerose questioni e le sfide relative a questo ambito. Negli ultimi anni, la condizione del patrimonio culturale si è deteriorata e molti fattori ne hanno contribuito: l'industrializzazione, la globalizzazione, l'urbanizzazione, l'inquinamento atmosferico, i cambiamenti ambientali, l'incuria e il turismo eccessivo. Diversi esempi di patrimonio culturale intangibile stanno scomparendo a causa dell'inefficienza di una certa struttura economica o a causa della rapida trasformazione del modo di vivere dei cittadini europei. In quanto elemento essenziale per garantire migliori condizioni di vita ai cittadini europei, è importante che i responsabili politici europei riconoscano pienamente le minacce verso questo patrimonio culturale comune con l'obiettivo di scongiurare i rischi in modo efficace. In questa prospettiva, occorre sottolineare l'importanza di considerare il patrimonio culturale, e la sua distruzione, come una questione di diritti umani. Anche se i

primi passi sono stati fatti a livello internazionale, rimane ugualmente una sfida europea che dovrebbe essere ulteriormente considerata. Infatti, la protezione del patrimonio culturale come diritti umani potrebbe avere un impatto positivo sul comportamento e sui diritti dei cittadini europei, creando una coesione sociale più significativa all'interno dello spazio europeo. Inoltre, il patrimonio culturale ha un ruolo chiave nella costruzione dell'Unione Europea e nella promozione di un senso di appartenenza europea ai cittadini europei. In tal modo, può fornire lo slancio necessario per superare la crisi dell'Unione Europea e rafforzare la legittimità politica e democratica, nonché la critica situazione sociale ed economica. Tuttavia, per poter apprezzare tutti i benefici che un settore di questo tipo può offrire alla società, l'Unione Europea deve adattare la sua strategia verso politiche più inclusive, sostenibili e resilienti, e che favoriscano la cooperazione internazionale.

Il terzo e ultimo capitolo di questa tesi analizza le azioni concrete europee nel campo del patrimonio culturale a livello locale e territoriale. Il caso della città di Venezia e della sua laguna è un modello molto antico e notevole nello studio della tutela e della valorizzazione del suo ricco patrimonio culturale e naturale. Nel 1966, le disastrose alluvioni che colpirono la città attirarono l'attenzione internazionale sulla fragilità ambientale di Venezia. Pertanto, il sito è stato iscritto nella Lista del Patrimonio Mondiale dell'UNESCO nel 1987, sotto la raccomandazione dell'ICOMOS. Dal 2010 la città di Venezia ha avviato un insieme di dibattiti e consultazioni con gli stakeholder del settore del patrimonio culturale. Di conseguenza, il Piano di Gestione 2012-2018 di Venezia e della sua laguna è stato predisposto, dalla città stessa e in collaborazione con l'UNESCO e l'Unione Europea. Ha permesso di valutare il valore del patrimonio veneziano per meglio tutelarlo e valorizzarlo. Infatti, la complessità dell'ambiente, che combina aspetti naturali, rarità ecologica e ricchi aspetti archeologici e storici, ha creato un'estrema vulnerabilità a molte pressioni, che devono essere riconosciute e gestite in modo efficace. Le minacce sono state riconosciute dalle organizzazioni internazionali e dalle istituzioni nazionali: rischio idraulico, moto ondoso, inquinamento, spopolamento, pressione del turismo, grandi opere, pesca illegale e degrado urbano. Così, è stato stabilito un forte coordinamento tra tutti i soggetti interessati e gli enti locali hanno rafforzato il loro rapporto con l'Unione Europea. In questo senso, sono state concesse risorse complementari al territorio per sostenere soluzioni condivise e innovative e rispondere alle sfide comuni europee. Il campione di progetti europei selezionati nell'ultima parte di

questo capitolo offre una panoramica delle azioni locali possibili grazie ai fondi europei. Tuttavia, poiché le istituzioni europee non possono che incoraggiare la cooperazione internazionale e sostenere le attività degli Stati membri nella conservazione e nella salvaguardia del patrimonio culturale, le azioni degli organismi europei sono limitate. I fondi europei per i progetti di patrimonio culturale sono disponibili, ma non sono realmente mirati e rimangono frammentati. Questo caso serve a dimostrare che, se da un lato la cultura e il patrimonio culturale hanno un grande potenziale per i cittadini europei, e in generale per l'Unione europea nel suo complesso, dall'altro sono ancora relativamente poco sfruttati e promossi a livello locale. Si tratta quindi di una sfida imminente che deve essere vinta dalle istituzioni dell'Unione Europea, a condizione che cambino la loro prospettiva e sfruttino l'opportunità offerta dal patrimonio culturale.

LIST OF ACRONYMS AND ABBREVIATIONS

CF	Cohesion Fund
CHCfE	Cultural Heritage Counts for Europe
CoE	Council of Europe
CoR	Committee of the Regions
DCI	Development Cooperation Instrument
DG	Directorate-General
EAFRD	European Agricultural Fund for Rural Development
EC	European Community
ECU	European Currency Unit
EEAS	European External Action Service
EEC	European Economic Community
EMFF	European Maritime and Fisheries Fund
ENCATC	European Network on Cultural Management and Cultural Policy Education
ENI	European Neighborhood Instrument
EP	European Parliament
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
FP	Framework Programme
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICOM	International Council of Museums
ICOMOS	International Council on Monuments and Sites
IPA	Pre-Accession Assistance

IPCC	Intergovernmental Panel on Climate Change
JPI	Joint Programming Initiative
NOP	National Operational Programme
OMC	Open Method of Coordination
ROP	Regional Operational Programme
SEE	South-East Europe
SME	Small and Medium-Sized Enterprise
TEC	Treaty establishing the European Community
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIDROIT	International Institute for the Unification of Private Law
UNODC	United Nations Office for Drugs and Crime
UNWTO	United Nations World Tourism Agency
WCO	World Customs Organization

INTRODUCTION

After one year and over 23.000 events involving 37 countries and around 12.8 million participants, the European Year of Cultural Heritage 2018 has been a successful year of celebration of the rich European heritage. Stemming from archaeological monuments to architecture and landscapes, from folklore to traditional practices and crafts, from ancestral skills and know-how to the creation of inestimable human masterpieces and work of arts, from collections and museums to libraries and archives, cultural heritage is at the core of a common memory and identity of European citizens. Such a series of events and projects have brought together the European people of all backgrounds, ages, and cultures. It has been an opportunity to raise public awareness on cultural heritage, its values and its strong capacity to strengthen a sense of belonging to the European Union (EU). Thus, such initiatives facilitated the access to the European heritage and got both the public and private sectors involved in the many debates and reflexions on the importance to preserve and enhance heritage at all levels: local, national, and European. This significant year has therefore brought up a deep and intensive reconsideration of the role played by cultural heritage within the European area. In addition, at the international level, on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List, European Union's heritage represents a third of the list of tangible sites as well as a quarter of the UNESCO Representative List of Intangible Heritage of Humanity. Furthermore, many initiatives have been taken at the European level over time. The Council of Europe (CoE) has been a pioneer and it developed many projects in the cultural heritage field (for instance, *Cultural Routes* enhanced 33 European sites). The European Union created boundless networks of cultural institutions and natural heritage (such as *Europeana* and *Natura 2000*). Cultural heritage is also a considerable resource for the European Community. In fact, it provides over 300.000 jobs in its sector plus near 7.8 million jobs related to the heritage matter¹.

All these initiatives served as both a motivation and framework for this thesis. It generated a huge increase of personal interest in the cultural field, as it also brought about the question on when the reconsiderations of cultural heritage protection and

¹ See introduction of the Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the European Year of Cultural Heritage 2018. COM(2019) 548 Final. (Brussels, October 28, 2019).

enhancement began, particularly as a useful instrument and resource for the European Union. Is this an area to be fully incorporated into the exclusive competences of the European Union? The answer to this question remains open to debate; in fact, at present, there is no endpoint to the European integration. The six founding members of the European Economic Community emerged as an international organization with restricted authority and reasonable goals: creating a common market and a custom union in the European area. Nevertheless, the European process demonstrated one of the most concrete examples of transnational cooperation over time. From its first treaty in 1957 to the last one in 2007, the European Union expanded to a political, legal and economic project, and its authority has covered an increasing number of areas, particularly economic and social. In this perspective, the place and the role of culture and cultural heritage under the responsibility of the EU have been frequently questioned. In fact, the value of cultural heritage is as much economic as it is cultural, social and environmental; this applies to the national, the European, and the international sphere. Yet, in a constantly changing environment, it is becoming imperative to delimit and determine how to further enhance and protect the European heritage without compromising national authorities.

In addition, new existing issues have to be taken into account: climate change, natural and man-made disasters, speed of digital and technological changes, economic, social and democracy crisis, etc. In particular, the recent growing global attention and the urgent situation on climate change has helped revealing other issues; its linkages with other sectors have raised awareness about the vulnerability of many resources, including the field itself. But while addressing climate change is a difficult issue due to our economic environment, political ideologies, models of society, extensive lobbying (etc.), culture and cultural heritage are less contentious and controversial areas. They may contribute to economic resource as well as social cohesion, increasing quality of life, environmental protection and cultural enhancement. Thus, many other sectors are indirectly related to cultural heritage. Indeed, this thesis aims to provide a framework for the European instruments currently in practice related to the conservation and enhancement of cultural heritage. It will develop the policies of the European Union in this area, from its creation to the emerging challenges of this century. The issue is also to determine the reasons and the interests for the European Union to enhance its rich heritage. For this reason, this thesis will deeply analyse the power of cultural heritage has to improve the well-being of European people as well as to empower the Union itself and its citizens.

The first chapter of this thesis shows the development of cultural heritage policy by the European Community through a historical and legal framework. Despite the difficulty of accurately determining the nature of cultural heritage, the chapter will first seek to explore the core definition of the concept in order to determine when interest and recognition of the issue began. However, due to the various implications of cultural heritage in history, culture and nature, this field has progressively become subject to national and international politics. Thus, this chapter will explore how the sense of the notion is closely related to the legal documents and instruments: from the international scene, through the agreements that strengthened the value and the protection of cultural heritage, to the European sphere. Focusing on the latter, it will be observed that the concept of European cultural heritage has shaped the official discourses of the European Union from the 1970s until the recognition of certain competences in the Maastricht Treaty in 1992. Progressively, the European Union has included the project of political and cultural integration to the economic integration. The supportive competences, conferred in the Maastricht Treaty, were aimed at encouraging international and transnational cooperation and promoting the conservation of cultural heritage which are concretely implemented through European funds. With regards to culture, a series of financial instruments has been established: the first-generation programmes *Kaleidoscope*, *Ariane*, and *Raphael*, followed by *Culture 2000* and *Culture 2007-2013*, and finally *Creative Europe*. However, these are not the only instruments for financing cultural heritage; indeed, the last part of the first chapter will highlight other EU policies that influence actions in the cultural domain.

The second chapter will then focus on the new threats and challenges facing the field of cultural heritage. The ever-changing environment brings new aspects and requirements for the protection of cultural heritage in the sphere of the European Union. Thanks to triggers in policies or projects such as *Cultural Heritage Counts for Europe* and the *European Year of Cultural Heritage 2018*, the EU has recently shifted the focus of its cultural heritage initiatives in order to approach new financial, social, democratic and technological challenges. This chapter will further detail the many issues related to cultural heritage: its threats, its possibility as a human rights concern and its potential to empower the EU and its citizens. In order to fully appreciate all the benefits that it could provide to the society, the European Union must adapt its strategy toward policies that

are more inclusive, sustainable and resilient, and also policies that foster international cooperation.

Finally, the last chapter of this thesis will analyse concrete European actions in the field of cultural heritage at a local level. The case of the city of Venice and its lagoon is a very old and important model in the study of the protection and enhancement of its rich cultural and natural heritage. In this perspective, this chapter will assess the value of the venetian heritage and how it has been protected at the international level over the years. The complexity of the environment, combining natural aspects, ecological rarities and rich archaeological and historical aspects, have created extreme vulnerability to many pressures, and they must be recognized and managed effectively. In that respect, the local actors have strengthened their relationship with the European Union. The territory has been granted with complementary resources to support shared and innovative solutions and respond to European common challenges. The selected sample of European projects will give an overview of the local actions possible thanks to European funds.

This work provides a framework of available instruments for the protection of cultural heritage. It serves to raise attention in the relevance of safeguarding and enhancing cultural heritage. For the European institutions as well as for European citizens, it is in the common interest to take advantage of the many benefits and opportunities associated with such an area, so it may be duly protected, enhanced, and cherished before it disappears for ever.

CHAPTER I. THE DEVELOPMENT OF CULTURAL HERITAGE POLICY BY THE EUROPEAN COMMUNITY: A HISTORICAL AND LEGAL FRAMEWORK

As it can sometimes be assumed, heritage does not reflect a perfect representation of the past; beyond this, it appears to be selected, represented and reinterpreted depending on its context. Thus, the inheritance of historical objects is not randomly conserved, but they are chosen, have survived to many political transformations and have been shaped and remodelled by past and contemporary policies². Anyhow, the positive value of the concept of “heritage” is widely appreciated in the public sphere. The society as a whole would recognize the importance to preserve heritage in all of its forms: from the material objects (i.e. object of art, architecture, landscape) to the intangible culture (i.e. the dance, music, theatre performance, ritual, language and human memory). As a social and economic advantage for both individual and community, cultural heritage is also intertwined with their identities. However, while it can unite, it can also divide. The definition and purpose of cultural heritage remains unclear and continues to be adapted; for instance, the concepts of “identity” and “boundaries” may be confused, creating disagreement over the management of cultural heritage between ethnic minorities and dominant majorities. In addition, Shore has been criticizing the “politicization of the concept of ‘European identity’”—aimed at developing the European Community (EC) popularity³. Therefore, the challenge consists essentially to look at the background of cultural heritage to ascertain the essence of its mission and its beneficiaries.

In this perspective, the first chapter focuses on the emergence and relevance of cultural heritage in the European integration process. To fully recognize the issues at stake, the concept will be explored in the first part through its definition, the international framework and the European context before its legal recognition within the European institutions in 1992. The second part of this chapter will focus on the European development of the legal instruments in the field of culture and the competences it

² See Timothy, D. J., & Nyaupane, G. P. (Eds.). (2009). *Cultural Heritage and Tourism in the Developing World - A regional perspective*. London, New York: Routledge. p. 20.

³ See Shore, C. (1993, Dec.). *Inventing the 'People's Europe': Critical Approaches to European Community 'Cultural Policy'*. *Man, New Series*, vol. 28, no. 4. p. 784.

granted within the European institutions; starting with the Maastricht Treaty, the subject-matter has continued to evolve until the last treaty of the construction of the European Union. As Treaties progressed, cultural projects have been created and funds have been gradually devoted to the field of cultural heritage. Thus, the chapter will finally explore the concrete actions of the EC; from the first-generation programmes to a single cultural programme, it is the fragmented characteristic of the financial resources that will be stressed in this last part.

1. HISTORICAL FRAMEWORK ON THE RELEVANCE OF CULTURAL HERITAGE IN THE EUROPEAN INTEGRATION PROCESS

When did the interest and recognition related to cultural heritage begin? Despite the difficulty surrounding this question, this first section will attempt to answer it by exploring the definition of the concept. This is a difficult task that needs to be complemented by the international framework; indeed, the second section will focus on the close relationship between the very definition of this notion and international conventions and treaties: two inseparable aspects for the understanding of the meaning of cultural heritage. Finally, the last section will address the European framework which, prior to the formal recognition of cultural policies in the Maastricht Treaty, already had a strong cultural dimension.

a. The definition of the concept of cultural heritage

To specialists and experts, the concept of “cultural heritage” is highly difficult to define. Prott wrote in 1989 that “while cultural experts of various disciplines have a fairly clear conception of the subject-matter of their study, the legal definition of cultural heritage is one of the most difficult confronting scholars today”⁴. In fact, it may be difficult to achieve a general and universal definition due to the multiple meanings of the matter in international instruments and other texts affiliated to cultural heritage. Since the notion is in constant evolution, it may also express several senses according to the disciplines in which it is applying, such as in economics, jurisprudence, social sciences,

⁴ See Prott, L. V. (1989). Problems of Private International Law for the Protection of the Cultural Heritage. In *Recueil des Cours* vol. V (pp. 224-317). Martinus Nijhoff Publishers. p. 224.

historical sciences, engineering, landscape and architecture sciences. The aim of this part is not to provide a precise and accurate definition of the notion of “cultural heritage”, but to confer an overview to this thesis.

It is relevant to begin from an etymological conception of the word “heritage”. Deriving from the Latin *patrimonium*, it is the junction of two terms: *pater* (father) and *munus* (duty). Thus, the notion can be translated as being the “things belonging to his father”, with the idea of transmitting a set of goods from one generation to the next in order to memorialize and shape a certain cultural identity⁵. As for the notion of “culture” coming from the Latin *cultura* (growing, cultivation), suggested the action of cultivating in the field of agriculture. In the classical origin, the word “culture” is a term used in *Tusculan Disputations* by Ciceron in which the metaphor described the cultivation of a soul or *cultura animi*, that is to rise to the ideal of universal humanity. Nevertheless, the complexity arises when it comes to the definition of the term by anthropologists:

“It is a totalizing concept because everything becomes, or is considered, culture. There are material culture, ritual culture, symbolic culture, social institutions, patterned behavior, language-as-culture, values, beliefs, ideas, ideologies, meanings and so forth. Second, not only is almost everything in the society culture, but the concept is also totalizing because everything in the society is supposed to have the same culture (as in the concept of culture as shared values)”⁶.

About the definition above, Blake first commented the evidence of the value of intangible element. The culture cannot be regarding only as being a material concept, but it has a broader scope. Secondly, he underlined the notion of “cultural heritage” as being a more restricted category than the notion of “culture” itself. In order to distinguish and discern the concept of “cultural heritage”, it has to be linked to the notion of culture-as-society. The preservation of cultural heritage is essential for society because it is a resource that must be transmit to future generation, it has a unique and non-renewable character and

⁵ See Selicato, F. (2016). The Concept of Heritage. In F. Rotondo, F. Selicato, V. Marin, & J. López Galdeano (Eds.), *Cultural Territorial Systems - Landscape and Cultural Heritage as a key to Sustainable and Local Development in Eastern Europe* (pp. 7-12). Switzerland: Springer International Publishing. p. 7.

⁶ See Sider, G. M. (1986). *Culture and Class in Anthropology ad History*. Paris: Cambridge University Press. p. 6.

it is “a powerful emotional impulse as well as an intellectual position”⁷. In addition, cultural heritage can be classified under a category of cultural values (both tangible and intangible); it can be considered to be formed by the political, economic and social context and is likely to play a considerable role in their meaning and representation. Although, the process of democratization of the culture began in the mid-eighteenth century with Voltaire’s work “*Essai sur les mœurs et l'esprit des nations*”⁸. It was following by the creation of the concept of “cultural heritage” after the French Revolution in the 19th century; but cultural heritage became increasingly prominent only from the 1970s onwards when it emerged as more than an inheritance that an individual obtains through the will of his ancestors⁹.

Simultaneously, the number of actors playing a role in the enhancement and protection of cultural heritage has grown up at the local, national and supranational levels, thus showing growing interest and a global importance in this matter. The definition is closely linked to the international conventions and recommendations, which constantly introduce further issues as an ever-expanding scope. However, the interpretation and the uncertainty involving the concepts of “cultural property”, “cultural heritage”, “cultural heritage of mankind” and “common cultural heritage” has been discussing by multiple authors.

For the first time, the 1954 *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* officially defines the notion of “cultural property” for the first time in Article 1 as follows:

“For the purposes of the present Convention, the term ‘cultural property’ shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other

⁷ See Blake, J. (2000, Jan.). On Defining the Cultural Heritage. *The International and Comparative Law Quarterly*, vol. 49, no. 1. p. 69.

⁸ In *Essai sur les mœurs et l'esprit des nations* (1756) (Genève: Cramer), Voltaire changed the perspective of the idea of culture from the classical tradition (reserved to the elite) and included the social notion of daily life, historical and geographic context to the idea of culture.

⁹ See Graham, B., Ashworth, G., & Tunbridge, J. (2000). *A Geography of Heritage: Power, Culture and Economy*. London, New York: Routledge.

objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as `centers containing monuments.”¹⁰.

This approach will be later on followed within the UNESCO *Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*¹¹ and by the *Second Protocol of the Hague Convention* on March 26, 1999¹². According to Blake, international laws have been employed this notion for the protection of art as being a property, specifically to preserve it from destruction and illicit trade during armed conflicts and in time of war. He criticized the ideological meaning behind the word “property” which, in addition to being “problematic to apply a legal concept involving the rights of the possessor to the protection”, is also difficult to enforce when it comes to heritage or environmental safeguard. In that respect, the relevance of the term became too strict and may exclude numerous elements of culture, whether tangible or intangible¹³.

With regard to conventions specifically referring to the notion of heritage, the terminology was first used in the *European Cultural Convention* in 1954 by the CoE. It notably stressed the importance “to safeguard and to encourage the development of its

¹⁰ The term “cultural property” is defined by UNESCO within Article 1 of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention - First Protocol. September 4, 1954. Entered into force on August 7, 1956.

¹¹ The term “cultural property” is defined by UNESCO within Article 1 of Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Paris, November 14, 1970. Entered into force on April 24, 1972.

¹² “The Second Protocol does not replace the Hague Convention; it complements it. In other words, the adoption of the Second Protocol has created two levels of protection: the basic level under the Hague Convention for its States Parties and the higher level of protection under the Second Protocol for its States Parties”. UNESCO. Second Protocol (1999) to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. March 26, 1999.

¹³ *Supra* n. 7. p. 68.

national contribution to the common cultural heritage of Europe”¹⁴. It was especially followed by the 1969 *European Convention on the Protection of the Archaeological Heritage* of the CoE¹⁵ and the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage* of UNESCO¹⁶. The latter is extremely relevant for the explicit definition of the notion of “cultural heritage”:

“For the purpose of this Convention, the following shall be considered 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”¹⁷.

According to Frigo¹⁸, if both notions “cultural heritage” and “cultural property” are compared, it is clear that the former has a broader scope than the latter. Indeed, cultural heritage covers a larger range of issue including the “natural heritage” (environmental resources which should be safeguard for the future generation) and non-materiel cultural features (such as traditions, practices, representations, expressions, knowledge, skills...).

¹⁴ The CoE mentioned the “common cultural heritage of Europe” within Article 1 of the European Cultural Convention. (Paris, December 19, 1954). Entered into force on May 5, 1955.

¹⁵ The CoE defined “archaeological objects” within Article 1 of the European Convention on the Protection of the Archaeological Heritage. London, May 6, 1969. Entered into force on November 20, 1970.

¹⁶ See UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage. (Paris, November 16, 1972). Entered into force on December 17, 1975.

¹⁷ UNESCO defined the term “cultural heritage” within Articles 1 and the term “natural heritage” within Article 2 of the Convention Concerning the Protection of the World Cultural and Natural Heritage. (Paris, November 16, 1972). Entered into force on December 17, 1975.

¹⁸ See Frigo, M. (2004). Cultural property v. cultural heritage: A “battle of concepts” in international law? *International Review of the Red Cross*, vol. 86 no. 854. p. 367.

It has been recently explicitly recognized through the *2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage*¹⁹:

“The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development”²⁰.

Last but not least, the term “universal heritage” adds another feature to the notion of “cultural heritage”, by referring to the “the common heritage of mankind” as a larger category of non-renewable resources. While there is no such a thing as a universal culture, UNESCO defined in 1966 that “in their rich variety and diversity, and in the reciprocal influences they exert on one another, all cultures form part of the common heritage belonging to all mankind”²¹, precisely because “each people makes its contribution to the culture of the world”²². When legal instruments stated that cultural heritage is a belonging to humanity, they were not referring to a concrete heritage but more affirming a guideline that should inspire all international regulations in this area²³. The reference to the term

¹⁹ UNESCO defined the term “intangible cultural heritage” within Article 2 of the Convention for the Safeguarding of the Intangible Cultural Heritage. (Paris, October 17, 2003). Entered into force on April 20, 2006.

²⁰ Ibid.

²¹ See Article I.3. of the Declaration of Principles of International Cultural Co-operation by UNESCO. (Paris, November 4, 1966).

²² Second preambular paragraph of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention - First Protocol by UNESCO. (September 4, 1954). Entered into force on August 7, 1956.

²³ See Mainetti, V. (2008). Le principe du patrimoine culturel de l'humanité: de la République des Arts à un ordre public international. In A. Gentili, La salvaguardia dei beni culturali nel diritto internazionale. Atti del Convegno. 12° Giornata Gentiliana (San Ginesio, 22-23 settembre 2006). Milan: Giuffrè. p. 586.

of “mankind” announced the idea that the cultural property of each nation was important not only for that nation itself, but also for the entire world; in this regard, States were the “guardians” of humanity as a whole. Although every State is sovereign on its territory, the UNESCO Convention implicitly expected that a minimum standard of protection should be organized at a national level and that States should cooperate with each other with the perspective to further harmonize national regulations²⁴.

While in the European framework, the reference to the “common cultural heritage of Europe” appeared in 1954 in the *Cultural Convention* of the CoE²⁵; it should be noted that it is also the first post-war international organization to employ the notion of “cultural heritage” in a legal instrument. The preamble of the Convention referred to “the ideals and principles” of the CoE members as part of their common heritage. This document presented three aspects of cultural heritage: material (artefacts, monuments), intangible (histories, languages, traditions) and political (expression of political values and principles)²⁶. Inspired by this last Convention, it is in its 1974 *Resolution on the Protection of the European Cultural Heritage* that the European Parliament (EP) showed concern for the protection and preservation of the European heritage and required funding in this matter²⁷. On the grounds of the *Declaration on European Identity* addressed a year earlier²⁸, the EP connected heritage with European values and identity. In this process, it is interesting to note that cultural heritage is profoundly linked to the nation-building process²⁹.

Exploring the core definition of the notion of “cultural heritage” reveals a considerable shift over the long term of the dimension of cultural heritage. The first

²⁴ Ibid., p. 594.

²⁵ See Article 1 of the European Cultural Convention by the CoE: “Each Contracting Party shall take appropriate measures to safeguard and to encourage the development of its national contribution to the common cultural heritage of Europe”. (Paris, December 19, 1954). Entered into force on May 5, 1955.

²⁶ See Calligaro, O. (2014). From “European cultural heritage” to “cultural diversity”? The changing core values of European cultural policy. *Politique Européenne*, vol. 45, no. 3. p. 65.

²⁷ See the European Parliament Resolution of 13 May 1974 on the protection of the European cultural heritage. (Luxembourg, May 13, 1974). p. 5.

²⁸ The “fundamental elements of European Identity” was described by the Council of the European Community in the meeting of the Heads of State of Government on December 9, 1973, as “the principles of representative democracy, of the rule of the law, of social justice—which is the ultimate goal of economic progress—and of respect for human rights”. *Declaration on European Identity*, Bulletin of the EC, December 1973 n. 12, pp. 118-122. (Copenhagen, December 9, 1973).

²⁹ *Supra* n. 9.

important aspect is that it is seen as a form of inheritance to be transmitted to future generation. Secondly, it is connected to the identity of a group, being at the same time both symbols of the group's identity and its construction. This led cultural heritage to have a double-edged sword role. During time of conflicts, it may become a weapon where the destruction of cultural heritage may be used as the dismantling of the symbols of cultural identity. However, it has a high ability to build cohesion within a group³⁰. The definition is therefore closely linked to the International Conventions and Treaties, hence the importance of taking into account the international context and environment and the direction given by the international community to cultural heritage field. Gradually, it has included not only material features, but also the intangible characteristic of cultural heritage.

b. The international framework

Since the 1950s, cultural heritage has been, and still is, a global concern; it extends beyond any national borders, is part of international legal and illegal trade, is essential to economy such as tourism industry and is vulnerable in time of conflicts and to environmental issues. Because of its various implications in history, culture and nature, this field became gradually subject to national and international politics and is currently facing the challenges of globalization and climate change. Thus, after the second half of the 19th century, many international agreements made by UNESCO, CoE and other intergovernmental organizations have strengthened the value and the protection of cultural heritage.

The concern of cultural heritage has been first provided in international law and treaties through the protection of "historic monument" during war time. After the massive destruction of cultural heritage over the course of the Second World War, the *1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict*³¹, deposited by the UNESCO, was the first international treaty only aimed at protecting cultural heritage at a world-wide level. In a major part, it was created due to the emerging

³⁰ *Supra* n. 7, p. 68.

³¹ UNESCO. The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention - First Protocol. (September 4, 1954). Entered into force on August 7, 1956.

responsibility of the new international order to avoid and prevent the destruction of architectural monuments and works of art during conflicts. A project presented by Italy at the General Conference of the UNESCO held in Florence in 1950 was the origin of the 1954 Convention³². It was itself inspired by a project between the two wars and presented by Holland to the Society of Nations in 1939; however, the only successful initiative on the matter during this time period was the 1935 Pan-American *Treaty of Roerich* also named the *Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments*³³. Moreover, the 1954 Convention partly takes over provisions from previous agreements, in particular the *1899 and 1907 Hague Regulations concerning the Law and Customs of War*³⁴.

Compared to the previous legal instruments, the 1954 *Hague Convention* represented a significant step forward the protection of cultural heritage; not only because it introduced and defined the notion of “cultural property”³⁵, but also because it brought together fragmentary provisions of various treaty in a single one and consolidated international legal text on this matter³⁶. In fact, the Convention also addressed for the first time the notion of “Common Heritage of Mankind” as belonging to the world because of “being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world”, it also considered “that the preservation of the cultural heritage is of great importance for all peoples of the world”³⁷. Moreover, a dual level of protection is provided by the Convention: the first consisted of a general protection for all cultural objects (movable and immovable property) and the obligation to safeguard and to respect them in time of peace (Articles 2-7), the second

³² See Zagato, L., Pinton, S., & Giampieretti, M. (2019). *Lezioni di diritto internazionale ed europeo del patrimonio culturale*. Venezia: Libreria Editrice Cafoscarina. p. 44.

³³ The Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments was signed by 21 States of the 35 States of the Pan American Union. (Washington, April 15, 1935). Entered into force on August 26, 1935.

³⁴ In Convention (IV) respecting the Laws and Customs of War (IV) on Land and its annex. (The Hague, October 18, 1907) Article 27 stated that “In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.” and Article 56 stated that “[...] All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.”

³⁵ See Chap. I, Part 1(a) of the thesis.

³⁶ *Supra* n. 32.

³⁷ *Supra* n. 31, Preamble of the Convention.

covered special protection granted to a limited number of shelters dedicated to the protection of movable properties in the event of armed conflicts (Articles 8-11)³⁸.

Further legal instruments deposited by UNESCO were adopted in the beginning of the 1970s. While the first convention reflected a post-war concern of reducing potential source of conflicts, the two following conventions reflected a cultural property approach in a context of decolonization process³⁹. Nation-states are highly sensitive to anything that could influence their cultural policies, which they consider to be at the core of national identities. Due to the increase in number of art objects imported fraudulently or without a duly identified origin, the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* was adopted in 1970⁴⁰. In addition, the 1972 *World Heritage Convention* linked together the notion of nature conservation and the preservation of cultural properties; thus, environmental issues became part of the “world heritage of mankind”⁴¹. To implement this latter convention, the World Heritage Committee was created. The aimed of the Committee was, and still is, to “establish, keep up to date and publish, under the title of ‘World Heritage List’, a list of properties forming part of the cultural heritage and natural heritages, as defined in Articles 1 and 2”⁴². Since its adoption and the newly list of “intangible heritage”⁴³, it has become one of the most popular instruments of the United Nations—186 Member States of the United Nations have acceded to the Convention. More recently, a *Convention on Protection of the Underwater Cultural Heritage*⁴⁴ and a *Convention on Protection and*

³⁸ *Supra* n. 32.

³⁹ See Labadi, S., & Long, C. (Eds.) (2010). *Heritage and Globalisation - Key Issues in Cultural Heritage*. London, New York: Routledge. p. 91.

⁴⁰ See the preamble of the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* by UNESCO. (Paris, November 14, 1970). Entered into force on April 24, 1972.

⁴¹ See the *Convention Concerning the Protection of the World Cultural and Natural Heritage* by UNESCO. (Paris, November 16, 1972). Entered into force on December 17, 1975.

⁴² *Ibid.*, Article 11(2).

⁴³ See Article 2(1) of the *UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage* which completed the concept of “heritage” with the notion of “intangible cultural heritage”; i.e. it “means the practices, representations, expressions, knowledge, skills—as well as the instruments, objects, artefacts and cultural spaces associated therewith—that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity”. (Paris, October 17, 2003). Entered into force on April 20, 2006.

⁴⁴ See the *UNESCO Convention on the Protection of the Underwater Cultural Heritage*. (Paris, November 2, 2001). Entered into force on January 2, 2009.

*Promotion of the Diversity of Cultural Expressions*⁴⁵ have been established; both have increasingly expanded the notion of cultural heritage.

In 1992, UNESCO gave to the non-governmental organization The International Council on Monuments and Sites (ICOMOS) a consultative function for the implementation of the *World Heritage Convention*. This Council was founded in 1965 after the 1964 *Venice Charter for the Conservation and Restoration of Monuments and Sites*—which provides international guidelines and framework in the field of restoration and conservation of historic buildings. This international organization has played a major role in the evolution of reconsideration of cultural heritage, notably through many international charters dealing with historic gardens (The 1981 Florence Charter), archaeological heritage (1990), underwater cultural heritage (1996) and tourism (1999). Recently, ICOMOS published a manual on the “European Quality principles for Eu-funded interventions with potential impact upon cultural heritage” co-funded by the *Creative Europe Programme* of the EU⁴⁶; it is therefore an international organization related and working with UNESCO and the EU at the same time.

Time after time, UNESCO and ICOMOS provided global instruments helping the reconsideration of what need to be protected, furnishing indispensable provisions to the conservation and the protection of our “world heritage”, gathering resources and setting up agendas and policies. The vocabulary of the various conventions shifted from “cultural property” to “cultural heritage” and even “cultural expression” in the 21st century. Being close partners, UNESCO and ICOMOS demonstrated that cultural heritage is a very important tool for economic development; this heritage is also priceless for the memory of humanity and constitutes a powerful vector for intercultural dialogue.

In the European scene, the CoE has conceived and adopted many treaties embracing the national context of the European countries. When examining the external dimension of the European Community’s measures in the sphere of cultural heritage, it is essential to take into account the actions of the CoE. Four months after the UNESCO’s 1954

⁴⁵ See the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. (Paris, October 20, 2005). Entered into force on March 18, 2007.

⁴⁶ See ICOMOS International (2019). *European Quality Principles for EU-Funded Interventions with Potential Impact upon Cultural Heritage*. Paris: ICOMOS International. Available online: [http://openarchive.icomos.org/2083/1/European Quality Principles 2019 EN.PDF](http://openarchive.icomos.org/2083/1/European%20Quality%20Principles%202019%20EN.PDF)

Hague Convention, the *European Cultural Convention* of the CoE fostered contracting parties to take “appropriate measures to safeguard and to encourage the development of its national contribution to the common cultural heritage of Europe”⁴⁷—it was signed by the 6 Founding Members of the European Coal and Steel Community⁴⁸. The CoE recognized the need for a common policy protecting and developing the “European culture”, from there acknowledged as official. The Council for Cultural Co-operation⁴⁹ implemented cooperation with public authorities and the EC and was supported by financial sources in five areas: education, media, cultural action, protection and enhancement of cultural heritage, and participation of youth⁵⁰.

Afterward, the Council of Europe endorsed numerous charters, conventions and recommendations to foster protection of cultural and natural heritage at national level: the *European Charter of the Architectural Heritage* (Amsterdam, 1975); the *Convention for the Protection of the Architectural Heritage* (Granada, 1985)⁵¹; the *European Convention on the Protection of the Archaeological Heritage* (Valletta, 1992)⁵²; The *European Landscape Convention* (Florence, 2000)⁵³; The *European Convention for the Protection of the Audiovisual Heritage* (Strasbourg, 2001)⁵⁴; and finally, the *Convention on the Value of Cultural Heritage for Society* (Faro, 2005).

⁴⁷ Article 1 of European Cultural Convention by the CoE. (Paris, December 19, 1954). Entered into force on May 5, 1955.

⁴⁸ Since 1954, the Convention has been signed and ratified by a total of 14 EU Members States (United Kingdom included because it is considered to be part of the EU until it officially leaves it on January 31, 2020).

⁴⁹ The Council for Cultural Cooperation was created on January 1, 1962, and promoted the cooperation between the members of the CoE in educational and cultural matters. The function of the Committee was to advise its supreme body—the Committee of Ministers of the CoE and the Council of Brussels Treaty Organization; when initiatives was approved, the committee was charged with carrying it out. See Haigh, A. (1970). The Council for Cultural Co-operation. In B. Landheer (Ed.), *Annuaire Européen / European Yearbook*. Dordrecht: Springer. p. 129.

⁵⁰ See McMahon, J. A. (2004). Preserving and Promoting Differences? The External Dimension of Cultural Cooperation. In Craufurd Smith, R. (Ed.), *Culture and European Union Law* (pp. 327-352). New York: Oxford University Press. p. 327.

⁵¹ The Granada Convention determined the principles of European cooperation and coordination of architectural conservation policies. See the European Convention for the Protection of the Architectural Heritage by the CoE. (Granada, October 3, 1985). Entered into force on December 1, 1987.

⁵² The Valletta Convention aimed at protecting archaeological heritage from illegal excavations and major construction projects. See the European Convention on the Protection of the Archaeological Heritage (revised) by the CoE. (Valletta, January 16, 1992). Entered into force on May 25, 1995.

⁵³ The Convention encouraged the protection, management and planning of European landscapes, i.e. both outstanding and ordinary landscapes determining the quality of people’s environment. See the European Landscape Convention by the CoE. (Florence, October 2000). Entered into force on March 1, 2004.

⁵⁴ The Strasbourg Convention has expanded the perception of cultural heritage to audiovisual productions. See the European Convention for the Protection of the Audiovisual Heritage by the CoE. (Strasbourg, November 8, 2001). Entered into force on January 1, 2008.

It is the latter, the 2005 *Faro Convention*, which was considered to be highly innovative in the matter⁵⁵; while the provisions of past conventions were intended to promote only the conservation and protection of cultural heritage, the provisions of the Faro Convention recognized a range of ways of using heritage and focused on the reasons why it should be valued. Thus, it highlighted economic and social advantages of preserving cultural heritage. In addition, it assigned to States Parties a set of objectives aimed at the contribution of cultural heritage to the development of society and human well-being—a particular emphasis was made on shared responsibility and public participation⁵⁶. Thanks to its flexibility, the Framework Convention allowed many States to experiment at the territorial level⁵⁷. Moreover, another fundamental approach is that the Convention explicitly mention for the first time the right of cultural heritage as a human right and element of democratic governance; in fact, the preamble of the Convention recognized that “every person has the right to engage with the cultural heritage of their choice, while respecting the rights and freedoms of other, as an aspect of the right freely to participate in cultural life enshrined in the *United Nations Universal Declaration of Human Rights* (1948) and guaranteed by the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966)”⁵⁸. Equally important, Article 1(a) struck a balance between the rights relating to cultural heritage and the rights to participate in cultural life⁵⁹. Finally, the Convention introduced the notion of the sustainability of the cultural heritage in order to achieve human development and better quality of life by supporting “the integrity of the cultural heritage” and opting for its “sustainable management”⁶⁰.

Right after the *Valletta European Convention* in 1992, the *Treaty on European Union* was explicitly recognizing the function of the CoE and promoted the “cooperation with third countries and the competent international organizations in the field of education, in

⁵⁵ *Supra* n. 32, p. 175.

⁵⁶ See Articles 7 to 10 of the Section II and Article 11 to 14 of the Section III of the CoE Framework Convention on the Value of Cultural Heritage for Society. (Faro, October 27, 2005). Entered into force on June 1, 2011.

⁵⁷ As this thesis is being written, 13 EU Member States have signed the Faro Convention—Austria, Belgium, Bulgaria, Croatia, Finland, Hungary, Italy, Latvia, Luxembourg, Portugal, Slovakia, Slovenia, Spain; out of which 4 have not yet ratified—Belgium, Bulgaria, Italy and Spain. List consulted on January 2, 2020, at <https://www.coe.int/en/web/conventions/full-list>

⁵⁸ *Supra* n.56, preamble.

⁵⁹ *Supra* n.56, Article 1(a) states that « The Parties to this Convention agree to recognize that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights”.

⁶⁰ *Supra* n.56, Article 1(c) and (d) and Article 9.

particular the *Council of Europe*⁶¹. To foster this collaboration, the EU joined, as co-organizer, the project *European Heritage Days* in 1999 which was originally launched by the CoE in 1985⁶². Through another joint programme, the European Commission collaborate on the CoE's project named *Cultural Routes*; the project is aimed at illustrating the European memory, history and heritage through the diversity of the culture, traditions, craftsmanship and religions (as example the Viking Routes, the Prehistoric Art Trails, the European Route of Ceramics, Réseau Art Nouveau, Roman Empire and Danube Wine Route...) ⁶³.

In an international context confronted with ever-increasing complexity, the notion of heritage can be qualified as relatively homogeneous at the level of European policy and, at the same time, intertwined with international charters and texts⁶⁴. European and international frameworks are undoubtedly important to enable policy makers to address the many challenges related to cultural heritage. Since the second half of the 20th century, the cooperation between the different actors has been steadily strengthened and the reconsideration of this issue is constantly reviewed in order to adapt to its changing environment.

c. Before Maastricht: the strengths of the European Community in the field of culture

After the Second World War, the spectrum of the totalitarian authorities instrumentalizing culture for political purposes required liberal democracies to legitimize their growing intervention in the cultural field; while cultural welfare states emerged, Western Europe has considerably developed its cultural policies. From then on, cultural policies have been characterized by ideas and notions that justified state actions for the principle of general interest⁶⁵.

⁶¹ Article 128(3) TEC.

⁶² The European Heritage Days take place every year in September; thousands of monuments and sites are opening their doors. More information at: https://ec.europa.eu/programmes/creative-europe/actions/heritage-days_en

⁶³ All Cultural Routes are available at: <https://www.coe.int/en/web/cultural-routes/by-theme>

⁶⁴ Petti, L., Trillo, C., & Makore, B. C. (2019, August 30). Towards a Shared Understanding of the Concept of Heritage in the European Context. *Heritage* 2019, 2. p. 2540.

⁶⁵ See Lowies, J.-G. (2015). L'eupéanisation des politiques culturelles : Mythe ou réalité ? In C. Romainville (Ed.), *European Law and Cultural Policies - Droit européen et politiques culturelles*. Brussels: P.I.E. Peter Lang. p. 260.

In the 1950s, the European project, driven by the desire of the founding States to create a unified and economic space to preserve peace, did not aim to conduct policies in the cultural field, either reach a political unification. The *Treaty of Rome*, establishing the European Economic Community (EEC) in 1957, was a foundation stone of the EU creation by targeting economic cooperation⁶⁶; however, it did not empower European institutions in cultural matters. Nevertheless, to ensure the achievement of European integration and to completely guarantee the common market in all sphere of the economy, the Treaty introduced some measures impacting cultural issues: firstly, using cultural tactics to tackle septic people in the EC and gain public support for European changes, secondly, removing free circulation barriers and promoting free flow of cultural goods and services in order to achieve the successful completion of the common European market.

However, it did not prevent the institutions from being confronted with cultural issues thereafter. Indeed, they saw in cultural actions a way to increase the appeal of the European community bringing people closer together over a future European integration, i.e. the voluntary transfer of a part of national sovereignty to the institutions of the European Communities and then to the European Union, or to other major supranational European institutions such as the CoE. The economic integration could not approach alone the challenge of the European unification, culture was therefore a tool to promote solidarity and social cohesion⁶⁷.

Since the 1973 *Declaration on European Identity*, the Heads of the EEC emphasized the “common heritage” of Europe through “the rich variety of their national cultures” and attempted to clarify the European Identity⁶⁸. Thus, the recognition of the value of cultural heritage meant its appreciation in the EC/EU scene as part of a common European Identity⁶⁹. Subsequently, the EP encouraged the promotion of the cultural diversity and

⁶⁶ See Article 2 “establishing a common market and an economic and monetary union by implementing the common policies or activities referred to in Articles 3(a), to promote throughout the Community a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of social protection, the raising of standard of living and quality of life, and economic and social cohesion and solidarity among Member States” of the Treaty Establishing the European Economic Community. (Rome, March 25, 1957). Entered into force on January 1, 1958.

⁶⁷ See Psychogiopoulou, E. (2008). *The Integration of Cultural Considerations in EU Law and Policies*. Leiden, Boston: Martinus Nijhoff Publishers. p. 8.

⁶⁸ See preamble and Article 1 of the Council of the European Community. Meeting of the Heads of State or Government, 9 December 1973. Declaration on European Identity, Bulletin of the EC, December 1973 n. 12, pp. 118-122. (Copenhagen, December 9, 1973).

⁶⁹ *Supra* n. 26, p. 68.

unity, thus becoming the first institution to concretely acting in the field. The EP resolution of 1974 was the first measure to enhance European cultural wealth to reverse the economic, material and cultural crisis. In order to preserve cultural legacy of Europe, it was requested to the Commission to encourage inter-state cultural cooperation, to disseminate culture among young people, to create a cultural assets inventory, to raise funds, to fight against theft and illegal trafficking of pieces of arts⁷⁰.

Later on, this resolution was complemented by one of the key aspects of the European cultural policies, that is “the promotion of cultural exchanges of every type as an excellent means of making the citizens of the Community more aware of European identity”⁷¹. In the meantime, the EP has requested the Commission to spread cultural exchange between countries of the Community in order to give access to a wider public, for example by encouraging translation of literary and promoting cultural events.⁷²

Besides the support of the Parliament, the Commission has been fostered by some declarations of the Heads of State or Government at the Summit meetings taking place at the Hague in 1969, Paris in 1972 and Copenhagen in 1973. In 1969, the EEC leaders perceived Europe as an exceptional place of “development, progress and culture, world equilibrium and peace” and stated on the necessity to preserve it⁷³. Thereafter in 1972, they emphasized that “Economic expansion [was] not an end in itself” and that, in order to increase living conditions and reduce disparities, “it should result in an improvement in the quality of life as well as in standards of living” thanks to a “particular attention [to] intangible values”⁷⁴. Finally following the *Declaration on European identity*, which recognized culture as the one of the highest political level and a fundamental element of people identity⁷⁵, the European Commission addressed to the Council the *Communication on the Community action in the cultural sector* in 1977⁷⁶. So far, the action in the cultural

⁷⁰ See European Parliament Resolution of 13 May 1974 on measures to protect the European cultural heritage. OJ C 62. (Luxembourg, May 13, 1974).

⁷¹ See paragraph 3 of the European Parliament Resolution of 8 March 1976 on Community action in the cultural sector. OJ C 79. (Strasbourg, March 8, 1976).

⁷² *Ibid.*, at paragraph 6.

⁷³ See point 4 of the Final Communiqué of the European Community Hague Summit. (The Hague, December 2, 1969).

⁷⁴ See point 3 of the Final Declaration of European Community Statement from the Paris Summit. (Paris, October 19-21, 1972).

⁷⁵ See the Meeting of the Heads of State or Government, 9 December 1973. Declaration on European Identity, Bulletin of the EC, December 1973 n. 12, pp. 118-122. (Copenhagen, December 9, 1973).

⁷⁶ See European Commission Communication to the Council, Community action in the cultural sector. (November 22, 1977).

sector was limited to the implementation of the EEC Treaty to this matter, i.e. the freedom of trade, the freedom of movement, and the harmonization of the taxation systems and legislation⁷⁷. This was not enough to address the economic and social difficulties of the sector; while a second challenge persisted, that is that national authorities were reticent to transfer their cultural competences to the EEC. The Commission therefore remained on its positions and in line with national governments by stating that action in the cultural area should be articulated through international organizations already working on the matter⁷⁸. Nevertheless, a twofold approach was proposed to the EU Council by the European Commission: first strengthening the EEC Treaty on the socio-economic value of the cultural sector and second, setting up a series of cultural actions focusing on heritage protection and cultural interaction⁷⁹. Meanwhile, the Parliament was exerting pressure on the Commission by using its budgetary powers over non-obligatory expenditure in order to obtain the implementation of this second issue.

In addition, the Commission stressed the necessity to continue to contribute to the preservation of the architectural and natural heritage. In May 1977, the Council stated in relation to the *European Community action programme on the environment* that:

“[the European] architectural and natural heritage is a non-renewable resource of the Community, an important element in its environment and the major physical manifestation of the cultural and historical identity of Europe. As a result of change, particularly in the way we live and despite great efforts by the authorities in all Member States, this heritage is at present seriously threatened with deterioration, and even destruction. This applies quite as much to the urban as to the rural environment”⁸⁰.

Considering that environment and cultural heritage are closely related to each other, the Council requested the establishment of a European Fund for monuments and sites in order to improve and create new techniques of conservation and restoration, establish training programmes for specialists and train young people in heritage management. In

⁷⁷ Ibid., at point 5.

⁷⁸ *Supra* n. 67. p. 8.

⁷⁹ See point 48, 50, 53 and 50 of the European Commission Communication to the Council, Community action in the cultural sector. (November 22, 1977).

⁸⁰ See point 122 of the Council of the European Community Resolution of the Council of the European Communities and of the representatives of the Governments of the Member States meeting within the Council of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment. OJ C 139. (June 13, 1977).

this respect, the Commission has subsequently set up a plan which promoted specialized training for restorers and pushed forward nuclear conservation techniques of tangible cultural heritage⁸¹.

In the late 1970s and beginning of 1980s, the concepts of European heritage and cultural heritage were still not clear and, this was rather a difficult task due to the cultural diversity of the Member States. In 1982, the Commission expressed, in a communication entitled *Stronger Community action in the cultural field*, the impossibility to “become involved in academic argument over the definition, purpose and substance of culture, or to arrogate any executive powers or even the slightest guiding function”⁸². It was not the duty of the European institution, their legal competences or their political legitimacy to define the notion of cultural heritage.

Nevertheless, the definition of the concept was implicitly provided through the selection of the sites and monuments destined to receive EU subsidies: the first category of projects to benefit from it was the one related to Christianity (which open at the same time a considerable debate on the official recognition of Europe’s Christian heritage in the 1990’) followed then by the ancient Greek and Roman sites⁸³. The European Regional Development Fund (ERDF), the European Social Fund (ESF) and the European Historical Sites and Monuments Fund (created later on in 1984) financed the cultural heritage field even before the establishment of a real cultural policy⁸⁴. Apart from these funds, the roots of the European culture were strongly represented by the symbolic launch of the *European Capital of Culture* in Athens in 1985, an initiative created by the Culture Ministers on June 13, 1985. As an annual event, it was aimed “to help bring the peoples of the Member States closer together” by “the expression of culture which, in its historical

⁸¹ *Supra* n. 79, point 42, 43 and 44.

⁸² See point 4 of the European Community Communication from the Commission to the Council and the Parliament transmitted on 12 October 1982, *Stronger Community action in the cultural sector*. Bulletin of the EC (1983), Supplement 6/82.

⁸³ *Supra* n. 26, p. 67.

⁸⁴ See Craufurd Smith, R. (2004). *Community Intervention in the Cultural Field: Continuity or Change?* In Craufurd Smith, R., *Culture and European Union Law*. New York: Oxford University Press. p. 44.

emergence and contemporary development, is characterized by having both common elements and a richness born in diversity”⁸⁵.

Following these initiatives, the cultural field began to occupy a prominent place in the European Community scene, notably in Parliament’s views. On February 11, 1983, the Parliament adopted the *Resolution on the European social heritage* which described social heritage as part of the European cultural heritage⁸⁶. It also aimed to formally recognize historical social and workers’ struggles as key element of European values; for the European Parliament it has therefore become a significant argument in favor of a greater social Europe⁸⁷. Moreover, the EP included the protection and valorization of minority languages and cultures in the field of cultural heritage⁸⁸. In the ensuing debates, the Parliament has taken up the term and slogan “unity-in-diversity” to raise awareness on the European diversity at a subnational level and to avoid the representation of dominant cultures—the slogan was already used by other European institutions. It is so the first international institution to believe and mention cultural heritage as being intangible.

The *Solemn Declaration on the European Union* signed by the Heads of State or Government on June 19, 1983, called to bigger Community commitment in cultural cooperation “in order to affirm the awareness of a common cultural heritage as an element in the European identity”⁸⁹. In the framework of the Council, the Ministers of Culture increased progressively their discussions and actions related to cultural issues and symbolic measures were taken, such as promoting architectural and archaeological preservation, conserving works of art and artefacts, sponsoring cultural activities and translating books. In spite of these initiatives, a soft law approach was utilized, and the Council was still sustaining the position of national authorities for socio-economic reasons. The 1986 *Single European Act*, which revises the *Treaty of Rome*, did not confer

⁸⁵ See the first paragraph of the Resolution of the Ministers responsible for Cultural Affairs, meeting within the Council, of 13 June 1985 concerning the annual event “European City of Culture”. OJ C 153. (June 22, 1985).

⁸⁶ The European Parliament referred to European social heritage “as evidence of the history of the world of work, industrial development, the birth of factories, the lives and struggles of workers, the creation and role of trade unions, cooperatives, mutual societies and associations, deserves to be preserved in view of its significance in our total cultural heritage”. See point A. of the Resolution of February 11, 1983, on the European Social Heritage. OJ C 68. (March 3, 1983).

⁸⁷ *Supra* n. 26, p. 69.

⁸⁸ See the European Parliament *Resolution of February 11, 1983, on measures in favour of minority languages and cultures*. OJ C 68. (March 3, 1983).

⁸⁹ See point 1.4.3 and 3.3 of the Solemn Declaration on European Union by the European Council. Signed on June 19, 1983, in Stuttgart.

either further cultural competences to the Community as it was focusing on economic objectives⁹⁰.

Nevertheless, in 1987, the Commission's communication *A fresh boost for culture in the European Community* supported the preservation of Europe's cultural heritage. It firstly stressed "the success of various symbolic initiatives has demonstrated that Europe's cultural dimension is deeply rooted in the collective consciousness of its inhabitants. Their values constitute a common cultural heritage characterized by dialogues and exchanges between peoples and men of culture based on democracy, justice and liberty"⁹¹. Secondly, in the context of the European Union construction, the Commission emphasized that the EC "has goals other than mere economic and social integration", relying on European culture as the cornerstone of the solidarity among European people⁹². Thirdly, this communication stated that "the unity of European culture as revealed by the history of regional and national cultural diversity is the keystone of the ambitious construction which aims at European Union"⁹³. In the same perspective, it also promoted the cooperation at multilevel of the Community—regional and national—and with the Council of Europe to extend the youth cultural education and "familiarizing [youth] with the cultural heritage and tourist attractions of the Community's regions"⁹⁴. Last but not least, in 1987, the Commission has committed itself to greater involvement in preserving Europe's cultural heritage by setting up further activities linked to the European architectural heritage and developing its potential as a tourist destination (museums, galleries and libraries, whether of books, records, videos or films)⁹⁵.

The creation of a Committee on Cultural Affairs and a Committee of Cultural Consultants has been the next step to enable the Commission and the Council to work on the cultural field. In the conception of the EU, the Commission and the EP supported France, the Netherlands, Spain, Denmark and Germany to make a proposition regarding the integration of culture in the next EU Treaty and consequently, asking for further

⁹⁰ See the Single European Act. OJ L 16 (Luxembourg, February 17, 1986). Entered into force on July 1, 1987.

⁹¹ See the "General guidelines – Introduction" of *A fresh boost for culture in the European Community*, Commission communication to the Council and Parliament transmitted in December 1987. Bulletin of the European Communities (1988), Supplement 4/87.

⁹² Ibid.

⁹³ Ibid., p. 7, "General Guidelines – Plan of actions".

⁹⁴ Ibid., p. 19, "Fact sheet III.1 Improving knowledge of languages".

⁹⁵ Ibid., p. 20, "Fact sheet III.3 Preserving Europe's cultural heritage".

European funds in the area⁹⁶. Pushed by the effects of the market integration of cultural assets, an Article on “Culture and protection of the heritage” was drafted by the European Commission aimed at introducing a common cultural policy within the Union:

“Culture is one of the fundamental elements of the European identity. Since the Union is to have the general aim of bringing its component peoples close together, it cannot be confined to the purely economic and social areas to which the Community, under the existing Treaties, is basically limited. It must also have regard for those values which, for every citizen, for every community and for every people, constitute the heritage through which they express their sense of belonging and solidarity and the source of influence which they can exert in their relations with each other and with non-members”⁹⁷.

As fundamental element of the European identity, four objectives have been drafted in 1991 in the perspective of the *Treaty of Maastricht* (1992): contributing to the flowering of cultures in Europe while respecting the national and regional diversity, developing cooperation with non-member countries and with international organizations, considering cultural dimension in the other policies of the European Union, and encouraging artistic creation, cultural exchanges, multilingualism and audiovisual cooperation⁹⁸.

In brief, since the 1970s, the concept of European cultural heritage has shaped the official discourses of the European Community over the long term. Even if the European institutions did not have any competence in cultural matters, the various initiatives and actions in the cultural field have gradually shown a high degree of willingness in determining the relevance and the power of cultural heritage in the construction of the European cultural identity. The mutual values of the Member States, made of common historical and cultural roots, have created a common European heritage. Progressively, it encompassed a larger notion of the concept which included the diversity of regional, local and minor culture. As well, it started to turn into an integrative component of EU

⁹⁶ *Supra* n. 26, at p. 15.

⁹⁷ See the draft text “Culture and protection of the heritage” of the Intergovernmental Conferences: Contributions by the Commission. Bulletin of the European Communities (1991), Supplement 2/91. p. 147.

⁹⁸ *Ibid.*

participatory process and slowly became a basis for bringing closer together the citizens of the EC until it got officially recognize in 1992.

2. THE DEVELOPMENT OF CULTURAL POLICY BY THE EUROPEAN UNION

As it has been observed in the first part, the European bodies already shown a high degree of interests in the field of culture, and thus indirectly for cultural heritage. It is now time to further explore the official recognition of cultural policy by the European Union. In this perspective, the first section will relate how the *Treaty on European Union* has considered culture as an essential dimension of the European identity. The second section will examine the evolution of cultural policy through the laws and treaties of the Union since 1992. Finally, the competences of the European Union in the field of cultural policy will be further detailed in the third section.

a. The beginning of cultural policies: The Treaty on European Union

Culture, long considered an exclusive competence of the States, has gradually established itself as a domain of the European Union action. But it has taken almost forty years between the *Treaty of Rome* and the *Treaty of Maastricht* for the cultural field to be considered as an essential dimension of European identity. In accordance with the declaration to “mark a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen”⁹⁹, the Heads of State or Government have expressed their desire “to deepen the solidarity between their peoples while respecting their history, their culture and their traditions”¹⁰⁰ in the *Treaty on European Union* signed in Maastricht on February 7, 1992.

The European involvement in the cultural field was further elaborated in a new Article distinctively dedicated to “Culture”, i.e. Article 128 TEC (*Treaty establishing the European Community*)¹⁰¹. It is definitely through this Treaty and Article 128 TEC, then amended by the Treaty of Amsterdam in Article 151 and by the Lisbon Treaty in Article

⁹⁹ See the preamble of the Treaty on European Union. OJ C 191. (Maastricht, February 7, 1992). Entered into force on November 1, 1993.

¹⁰⁰ Ibid.

¹⁰¹ Ibid., Title II - Art. G - Part B - paragraph 37 of the Maastricht Treaty modified the TEC by introducing Title IX - Art. 128.

167 TFEU (*Treaty on the Functioning of the European Union*), that the European Community achieved formal legal competence in the cultural area. The objective of the Article was to make citizens aware of the common cultural heritage and the diversity of national cultures.

First of all, Article 3(1)(q) TEC¹⁰² and Article 128(1) TEC stated that the “Community shall contribute to the “flowering of the cultures of the Member States”¹⁰³, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore”¹⁰⁴. Herewith the Community established the foundation to strengthen national cultures, respecting the demand of an “appropriately articulated Community cultural competence”¹⁰⁵. The emphasis adding to paragraph 4 by the Treaty of Amsterdam some years later stated that “the Community shall take cultural aspects into account in its action under other provisions of this Treaty, *in particular in order to respect and to promote the diversity of its cultures*”¹⁰⁶. It reinforced the provisions regarding the respect to the national identities of the Member States.

According to the second paragraph of Article 128 TEC, the Union should support and supplement the action of the Member States in four areas:

- “- improvement of the knowledge and dissemination of the culture and history of the European peoples;
- conservation and safeguarding of cultural heritage of European significance;
- non-commercial cultural exchanges;
- artistic and literary creation, including in the audiovisual sector.”¹⁰⁷.

The Community’s role is clear and limited to specified fields. Consequently, and as Smith explained, it may be interpreted as excluding certain “autonomous Community initiatives” and restricting the Community’s commitment to these particular areas ¹⁰⁸.

¹⁰² Ibid., Title II – Art. G – Part B – Paragraph 3 of the Maastricht Treaty modified the TEC by replacing Article 3.

¹⁰³ Ibid.

¹⁰⁴ *Supra* n. 101.

¹⁰⁵ *Supra* n. 67, p. 25.

¹⁰⁶ Part one - Article 2 - Paragraph 25 of the Treaty of Amsterdam modified the TEC by introducing Article 128(4). Treaty establishing the European Community (Amsterdam consolidated version). OJ C 340. (Amsterdam, October 2, 1997). Entered into force on May 1, 1999.

¹⁰⁷ *Supra* n.101.

¹⁰⁸ *Supra* n. 84, p. 50.

However, the activities described in this provision remained vast and may integrate extensive dimensions of cultural initiatives. As Smith continued, another perspective can be expressed with regard to the second paragraph; the provision highlighted the benefits of the cooperation between the Member States and the Community in specified cultural areas. However, paragraph 2 does not expressively establish the external limits of the Community's competence under paragraph 1. In this respect, paragraph 2 does not provide an exhaustive list of the cultural competences either¹⁰⁹. The Community and the Member States have been invited to promote cooperation with third countries and even more significantly, with the Council of Europe which was already very active in the cultural heritage field¹¹⁰.

The concern of Member States about the effect of EC law on subnational culture is expressed in Paragraph 4. In fact, this paragraph stated that the cultural aspect must be taken into account by the European Community in the actions procured by other provisions of the Treaty of Maastricht. By integrating the cultural dimension in the drafting of a European Commission treaty provision, this article goes beyond the paragraph 2, 3 and 5 and the cultural field gained an "horizontal dimension" by being reported to all Community practices¹¹¹. However, this raised a twofold problem which express a lack of guidance: firstly, "cultural aspects" is a wide term which can be interpreted in many approaches, secondly, the expression "take into account" implies no more than a limited obligation. It is interesting to notice that five years later, in 1997, the Treaty of Amsterdam added the following motion to the paragraph 4 of Article 128 TEC (then amended by the Amsterdam Treaty to Title XII – Article 151): "in particular in order to respect and promote the diversity of its culture". Once again, the EC's guideline will be to promote the cultural diversity and the priority of the Member States to safeguard their own traditions. In any case, the Council has recognized in January 2002 that the paragraph 4 needed to be improved and invited "future Presidencies to draw up a work programme and a timetable for that purpose"¹¹².

¹⁰⁹ *Supra* n. 84, p. 51.

¹¹⁰ *Supra* n.101, Article 128(3) TEC.

¹¹¹ *Supra* n. 67, p. 26.

¹¹² See the Council Resolution of 21 January 2002 on the role of culture in the development of the European Union. OJ C32/2 (February 5, 2002)

In paragraph 5, any harmonization of the laws of the Member States is explicitly excluded. Any decision by the Council, even the simple adoption of a recommendation, can only be taken by unanimity. In fact, paragraph 5 emitted that:

“In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in Article 189b¹¹³ and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonization of the laws and regulations of the Member States. The Council shall act unanimously throughout the procedures referred to in Article 189b;
- acting unanimously on a proposal from the Commission, shall adopt recommendations.”

Thus, the cultural policy of the Community is limited due to the restricted legislative instruments. Culture became one of the very few areas where the heaviest decision-making procedure applies because it required a full agreement between both the Council and the European Parliament and the unanimity within the Council, i.e. it accorded the veto power to Member States over European measures. Moreover, the measures adopted are “incentives” and there is no legal binding existing at the national level, even if there is a co-decision between the EP and the European Council (with the consultation of the Committee of Regions)¹¹⁴.

¹¹³ Article 251 TEC, previous Article 189b – EC Treaty (Maastricht consolidated version), stated that “1. Where reference is made in this Treaty to this Article for the adoption of an act, the following procedure shall apply. 2. The Commission shall submit a proposal to the European Parliament and the Council. The Council, acting by a qualified majority after obtaining the opinion of the European Parliament, shall adopt a common position. The common position shall be communicated to the European Parliament. The Council shall inform the European Parliament fully of the reasons which led it to adopt its common position. The Commission shall inform the European Parliament fully of its position. If, within three months of such communication, the European Parliament: (a) approves the common position, the Council shall definitively adopt the act in question in accordance with that common position; (b) has not taken a decision, the Council shall adopt the act in question in accordance with its common position; (c) indicates, by an absolute majority of its component members, that it intends to reject the common position, it shall immediately inform the Council. The Council may convene a meeting of the Conciliation Committee referred to in paragraph 4 to explain further its position. The European Parliament shall thereafter either confirm, by an absolute majority of its component members, its rejection of the common position, in which event the proposed act shall be deemed not to have been adopted, or propose amendments in accordance with subparagraph (d) of this paragraph; (d) propose amendments to the common position by an absolute majority of its component members, the amended text shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.”

¹¹⁴ *Supra* n. 84, p. 51.

Article 128 TEC may be seen as an opportunity for Member States to reaffirm control over cultural matters. This Article can be regarded as part of a broader framework which may discourage the intervention of the Community, undermine cultural diversity at national level and prevent direct attempts of harmonization. The complexity of the provision reinforces the difficulty to find a compromise due to the plurality of competing interests¹¹⁵. Even so, it is indisputable that Article 128 TEC explicitly provided competences to the Community in the cultural area. However, Smith highlighted that certain Member States were interesting by Article 128 TEC for helping them remedy to some negative consequences of the liberalization of the market¹¹⁶. Thus, it is also in the interest of Member States to support European cultural initiatives in order to convince citizens of the benefits and advantages of a European integration.

In addition to Article 128 TEC, other provisions have made possible the creation of the “formal model” of the constitutional cultural process within the Maastricht Treaty, and particularly in the field of cultural heritage. Article 92(3)(d) TEC¹¹⁷, modified by the Amsterdam Treaty to Article 87(3)(d) TEC and now Article 107 TFEU, stated that the States must grant aids “to promote culture and heritage conservation where such aid does not affect trading conditions and competitions in the Community to an extent that is contrary to the common interest”. So, Article 92 TEC does not distinguish the States interventions according to their cause or purpose but classifies them according to their effects. However, no real definition of the terms “aids” is provided¹¹⁸.

Article 36 of the *Treaty establishing the EEC*, becoming Article 30 TEC then Article 36 TFEU, remained intact. It provided the possibility to prohibit or restrict on imports and exports in order to protect “national treasures possessing artistic, historic or archaeological value”¹¹⁹. This is an exception to the general prohibition of quantitative import restrictions (Article 30 of the Treaty establishing the EEC¹²⁰) or exports (Article

¹¹⁵ Ibid.

¹¹⁶ Ibid., p. 52.

¹¹⁷ Title II – Art. G – Part. B – Paragraph 18 of the Maastricht Treaty modified the TEC by introducing Article 92(3)(d).

¹¹⁸ See Ferri, D. (2008). *La Costituzione Culturale dell'Unione europea*. Cedam. P.85.

¹¹⁹ European Council (1957). *Treaty establishing the European Economic Community*. (Rome, March 25, 1957). Entered into force on January 1, 1958.

¹²⁰ Article 30 of the Treaty establishing the EEC stated that “Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States”.

34 of the Treaty establishing the EEC¹²¹). This exception was justified by the “public morality, public policy or public security”. The provision is intended to enable the survival of a whole series of State instruments to finance cultural initiatives, both to support artists and producers of cultural content and to conserve and protect the existing cultural heritage¹²².

Lastly, the European cultural heritage was also a tool to create a European identity, engendering a sense of European citizenship. The establishment of the European Union citizenship with the Treaty of Maastricht has gone in this direction¹²³. The legal status granted by the Treaty gradually substituted the notion of European identity for being associated more with European culture and cultural heritage in EU discussions¹²⁴.

To sum up, the *Treaty on European Union* is a turning point for the legal recognition of Community competences in the field of culture and cultural heritage. The directive of the EC was not intended to homogenize culture but instead, it was aimed at promoting and protecting Member States’ cultural diversity, that is to build a common and shared cultural space thanks to European cooperation and exchanges. Although culture and cultural heritage remained an area of exclusive competence of the Member States, it reflected the first formal recognition of cultural value within the European Community framework, even if the few references to “cultural heritage” in the Maastricht Treaty suggested that Member States considered this issue as requiring only marginal intervention in this specific field¹²⁵.

b. Cultural heritage and European Union law

While after the 1992 Maastricht Treaty the place of culture remained uncertain within the European Union institutions, it became progressively evident that the cultural field has a wide potential not only as an economic tool, but also as a stimulating force to promote the development of the EU.

¹²¹ Article 34 of the Treaty establishing the EEC stated that “Quantitative restrictions on exports, and all measures having equivalent effect shall be prohibited between Member States”.

¹²² *Supra* n. 118, p. 88.

¹²³ *Supra* n. 99, Title II – Article G – Part C modified TEC by introducing “Part two Citizenship of the Union”.

¹²⁴ *Supra* n. 26, p. 74.

¹²⁵ *Ibid.*, p. 65.

The *Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts*, simpler called the *Amsterdam Treaty* signed on October 2, 1997, has not brought any changes in the “Culture” provision. However, it did add a mention in the fourth paragraph of Article 128 TEC which highlighted the necessity of respecting “the diversity of its culture” while taking into account the cultural aspects under other provisions of the Treaty. It officially reiterated the importance for States to maintain their cultural differences due to the national issue in the construction of cultural identity. Moreover, this Treaty has specified horizontal dimensions of the cultural concept which became relevant to all actions of the Union possessing cultural aspects¹²⁶. It is on these bases that the *Culture 2000* programme has been launched¹²⁷.

In 2001, the *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Community and certain related acts*, ratified in 2003¹²⁸, marked a further step in the determination to foster cultural competence. The EP had a leading role in cultural policy; in fact, during the drafting of the Treaty of Nice and in the context of the enlargement of the European Union, the Parliament first attempted to enforce the qualified majority voting in the Council rather than unanimity rule. In fact, the Parliament recommended that the “qualified majority voting and codecision should become the normal method for general legislative level decision-making and the unanimity rule should continue to apply only to constitutional and fundamental matters”¹²⁹. However, the Nice Treaty failed to include this parliamentary proposal, in part because of the lack of political will of the Heads of State or Government¹³⁰. As a result, cultural competences within the EU remained unchanged.

However, it is in parallel that the Council has been working on the implementation of a new cultural agenda. In 2002, the Council adopted a cultural work plan for the period

¹²⁶ See Barbato, J.-C. (2015). Les effets des interventions européennes sur la diversité culturelle. In C. Romainville (Ed.), *European Law and Cultural Policies - Droit européen et politiques culturelles* (pp. 169-189). Brussels: P.I.E. Peter Lang. p. 172.

¹²⁷ See the section 3.b. below.

¹²⁸ See the Treaty of Nice amending the Treaty on European Union, the Treaty establishing the European Communities and certain related acts. OJ C 080. (Nice, February 26, 2001). Entered into force on February 1, 2003.

¹²⁹ See point 19 of the European Parliament Resolution on the preparation of the reform of the Treaties and the next Intergovernmental Conferences. OJ C 68. Final A5-0059/1999. (Strasbourg, November 18, 1999).

¹³⁰ *Supra* n. 65, p. 269.

2005-2006 aimed at “placing culture at the heart of European integration and taking into account the cultural aspects under other provisions of the Treaty”. Regrettably, the work plan remained an indicative and non-exhaustive list of priority topics¹³¹, i.e. (i) European added values; (ii) Access to, and visibility of, cultural action of the Community; (iii) Horizontal aspects; (iv) Dialogue among cultures; (v) Cooperation between Member States and participation of new Member States; (vi) International cooperation in the field of culture¹³². Shortly before the Lisbon Treaty, a *European Agenda for Culture*, namely the *European agenda for culture in a globalizing world*, is adopted by the Directorate-General (DG) responsible for Education and Culture (DG EAC)¹³³. Influenced by economic and international concerns, the first-ever European cultural strategy opted for three key objectives¹³⁴:

- “- the promotion of cultural diversity and intercultural dialogue;
- the promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth and jobs;
- and the promotion of culture as a vital element in the Union’s international relations”¹³⁵.

Thus, it confirmed the essential role of the cultural field in the European integration process. In a process of globalisation that fosters a multicultural environment, it should be noted that this initiative is fundamental because individuals must be capable to act in an efficient and peaceful way; the institutions must therefore promote and support intercultural dialogue and better understanding of the different cultural environments¹³⁶. Moreover, the Commission’s cultural agenda suggested innovative working methods and new partnership in order to develop a solid cooperation between all actors involved, i.e. the European institutions, the Member States and the cultural sector¹³⁷. In this

¹³¹ See paragraph 11 of the Council Resolution of 25 June 2002 on a new work plan on European cooperation in the field of culture. OJ L 162/5. (June 25, 2002).

¹³² Ibid., Annex “Indicative list of topics for the Work Plan”.

¹³³ See the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European agenda for culture in a globalizing world. COM(2007) 242 Final. (Brussels, May 10, 2007).

¹³⁴ *Supra* n. 67, p. 53.

¹³⁵ *Supra* n. 133, Point 3. “Objectives for a European Agenda for Culture”.

¹³⁶ See Craufurd Smith, R. (2015). Article 167 and the European Union's Competence in the Cultural Field - At the Service of a European Cultural Identity or to Promote National Cultural Policies? In C. Romainville (Ed.), *European Law and Cultural Policies - Droit européen et politiques culturelles* (pp. 59-81). Brussels: P.I.E. Peter Land. p. 81.

¹³⁷ *Supra* n. 133, Point 4. “New partnerships and working methods”

perspective, a new flexible instrument has been created in order to boost cultural cooperation: The Open Method of Coordination (OMC)¹³⁸. the OMC introduced a favourable framework for the cross-border cultural collaboration, giving various impulses for policy enhancement in employment, social protection, education and youth¹³⁹. The EP and the Council favourably endorsed the cultural agenda¹⁴⁰ and the other European institutions were kindly encouraged to take part in the process—the Economic and Social Committee and the Committee of the Regions.

After the failed of the Treaty establishing a Constitution for the EU in 2004¹⁴¹, the *Treaty of Lisbon amending the Treaty on European and the Treaty establishing the European Community*, has provided a major change in the decision-making process. The unanimity requirement in European cultural matters, established in Article 151(5) TEC, has been abolished and replaced by the majority voting for incentive actions¹⁴²; thus, Member States no longer have their veto power. However, the unanimity remained in force for trade agreement in the cultural field. In fact, the determination to protect the cultural diversity has been reaffirmed in Article 188 C TEC¹⁴³, previous Article 133 and then Article 207 TFEU; this provision protected culture from the economic dimension by keeping the unanimity decision “in the field of trade in cultural and audio-visual services, where these agreements risk prejudicing the Union’s cultural and linguistic diversity”¹⁴⁴. By deleting the term “the Council” in its introductory sentence¹⁴⁵, Article 151(5) TEC stated that it was no longer the sole responsibility of the EU Council to contribute to the

¹³⁸ In the European Union, the OMC is described as a form of “soft” law; it is a form of intergovernmental policy-making that does not result in binding EU legislative measures and the EU countries are not required to introduce or amend their laws. The OMC is principally based on: jointly identifying and defining objectives to be achieved (adopted by the Council); jointly established measuring instruments (statistics, indicators, guidelines); benchmarking. Definition available on the glossary of Eur-Lex: https://eur-lex.europa.eu/summary/glossary/open_method_coordination.html

¹³⁹ *Supra* n. 67, p. 54.

¹⁴⁰ See European Parliament Resolution of 10 April 2008 on a European agenda for culture in a globalising world. OJ C247E. (April 10, 2008).

¹⁴¹ The Constitutional Treaty failed because of its non-ratification by France and the Netherlands, following the negative vote by referendums of both countries.

¹⁴² Article 2 – Paragraph 126 modified Article 151(5) TEC. Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. OJ C 306/1. (Lisbon, December 13, 2007) Entered into force on December 1, 2009.

¹⁴³ *Ibid.*, Article 2 - Paragraph 158 of the Lisbon Treaty replaced Article 133 TEC by Article 188 C.

¹⁴⁴ *Ibid.*, Article 188 C(4)(a).

¹⁴⁵ *Supra* n. 142.

achievement of cultural objectives¹⁴⁶; however, it explicitly declared that such a responsibility belonged to the European Parliament and the Council¹⁴⁷.

To sum up, the path of the cultural field through the various treaties of the construction of the European Union has oscillated between symbolic and economic aspects. It appears that at the beginning, the importance was given to symbolic value; gradually, the economic part gained momentum and started to play a major role in the conceptualization of culture within the Union—this will become even more evident during and after the economic crisis of 2008. The two previous part of this thesis offered a general framework for the European Community's legal provisions in the cultural fields in order to fully understand from now on what are the real competences of the European institutions in the matter.

c. Competences of the European Union in the cultural field.

First of all, the TFEU defined from Articles 2 to 6 the three kinds of competences assigned to the EU: exclusive competence (Article 2), shared competence (Article 4) and 'supportive' competence (Article 6). Specifically, Article 2(5) TFEU insist on the fact that "in certain areas and under the conditions laid down in the Treaties, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, *without thereby superseding their competence in these areas*".

Concerning the cultural area, Article 6 TFEU provides the Union to only have the "competence to carry out actions to support, coordinate, or supplement the actions of Member States"¹⁴⁸. Concretely, legally binding acts cannot involve the harmonization of national laws or regulations. In this perspective, Article 167 TFEU, previous Article 151 TEC, confirmed that the Union has only a "supportive competence" in cultural sector with limited intervention possibilities in the policy of Member States; this article excluded the "harmonization of the laws and regulations of the Member States" because the Union shall respect the "national and regional diversity" of the States. With regards to Article 3(1)(q)

¹⁴⁶ The introductory phrase of Article 151(5) TEC was that "in order to contribute to the achievement of the objectives referred to in this Article, the Council: [...]".

¹⁴⁷ *Supra* n. 142.

¹⁴⁸ Part one - Title I - Article 6 of the TFEU.

TEC establishing the “contribution [...] to the flowering of the cultures of the Member States”, the responsibility remained resolutely on behalf of the Member States and did not extend beyond the European cooperation sphere. In addition, another founding element of the European cultural action is reflected in the principle of subsidiarity, which is still governing European intervention in this area. This principle requires European action only when States are no longer effective in the sector concerned. In this sense, the EU is called to support and complement the action of Member States; therefore, the competences of States remained exclusive.

When introduced, Article 128 TEC “Culture” was aimed both to influence the implementation of existing Treaty provisions and provide a basis for the elaboration of specific cultural policies in the coming years. The paragraphs 1 through 3 supported the Community in implementing specific cultural policies; in fact, the institutions of the EU have been identifying some distinctive, but restrictive, cultural areas and supporting worthy projects and networks.

In order to identify the cultural impact of any projected initiative, provide advises and play a coordinating role between actors, the DG EAC must have to consult not only the institutions concerned, but also the individuals and organizations. Moreover, an effective and synergetic cooperation and dialogue between all stakeholders is necessary to ensure that cultural aspects of a project are preserved. In fact, the economic purposes of the various European Union funds could alter the final scope of the initiatives.

However, Article 167 TFEU itself raised some concerns because of its lack of clarity; the language used in the provisions remained vague and open-ended¹⁴⁹. In addition, the need to protect national cultures and traditions has creating tension with the desire to promote cultural exchange and innovation. It has had an impact on the development of Community cultural policies and has left the Community uncertain as to the objectives and priorities of the policy to be followed.

When looking at the legislative sphere, the fourth paragraph of Article 167 TFEU is therefore important as it called for a more “systematic approach to cultural issues”¹⁵⁰. Craufurd Smith admitted that this Article may have affected certain areas covered by the

¹⁴⁹ The term “cultural aspect” in Article 151(4) TEC is an example of this difficulty to interpret the provision due to the vague aspect of the notion.

¹⁵⁰ *Supra* n. 84, p. 58.

Commission, such as on competition provisions; however, she argued that the Article had not really had a high degree impact on the activities of the European Court of Justice or on the legislation of the EU. It is probably not because of this Article that a growing awareness of cultural matters was observed, but possibly thanks to the societal changes¹⁵¹.

Unlike many areas in which body groups and lobbies have influenced on the legislation of the EU, the cultural field does not have a single one pushing the institutions to achieve a set of well-defined objectives. Indeed, it is this multiplicity of cultural actors and organizations and their divergent interests (as performers, artists, broadcasters, producers, traders, museums, heritage conservation bodies...) that makes it difficult for European politicians to set up concrete objectives and implement large-scale initiatives¹⁵².

On the other hand, the introduction of cultural policy into the competences of the EU on was oriented into two main purposes: firstly, to encourage the recognizance of a common European identity among European citizens, and secondly, to raise mutual trust and stability within the European Union people by sensitizing them at their cultural differences¹⁵³. For the benefit of European integration, it was fundamental to obtain the interest and the support of the European policies by the people of the European Union. Since the first direct election by universal suffrage of the European Parliament in 1979, the turnout has fallen from 61,99% in 1979 to 56,67% in 1994¹⁵⁴. The turnout is considered by many as a symbol of the democratic legitimacy of the EP, and more generally of the European institutions. Thus, it illustrated that for many citizens, the Community was only a distant and foreign political and economic actor; that is why the Maastricht Treaty introduced the idea of European citizenship which was aimed to give more concrete meaning through direct personal interaction.

By promoting the free mobility of people, artists, works and cultural events, the citizens of the Union could benefit from the many opportunities offered by their own cultural heritage and come closer to the common elements of their nascent European identity—that is an identity complementing their national, regional, ethnic and religious

¹⁵¹ Ibid.

¹⁵² Ibid., p. 55.

¹⁵³ *Supra* n. 136, p. 66.

¹⁵⁴ The turnout continued to decline until it reached 42,61% in 2014. The long downward trend in voter turnout was finally reversed during the 2019 European Parliament elections with a turnout rate of 50,66%. Turnout by year are available at: <https://europarl.europa.eu/election-results-2019/en/turnout/>

identities. In addition, it should be pointed out that just before the Maastricht Treaty, the growing intolerance of Europe's citizens called for strengthening the feeling that all were sharing a common heritage and common values, rather than seeing only a cultural heterogeneity¹⁵⁵. Moreover, the references to historic sites, buildings or artistic expressions, through programmes such the *European Capitals of Culture*, *European Heritage Label* and *European prizes*, aimed at creating a common European identity. Although it was already difficult to foster the feeling of unity between the European citizens of the six founding States; the complexity behind the European motto "unity in diversity" has only increased over time with the enlargement of the European Union. During this period, the EU's cultural policies has been differentiative from the public policies in the cultural field. While the domestic policies have focused on non-commercial cultural exchanges (usually bi-lateral exchanges) and have considered the connections between groups within national borders, the EU's cultural policy examined the links not only within countries, but also between them¹⁵⁶. It has notably supported the development of a common cultural identity, cultural exchanges and a transnational understanding. Thanks to the two first *framework Culture programmes* (2000-2006 and 2007-2013), the European institutions promoted networks between cultural actors, both in the founding members and in most recent EU adhesions. Moreover, some expertise was shared, and a feeling of solidarity has been developed between the different cultural actors across Europe.

More broadly, since the Maastricht Treaty, the European Union has included to the project of the economic integration, the project of political and cultural integration¹⁵⁷. Article 128 TEC introduced a first guideline to be followed and contributed to the implementation of the first Community cultural policy; some concrete measures have been carried after the ratification of the Maastricht Treaty. The EU only has a primary competence on cultural field, so the European institutions can only encourage the international cooperation and support actions in the conservation and safeguarding of

¹⁵⁵ Commission of the European Communities. Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee for New Prospect for Community Cultural Action. Com(92)149 Final (Brussels, April 29, 1992)

¹⁵⁶ *Supra* n. 136, p. 69-70.

¹⁵⁷ See Fligstein, N., Polyakova, A., & Sandholtz, W. (2012). European Integration, Nationalism and European Identity. *Journal of Common Market Studies*, vol. 50, n. S1 (p. 106-122). p.106.

cultural heritage. As a result, the first generation programmes of cultural financing instruments was launched: *Kaleidoscope*, *Ariane* and *Raphael* between 1996 and 1999.

3. EUROPEAN CULTURAL FUNDING: IMPORTANT BUT FRAGMENTED SOURCES

The previous parts of this chapter detailed the competences of the European bodies in the field of cultural policies which encourage international and transnational cooperation and promote the conservation of cultural heritage. In practice, this is implemented through European funds. Thus, the first section will recall the first generation programmes entirely devoted to culture and aimed at implementing the Maastricht Treaty. Meanwhile, the second section will highlight the changes of directions that occurred from the 2000s onwards within the cultural financial programmes. However, cultural programmes are not the only financial instruments that can support cultural heritage. Indeed, the third section will focus on further European policies that are indirectly related to cultural heritage.

a. Putting Treaty into action: The First generation programmes

After the entry into force of the Maastricht Treaty in 1993, the Council, in codecision with the EP and after the consultation with the Committee of the Regions (CoR), created the three first cultural funding tools: *Kaleidoscope*, *Ariane* and *Raphael*. It marked the first phase of the implementation of the community activity in the cultural field. The three actions were mainly focusing on the cooperation between Member States in the areas of art, literature and cultural heritage. Respectively, the first programme *Kaleidoscope* (1996-1999) offered financial support to cultural activities¹⁵⁸; the second one *Ariane* (1997-1999) promoted literature and translations; and the third one *Raphael* (1997-2000) was aimed at protecting cultural heritage.

Between 1996 and 1999, it is certainly apparent that greater emphasis on culture were made at the institutional level; it is also clear that some Member States within the

¹⁵⁸ One of the relevant projects funded by Kaleidoscope programme was the *European Capitals of Culture*. Subsequently, the initiative has been financed by *Culture 2000*.

European Council were reluctant to carry some proposals made by the Commission or the Parliament. It will take two year to vote *Kaleidoscope* programme, which will be implement for only three years, whereas the Commission has proposed a five years programme, with a lower budget that the one proposed by the Commission (ECU 26.5 million)¹⁵⁹. The same applied to the *Ariane* programme: a two years implementation and a lower budget. In its 2004 Report on the final results of the first generation programmes, the Commission itself recognized that “in relation to the needs and expectations of European cultural operators, the evaluator [was] not quite so certain about the relevance of the programmes” and that it missed a “real European ambition in the cultural field”¹⁶⁰. However, from a perspective of cultural quality and economic relevance, the general objectives were reached. Moreover, on the efficiency and effectiveness of the programmes, the Commissions added that “the evaluator voices very little criticism, finding that the results obtained were proportional to the resources committed, i.e. they were effective but not commensurate with the more ambitious expectations formulated in the Decisions establishing the programmes”; this suggested that the funds allocated were not large enough.

Article 167 TFEU promoted the ‘tangible’ aspect of the culture. In fact, the provision fostered artistic and literary creation, promote knowledge and dissemination of the culture and history of the European peoples, support cultural exchanges and safeguard cultural heritage of European significance. This has legitimized the cultural actions and projects already undertaken before the Treaty. As consequences, the approval of programmes enhancing European culture and common heritage has led to a certain democratization of cultural wealth. The mechanisms used within the projects has supported cooperation, formed strong partnership and cultural network, and strengthened professional skills in the field. In all the programmes, one of the more significant eligibility criteria for the selection of the projects was the “cross-border” aspect, i.e. involving operators from at least three Member States. Specifically, *Raphael*, as being the first European programme protecting the heritage, was really significant because it financed initiatives implying museums and art collections, libraries and archives, archaeological, architectural and underwater cultural assets, assemblages and

¹⁵⁹ See the Commission report to the European Parliament, the Council and the Committee of the Regions, Report on the implementation of the Community programmes Kaleidoscope, Ariane and Raphael. Com(2004)33 Final (Brussels, January 23, 2004).

¹⁶⁰ Ibid.

cultural sites. Unlike the other two programmes, *Raphael* explicitly recognized the socio-economic value of cultural heritage, generating “various types of activities with important social and economic repercussions” in particular as source of employment¹⁶¹.

These three different programmes represented an essential step towards the implementation of the European cultural cooperation but it was not enough. To be more effective and visible, the Community needed firstly, to continue and extend their actions; secondly, to better identify the cultural operators; thirdly, to simplify the procedures; fourthly, to promote the programmes; and fifthly and lastly, to improve the monitoring of the cultural programmes. This is how *Culture 2000* emerged, as the combination of the three first programmes into one.

b. Changing Directions: The Cultural Programmes after 2000

With the perspective to rise the effectiveness and consistency of cultural actions and streamline the different initiatives, a single framework programme (FP) was launched: *Culture 2000*.

The programme was officially adopted in 2000 and was established originally for five years (2000-2004) with a budget of €167 million; it was then extended to 2006, with a budget up to €236.5 million. Article 1 established that the programme “shall contribute to the promotion of a cultural area common to the European peoples”¹⁶²; so it should enhance the cooperation between “creative artists, cultural operators, private and public promoters, the activities of the cultural networks, and other partners as well as the cultural institutions of the Member States and of the other participant States”.

Among the eight objectives defined by the programme *Culture 2000*, it appeared to firstly focus on the values and roots of the EU (dimensions that are intrinsically linked to culture in its symbolic aspects) through:

- the “promotion of cultural dialogue and mutual knowledge of the culture and history of European people”;

¹⁶¹ See the explanatory memorandum Communication from the Commission to the European Parliament and the Council of the European Union, Proposal for a establishing a Community action programme in the field of cultural heritage. Com(95) 110 Final (Brussels, Marche 29, 1995).

¹⁶² See the Decision no. 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme. OJ L 63. (Brussels, February 14, 2000) Entered into force on March 10, 2000.

- the cooperation and exchange “between European and non-European culture”;
- the “promotion of creativity and the transnational dissemination of culture”;
- the innovation through “the highlighting of cultural diversity and the development of new forms of cultural expression”
- and increase the cultural access to European citizens because it is a “factor in social integration and citizenship”.

In a second time, it also gave more consideration to the economic role playing by the cultural field; In fact, *Culture 2000* included the economic impacts by “taking into account the role of culture in socioeconomic development” and by “the explicit recognition of culture as an economic factor”. With regards to cultural heritage, the programme has in its main objectives to:

- share and highlight, at the European level, the common cultural heritage of European significance
- disseminating know-how and promoting good practices concerning its conservation and safeguarding¹⁶³.

To achieve these objectives, the European Community has employed three types of actions: specific innovative and/or experimental actions¹⁶⁴; integrated actions covered by structured and multiannual cultural cooperation agreements¹⁶⁵; and special cultural events with European and/or international dimension¹⁶⁶. Moreover, to respect Article 167(3) TFEU¹⁶⁷, the projects monitored by *Culture 2000* had the opportunity to cooperate at the international level with the countries of the European Economic Area (Iceland,

¹⁶³ Ibid., Article 1(d).

¹⁶⁴ The category covered actions in the recovery and promotion of heritage assets, the development of adequate instruments and guidelines, the dissemination of cultural knowledge thanks to translation, production and distribution of cultural content, creation and organisation of festivals and exhibitions, education of arts, enhancement of training facilities, and social integration through arts.

¹⁶⁵ This second category was carrying out initiatives with European dimension and strengthening the circulation of cultural goods and events, mobility of artists, training, heritage protection, diffusion of cultural information, and the use of new technologies and multilingualism. To be noted that the purpose of this category was to help creating durable cross-border structures, capable of operating without European funds.

¹⁶⁶ The aim of this third category was to promote the cultural diversity of Member States through events such as *European capitals of culture*, European prizes in the fields of Architecture and Heritage conservation, *European Heritage Days*, the *European Cultural Months*, and *European heritage laboratories*.

¹⁶⁷ Article 167(3) TFEU stated that “The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.”.

Liechtenstein and Norway) and the acceding countries (Bulgaria and Romania), and other EC partners (such Turkey)¹⁶⁸.

Shortly after the launched of *Culture 2000*, the Commission was evaluating the effectiveness of the programme; in addition, the Second forum on Cultural cooperation took place in Brussel in November 2001 with all cultural actors involving on the different cultural initiatives supported by the programme. As a result, a significant issue was identified: the fragmented nature of the Community cultural funding. The combination of the following two factors has created confusion about the overall coherence and effectiveness of the programme: on one hand, the vague and broad definition of the objectives and, on the other hand, the complexity of the selection procedures and the difficulty of project management¹⁶⁹. Despite a really limited budget, the field of culture has managed to benefit from other financial resources through alternative programmes such as the MEDIA programme and the Structural Funds¹⁷⁰.

Years after, it was highlighted that, even if the programme raised awareness on intercultural dialogue, it has not increased the exchange of information or good practice among the participating countries¹⁷¹. In term of programme management, the limited budget of *Culture 2000* did not allow a perfect development of the organizational experiences, i.e. the timing of the *Culture 2000*'s call for tenders was not appropriate and human resources were too limited to ensure rapid processing of applications and evaluation process. However, some positive impacts have to be highlighted: it has affected European people and cultural policy. It also has impacted cultural practices by changing the mindset of many cultural operators to make them more aware of intercultural cooperation activities. Finally, it has further developed cross-border cooperation in the cultural field and the creation and expansion of international networks in Europe.

¹⁶⁸ *Supra* n. 67, p. 44.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Supra* n. 84, p. 67.

¹⁷¹ Directorate General Education & Culture of the European Commission. Final External Evaluation of the Culture 2000 programme (2000-2006) – Framework Contract on Evaluation, Impact Assessment and Related Services by ECOTEC. (January, 2008).

In 2006, the Council of the European Union attempted to adjust the programme by adopting a new measure *Culture (2007-2013)*, with a budget of €400 million. The aim was to approach the programme from a perspective more centered on cultural cooperation and administrative management. Unlike the previous programme, a global vision has been adopted in the cultural field and has focused on specific objectives offering maximum added value at European level, i.e. promote the transnational mobility of cultural players, encourage the transnational circulation of works and cultural and artistic products, and stimulate intercultural dialogues¹⁷².

However, the weakness of the EU's cultural policies and of the financial resources was pointed out. Even though the budget devoted to culture doubled between 2000-2006 and 2007-2013, it has remained only a very small portion of the overall European budget. The cultural heritage field has been granted €40 million, which has enabled the creation of 140 co-operation projects in the sector¹⁷³. Alongside these formal cultural measures, there were some implicit actions related to the audiovisual sector and cohesion policies (through the programme MEDIA 2007 and Structural Funds). For the period of 2007-2013, the Structural Funds contributed €6 billion to the financing on culture within the Cohesion policy¹⁷⁴.

Creative Europe is then the programme succeeding to *Culture 2007-2013* and *Media 2007*¹⁷⁵ for a period from 2014 to 2020; it covered especially cultural and media project. With a budget of €1.462 billion, the importance of cultural and creative industries has been highlighted:

“The Treaty on the Functioning of the European Union aims at an ever closer union among peoples of Europe and confers on the Union the task, inter alia, of contributing to the flowering of cultures of Member States, while respecting their

¹⁷² See Article 3 of the Decision no.1855/2006/EC of the European Parliament and the Council of 12 December 2006 establishing the Culture Programme (2007 to 2013). OJ L 372. (Strasbourg, December 12, 2006) Entered into force on December 28, 2006.

¹⁷³ See the European Commission Mapping of Cultural Heritage actions in European Union policies, programmes and activities, Latest Update. (August 2017)

¹⁷⁴ *Supra* n. 65, p. 268.

¹⁷⁵ The Media (2007-2013) programme was a project that supported the development and distribution of films, training activities, festivals, and promotion projects. The objectives of the programme was the strengthen the audiovisual sector, increase the circulation of European audiovisual works inside and outside the European Union, and strengthen competitiveness by facilitating access to financing and promoting the use of digital technologies. The budget was of €755 million.

national and regional diversity and at the same time *ensuring that the conditions necessary for the competitiveness of the Union's industry exist*¹⁷⁶.

With a view to reach the objectives of the *Europe 2020* strategy¹⁷⁷, it is no longer only a matter of cultural domain but also of the “cultural and creative sectors”. In fact, it is clear in the two objectives of the programme: the first one was to continue safeguarding, developing and promoting European cultural and linguistic diversity and to promote Europe’s cultural heritage, the second one however, was to strengthen the competitiveness of the European cultural and creative sectors with a view to promote smart, sustainable and inclusive growth, in particular in the audiovisual sector¹⁷⁸. In the context of the economic crisis as well as constitutional, it seems that the economic perspective has taken over the symbolic one.

Thus, this current programme is structured around three sub-programme: Media, Culture, and Cross-sectoral Strand¹⁷⁹. The first two sub-programme take over the former MEDIA and Culture programmes; respectively financed at 56% of the budget for MEDIA and 31% for Culture. The third one is setting up a guarantee mechanism to the cultural and creative sectors by the Commission. Indeed, it give the priority to help financing small and medium-sized enterprises (SMEs) and organizations active in the field in order to improve the capacity of financial intermediaries to assess the risks associated with this type of cultural projects. Moreover, it intends to promote transnational policy cooperation through: transnational exchange of experience and know-how in relation to new business and management models; collection of market data, studies, analysis of market labor and skills needs; testing of new and cross-sectoral business approaches; conferences, seminars and policy dialogue; and the establishment of Creative Europe Desks.

The new programme seems innovative, advocating the grouping of cultural aspects under a single programme supervised by the DG Education and Culture (DG EAC); but in

¹⁷⁶ See the preamble (1) of the Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014-2020) and repealing Decisions No 18/2006/EC, No 1855/2006/EC and No 1041/2009/EC. OJ L 347. (Strasbourg, December 11, 2013) Entered into force on December 20, 2013.

¹⁷⁷ The *Europe 2020* strategy is the agenda of the European Union for growth and employment for the current decade. To increase the competitiveness and productivity of the European Union and to promote a sustainable social market economy, it focused on smart, sustainable and inclusive growth.

¹⁷⁸ *Supra* n. 176, Article 3.

¹⁷⁹ *Supra* n. 176, Article 6.

reality, its management has been divided between the audiovisual field, has been managed by DG for Communications Networks, Content and Technology (DG CONNECT), and the creative cultural industries, has been carried out by DG for the Internal Market, Industry, Entrepreneurship and SMEs (DG GROW). Once again, the budget remained limited, creating a huge gap between the objectives declared and the financial resources allowed¹⁸⁰.

With regard to the cultural heritage field, of the total budget of the *Creative Europe* programme almost €27 million has been allocated to projects specifically focusing on transnational cooperation; for example, it supported the *European Heritage Days* (Joint Action with the Council of Europe), *European Capitals of Culture*, *European Heritage Label*, *European Union Prize for Cultural Heritage*, and has co-funded various initiatives on the practices of intangible cultural heritage in museums¹⁸¹. However, the European structural funds were much more significant for the sector: €3.2 billion from the European Regional Development Fund have financed the heritage; €1.2 billion of the European Agricultural Fund for Rural Development (EAFRD) has been allocated to the promotion of rural heritage¹⁸²; nearly €100 million from the 7th Framework Programme (FP7) has been invested in heritage research; and support has been offered from the European Maritime and Fisheries Fund (EMFF) for the preservation of maritime heritage¹⁸³. Moreover, the ESF can finance projects linked to the professional skills in the field of cultural heritage¹⁸⁴.

The will of the European institutions to promote the cultural heritage sector, and more broadly the cultural fields, is not sufficient to ensure a strong cultural policy firstly

¹⁸⁰ See Romainville, C. (2015). The Effects of EU Interventions in the Cultural Field on the Respect, the Protection and the Promotion of the Right to Participate in Cultural Life. In C. Romainville (Ed.), *European Law and Cultural Policies - Droit européen et politiques culturelles* (pp. 191-232). Brussels: P.I.E. Peter Lang.

¹⁸¹ The project help find appropriate tools and methods to enable intangible cultural heritage practitioners to transmit their knowledge to future generations. More details on the IMP project available at: <https://www.ichandmuseums.eu/en/about/about-imp>

¹⁸² See the Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development and repealing Council Regulation (EC) No 1698/2005. OJ L 347. (Brussels, December 17, 2013). Entered into force on December 20, 2013.

¹⁸³ See Article 34 and Article 63(d) of the Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and the Council. OJ L 194/1. (Brussels, May 15, 2014). Entered into force on May 21, 2014.

¹⁸⁴ *Supra* n. 173.

due to the lack of financial resources and secondly to the full competences remaining to the states in the fields, i.e. the European institutions only have a supportive competence. It therefore becomes clear that the role played by culture in the EU is constantly changing, or at least its economic function is overtaking the symbolic one. The last programme created a completely new logic for funding; the European Community has moved from promoting a common cultural area for European people in order to involve them in sharing a European identity and in the activities of the Union, to fostering the competitiveness of what is now called the cultural and creative sector. Even if the cultural funds have been combined under a single programme, the financial resources allocated to the cultural fields remain multiple and diverse.

c. Policies linkages with cultural heritage: Other financial funds

The various policies and competences of the European Union are tightly linked. This is how the other policies of the EU influence the actions in the cultural domain; there are projects in the field of education and training, digital technologies, research and innovation, internal tourism market and entrepreneurship, agriculture, maritime field, environment and external relations.

Article 158 TEC aims at social and economic cohesion by “reducing disparities between the levels of development of the various regions and the backwardness of the least favored regions or islands, including rural areas”. This cohesion policy¹⁸⁵ is therefore possible thanks to the Structural Fund, the European Investment Bank and other financial instruments¹⁸⁶. The Structural Funds are managed, at 76% of the total budget, in partnership with national and regional authorities which are working together to develop the economy of the EU area. This shared management is providing through five categories of European Structural and Investment Funds: the European Regional Development Fund; the European Social Fund; the Cohesion Fund (CF); the European Agricultural Fund for Rural Development; and the European Maritime and Fisheries Fund¹⁸⁷. Three key objectives were settled: firstly, to promote the structural adjustment and development of regions lagging behind in economic growth; secondly, to support the economic and social

¹⁸⁵ The Cohesion Policy is based on three European Union sources: the ERDF, the ESF and the CF.

¹⁸⁶ Article 159 TEC.

¹⁸⁷ From 2000 to 2006, only the ERDF, the ESF, the European Agricultural Guidance and Guarantee Fund (EAGGF) and the Financial Instrument for Fisheries Guidance (FIFG) constituted the Structural Funds.

conversion of areas facing structural difficulties; and thirdly, to sustain the adaptation and modernization of education, training and employment.

The Structural Funds are one of the most essential instruments for financing cultural actions as they provide the harmonious development of the Community. In 1999, the Council of the European Union officially recognized culture as a factor of economic and social cohesion and it became explicitly part of the scope of the Community Policy: “cultural development, the quality of the natural and the man-made environment, the qualitative and cultural dimension of life and the development of tourism contribute to making regions economically and socially more attractive in so far as they encourage the creation of sustainable development”¹⁸⁸. The Structural Funds, under the objective 1, created cultural initiatives that have enable the development of cultural organizations and institutions¹⁸⁹. Moreover, the objective 2 allowed to increase the quality of life of people living in the urban and rural areas thanks to the easier accessibility of cultural goods and services and the protection of landscape’s resources. As for objective 3, it provided an easier access to training and education because it focused on labor market conditions, i.e. job creations and employment.

Concretely, over the period 2007-2013, the total budget of the cohesion policy was €347 billion which has been distributed in the cultural heritage field as follows: the ERDF has allocated €3.2 billion for the protection and preservation of cultural heritage, €2.2 billion for the development of cultural infrastructures and €553 million for cultural services¹⁹⁰. Over the period 2014-2020, the overall budget of the cohesion policy is of €325 billion. Here, the main funds involved in the cultural sector are the ERDF, the ESF, the EAFRD and the EMFF; they aim at strengthening competitiveness and growth. The first one, the ERDF, officially recognized the necessity “to promote innovation and the development of SMEs, in emerging fields linked to European and regional challenges such as creative and cultural industries” by supporting sectors such as the “sustainable tourism, culture and natural heritage [which] should be part of a territorial strategy”¹⁹¹;

¹⁸⁸ See the preamble (6) of the Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions of the Structural Funds. OJ L 161/1. (Luxembourg, June 21, 1999) Entered into force on June 28, 1999.

¹⁸⁹ *Supra* n. 67, p. 86.

¹⁹⁰ *Supra* n. 173.

¹⁹¹ See the preamble of the Regulation (EU) No 1301/2013 of the European Parliament and the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the

it made culture and culture heritage one of the priority of the fund¹⁹². Then, the ESF should contribute to cultural and creative skills¹⁹³. As to the EAFRD, the fund mentioned the culture as basic services that should be support by the European Community, in particular the “investments in the setting up, improvement or expansion of local basic services for the rural population, including leisure and culture, and the related infrastructure”¹⁹⁴; it supported notably actions in villages, rural landscapes and natural sites through the restoration, maintenance, and upgrading of cultural and natural heritage. Finally, the EMFF support the implementation of local development strategies by raising awareness of the maritime cultural heritage and promoting social well-being and cultural heritage related to fisheries and aquaculture areas¹⁹⁵.

On the other hand, national and regional authorities have been encouraged to enhance synergies with other funds and instruments such as the Erasmus+ Programme, Digital Culture, the Framework Programme for Research and Innovation, the Programme for the Competitiveness of Enterprise and SME (COSME), the Agricultural Fund for Rural Development, in the maritime and environmental fields, and with the EU’s external relations.

In the field of education, the *Erasmus+* programme, as being the programme supporting education, training, youth and sport, is divided in three section called Key Action: the first one “Mobility of Individuals” is offering opportunities for European citizens to increase their skills and their employability and gain cultural awareness; the Key Action 2 “Cooperation for Innovation and Exchange of Good Practices” is helping organizations to collaborate together for enhancing their provisions and exchanging best

Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006. OJ L 347/289. (Brussels, December 17, 2013). Entered into force on December 21, 2013.

¹⁹² Ibid., Article 5(2) and (6)(c).

¹⁹³ See the preamble of the Regulation (EU) No 1304/2013 of the European Parliament and the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006. OJ L 347/470. (Brussels, December 17, 2013). Entered into force on December 21, 2013.

¹⁹⁴ See Article 20(d) of the Regulation (EU) No 1305/2013 of the European Parliament and the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005. OJ L 347/487. (Brussels, December 17, 2013). Entered into force on December 20, 2013.

¹⁹⁵ See Article 63(d) of the Regulation (EU) No 508/2014 of the European Parliament and the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council. OJ L 149/1. (Brussels, May 15, 2014). Entered into force on May 21, 2014.

practices; while the Key Action 3 “Support for Policy Reform” is supporting the modernization of education and training system¹⁹⁶. In the cultural heritage sector, the major opportunity is in the Key Action 2. Applying to this specific sector, the Key Action covers some strategic partnership (cross-border projects aimed at developing innovative education practices), capacity building in the field of higher education and youth, knowledge and sector skills alliances in the cultural and creative sectors (between education and business partners).

Digital culture is another area of great promises for the European Union. Following the *Digital Agenda for Europe*, the European Commission stressed in 2011 the importance of digitizing and preserving the European cultural heritage in order to facilitate its access and make it available for personal, study or work purposes¹⁹⁷. Thanks to the provision of digitized cultural materials, such as books, archives and piece of artwork, the holistic approach to the digital lifecycle of cultural heritage should ensure the EU to maintain a leading international place in the field of culture and creative sector¹⁹⁸. Recently, the Commission highlighted the new feature of the project: digitize the immovable cultural heritage on a larger scale; in fact, around a third of the EU countries received funds through this programme for digitization of monuments, historical buildings and archaeological sites¹⁹⁹. To this end, the initiative *Europeana* was launched in 2008; it consists of a digital platform for cultural heritage which, as of today, gives access to more than 54 million items.

The Research and innovation area also presents various initiatives²⁰⁰. As long-term perspective, the EU financed research facilities aimed at providing training for scientists and engineers, and promoting knowledge sharing and creation of innovative techniques—including the preservation of the heritage²⁰¹. Moreover, cultural heritage is closely related to environmental changes and their consequences; the Joint Programme

¹⁹⁶ It should be noted that the DG responsible of the Erasmus programme is DG for Education, Youth, Sport and Culture.

¹⁹⁷ See the preamble (6) of the Commission Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation. OJ L 283/39. (Brussels, October 27, 2011).

¹⁹⁸ It should be noted that the DG for Communications Networks, Content & Technology is responsible for such projects.

¹⁹⁹ See European Commission (2018). Cultural Heritage: Digitisation, Online Accessibility and Digital Preservation – Consolidated Progress Report on the implementation of Commission Recommendation (2011/711/EU) 2015-1017.

²⁰⁰ The following initiatives and projects are under the responsibility of the DG Research and Innovation (DG RTD)

²⁰¹ It can be mentioned the project ESFRI Roadmap 2016, financed by Horizon 2020.

Initiative in Cultural Heritage and Global Change (JPI CH) implemented a common strategic research agenda involving 26 transnational R&I projects on the matters (whether tangible, intangible or digital). However, the more significant instrument of the European research and innovation sector is currently the *Horizon 2020* programme. *Horizon 2020* is the EU Framework Programme for Research and Innovation and has an allocated budget of €80 billion for the 2014-2020 period. Funds for research in heritage related area are allocated under three sections of the programme: Excellent Science, Industrial Leadership and Societal Challenges. In addition, *Horizon 2020* finances innovative and sustainable models for SMEs business in order to implement creative and experimental measures in the field of heritage preservation, restoration and enhancement.

Culture, as a key component of Europe's rich heritage and history, plays a fundamental function in building the attractiveness of European places and promoting the unique dimension and identity of European sites. It is an incredible boost for economic growth, employment and job-creation, competitiveness and sustainable development. That is why the Council of the European Union decided to contribute to the protection of European cultural heritage thanks to free market in the sector of industry, tourism and entrepreneurship²⁰². Moreover, the Council facilitated the management and administration operation of cooperation actions and supported the exchange of information and good practices among various authorities²⁰³. This is how the *COSME programme*²⁰⁴ promotes sustainable tourism projects, synergies between creative sector and high-end industries, and raise awareness on the values, diversity and shared characteristic of European destinations; the joint programme on *Cultural Routes* between the European Union and the Council of Europe (already mentioned above) and the initiative *European Destinations of Excellence EDEN*, are perfect example of these measures implementing the cultural tourism strategy. Another example par excellence is

²⁰² See the Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast). OJ L 159/1. (Brussels, May 15, 2014). Entered into force on June 16, 2014.

²⁰³ The DG Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) is in charge of implemented such decisions.

²⁰⁴ The COSME programme is aimed at facilitating the access to finance for small and SMEs, opening markets, strengthening and supporting entrepreneurship and education and improving business conditions.

the *Space Programme Copernicus* which is contributing to the monitoring and the preservation of cultural heritage through satellites.

Cultural heritage has also impacted the agricultural sector. The EAFRD²⁰⁵ is intended to promote social inclusion, poverty reduction and economic development in rural places. The fund explicitly fosters “projects that bring together agriculture and, rural tourism through the promotion of sustainable and responsible tourism in rural areas, and natural and cultural heritage”²⁰⁶; in fact, the growth potential of the preservation and enhancement of cultural and natural heritage could contribute to strongly supporting rural areas²⁰⁷. In the 2007-2013 period, financial support for conservation and upgrading of rural heritage amounted to €1.221 billion; while during the period 2013-2020, the EAFRD supported actions facilitating diversification, employment, creation and development of small enterprises with heritage-related activities and encouraged local development in rural areas²⁰⁸. As best practice example, the programme *LEADER+* supported innovative projects creating place of experimentation on regional development in Europe²⁰⁹.

Europe has an incredible competitive advantage in cultural tourism in part because of its rich coastal and maritime heritage. Following the principles of the 2001 *UNESCO Convention on the Protection of the Underwater Cultural Heritage*, the potential of such asset has been highlighted in the European Commission *Communication on the Blue Growth strategy*²¹⁰ and in the *Communication on the European Strategy for more Growth and Jobs in Coastal and Maritime Tourism*²¹¹; it suggested co-financing with the ERDF

²⁰⁵ The EAFRD is a financial instrument of the European Union’s common agricultural policy (CAP), i.e. a policy launched in 1962 aimed at improving the productivity in the agricultural sector and ensuring a reasonable living to EU farmers. It should be noted that the CAP, and by extension the EAFRD, are under the responsibility of the DG for Agriculture and Rural Development (DG AGRI).

²⁰⁶ See preamble (18) of the Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005. OJ L 347/487. Entered into force on December 20, 2013.

²⁰⁷ *Ibid.*, preamble (19) and Article (20)(f).

²⁰⁸ *Supra* n. 173.

²⁰⁹ *Supra* n. 67, p. 90.

²¹⁰ See point 5.3. “Maritime, coastal and cruise tourism” of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Blue Growth opportunities for marine and maritime sustainable growth. COM(2012)494 Final. (Brussels, September 13, 2012).

²¹¹ See point 3.3. “Strengthening sustainability” and point 3.4 “Maximise available EU funding” of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism Blue. COM(2014)86 Final. (Brussels, February 20, 2014).

enabling a “sustainable investments under various thematic objectives linked to [...] development of cultural and natural heritage”. It highlighted the possible synergies with the *Creative Europe programme* on cultural and natural tourism, including on coastal and maritime heritage. Moreover, the initiative *European Marine Observation and Data Network* (EMODnet) improved the knowledge on the underwater cultural heritage sites; this project is particularly important because it is not only promoting tourism, it is also public raising awareness on the necessity to preserve endangered sites²¹². Moreover, the fund EMFF for the EU’s maritime and fisheries policies for the period 2014-2020 contributes to develop local and community initiatives aiming at sustaining social well-being and cultural heritage in fisheries areas. It also promotes macro-regional maritime strategy including the preservation and valorization of cultural heritage, i.e. through strategies in the Baltic Sea Region²¹³, the Atlantic one²¹⁴, the Adriatic and Ionian Region²¹⁵.

In the current context of the rising concern about environmental changes, it is becoming clearer that all policies are closely linked, including those in the cultural field. The environmental issues have been introduced in the Maastricht Treaty; it stated main objectives and instruments of the EC policy in the environmental area. In 2014, the EP and the Council of the European Union officially strengthened the cultural heritage dimension in the environmental impact assessment process²¹⁶. Moreover, the 2011 *EU Biodiversity Strategy*, which aim at protecting the biodiversity and ecosystems, is closely related to the

²¹² It should be noted that the DG for Maritime Affairs and Fisheries (DG MARE) is responsible for the implementation of such initiative.

²¹³ See p. 43 the section called “To make the Baltic Sea Region an Accessible and Attractive Place” and p. 68 the section called “Horizontal Actions” of the Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the European Union Strategy for the Baltic Sea Region COM(2009)248 Final. SEC(2009)712. (Brussels, June 10, 2009).

²¹⁴ See Priority 4 “Create a socially inclusive and sustainable model of regional development” of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Action Plan for a Maritime Strategy in the Atlantic area – Delivering smart, sustainable and inclusive growth. COM(2013)279 Final. (Brussels, May 13, 2013).

²¹⁵ See point 2.2. “Opportunities” and point 3.4. “Sustainable Tourism” of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the European Union Strategy for the Adriatic and Ionian Region. COM(2014)357 Final. (Brussels, June 17, 2014).

²¹⁶ See Article 3(1)(d) of the Council of the European Union. Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. OJ L 124/1. (Strasbourg, April 16, 2014). Entered into force on May 14, 2014.

natural and cultural heritage of the European Union. In fact, the project *Natura 2000*²¹⁷ provides important socio-economic benefits and sustainable tourism; it also inspired the European study for potential synergies to strengthen relation between natural and cultural heritage, and particularly during the 2018 *European Year of Cultural Heritage*²¹⁸. However, it is not the only programme exploring the close relationship between these two areas; it is also worth mentioning the *LIFE* programme which focuses on building an insight into heritage, particularly to natural and biodiversity assets—one of the three thematic of the programme called LIFE-Environment supports innovative approach to the protection of environment related to cultural aspects²¹⁹.

Finally, the cultural heritage field plays a significant role within the European Union external relations²²⁰. Culture is an important factor to develop local economy, promote democracy, transmit European values and respect human rights; this is particularly relevant with the EU enlargement because it should provide a multilateral and regional cultural collaboration and intercultural dialogue between new members of the EU and/or candidate and potential candidate countries (for example in the Western Balkan area or Turkey)²²¹. In the 2007-2011 period, the *IPA* programmes financed €33 million in the cultural heritage area to candidate and potential candidate countries. Between 2014 and 2020, *IPA II* continued to support these various projects. Moreover, the *European Neighborhood Instrument* (ENI)²²² contributes to the cooperation with Eastern and Southern neighborhood partners. The promotion of local culture and preservation of historical heritage is one of the objectives of the *ENI Cross-Border Cooperation* because of its contribution to the economic and social progress in these areas. It is finally with the rest of the World that the European Union implements strategies to maintain its international cultural relations. In 2016, the European Commission and the European External Action Service (EEAS) introduced a joint communication *Towards an EU strategy for international cultural relations* in order to strengthen cultural cooperation

²¹⁷ Natura 2000 is a network of protected sites in the world which allows a long-term survival of living natural species and habitats. The DG for the Environment (DG ENV) is responsible for its implementation and the project is financed by the ERDF, the EAFRD, the EMFF and LIFE.

²¹⁸ *Supra* n. 173.

²¹⁹ *Supra* n. 67, p. 97.

²²⁰ It should be noted that the DG for International Cooperation and Development (DG DEVCO) and the DG for Enlargement (DG ELARG) are responsible for the implementation of these interconnected sectors.

²²¹ *Supra* n. 173.

²²² The 16 ENI partner countries are: 1) in the South: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, and Tunisia; 2) in the East: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine.

with partners countries and “making the European Union a stronger global actor”²²³. To promote cultural diversity, foster intercultural dialogue, ensure respect for complementarity and subsidiarity, develop cross-sector approach, and encourage international cooperation, the strategy should be supported by the Enlargement Policy, the European Neighborhood Policy, the Development Cooperation Instrument (DCI)²²⁴ and the Cotonou Partnership Agreement²²⁵.

It is now clear that the cultural sector interacts with an incredible variety of other spheres. In fact, it also covers a vast spectrum of policies and activities: tourism, education, economy, agriculture, international relations, etc. Thus, the cultural field, and by extension cultural heritage, is not financing by a single programme as it may be suggested by the *Culture* and *Creative Europe* programmes, but by a wild range of European funds, instruments, methods and joint programme. It is a permanent interaction between the various DG of the European Commission and between international organizations and States all over the World. This finally reflects the multidimensional nature of the field of cultural heritage, a sector that must now adapt to a constantly evolving world and approach the many challenges that threaten it.

²²³ See the Joint Communication to the European Parliament and the Council Towards an EU strategy for international cultural relations. JOIN(2016)29 final. (Brussels, June 8, 2016).

²²⁴ The DCI support cooperation with 47 countries from Latin America, South Asia, North and South East Asia, Central Asia, Middle East and South Africa.

²²⁵ The Cotonou Agreement is a treaty signed on June 23, 2000, between the European Union and 79 countries from African, the Caribbean and the Pacific (also called ACP countries).

CHAPTER II. THE CHANGING GUIDELINE OF EUROPEAN CULTURAL HERITAGE POLICIES

The growing global attention and the emergency situation on climate change has helped reveal other sensitive issues; its linkages with other sectors have raised the alarm about the fragility of many resources, including the cultural heritage field. While addressing climate change is a difficult issue due to our economic environment, political ideologies, models of society, extensive lobbying (etc.), culture and cultural heritage is a less contentious and controversial area. Both can contribute to economic resources as well as social cohesion, quality of life and well-being, environmental protection and cultural enhancement.

However, since the turn of the century, the field has been facing new threats and challenges. Emerging from a financial crisis, the world and Europe are progressively rebuilding themselves; in addition, the changing social and technological environment bring many challenges. In order to avoid and overcome them, or even consider them as opportunities, the EU has recently decided to change the orientation of their initiatives towards the field of cultural heritage. Thus, this chapter will introduce the triggers that have enabled a change of strategy and that have made the Union aware of cultural heritage challenges of the 21st century. The second section will understand the many cultural issues identified by the European Union: its threats, its challenges as a human rights issue and its potential to empower the EU and its citizens. Finally, the last section of this chapter is going to analyse the shift of the new European heritage approach: an integrative and sustainable strategy that requires cooperation of all stakeholders to succeed.

1. THE TRIGGER ELEMENTS: CRUCIAL INITIATIVES FOR THE FUTURE OF EUROPEAN CULTURAL HERITAGE

Centuries of creativity, migration and exchange have shaped the common cultural heritage of Europe. The result is a rich cultural, historic and linguistic diversity, which has inspired and continues to stimulate the whole world. Thus, looking at an ever-quickeningly changing world, the question of the future of cultural heritage can be raised. With this in mind, this section is intended to examine the initial stage of the emerging

approach to cultural heritage, firstly through the international organizations and the European Union. Subsequently, two crucial European initiatives will be highlighted: on the one hand, the integrated approach of the project *Cultural Heritage Counts for Europe* (CHCfE), and on the other hand, the involvement of an entire European area in the *Year of Cultural Heritage*. Both initiatives are of great importance for the future of cultural heritage in Europe.

a. *Conceptual and policy context*

In the past few decades, the cultural heritage policies have radically changed; the International and the European level gradually recognized the enriching values and benefits that cultural heritage bring to the whole society. Since the first political steps in the 1970s, the concept has evolved from a conservation and protection approach to an economic- and value-led approach. The ever-broader definition of cultural heritage, whether tangible or intangible, has enabled this field to continuously gain international and European recognition. From the beginning of the 21st century, the European Community progressively opted for a “sustainable development” approach in their policy documents—introducing thus a change in the nature of the European law.

The legal transformation of cultural heritage instruments is mainly manifested by two international tools: the UNESCO 2003 *Convention for the Safeguarding of Intangible Cultural Heritage* and the CoE 2005 *Framework Convention on the Value of Cultural Heritage*¹. Both instruments recognized the heritage as a fundamental human right.

On the one hand, the 2003 UNESCO Convention introduced a radical shift in conceptual approaches to cultural heritage; it brought the notion of intangible cultural heritage in international law as:

“the practices, representations, expressions, knowledge, skills—as well as the instruments, objects, artefacts and cultural spaces associated therewith—that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in

¹ See Cornu, M. (2014). Safeguarding Heritage: From Legal Rights over Objects to Legal Rights for Individuals and Communities? In C. Sandis (Ed.), *Cultural Heritage Ethics: Between Theory and Practice* (1st ed., pp. 197-204). Cambridge: Open Book Publishers. p. 200.

response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.”²

Meanwhile the UNESCO Convention continued to promote and protect the tangible cultural heritage, it recognised the immaterial character of cultural heritage. Beyond this new element, it recognized the rights for communities, groups or individuals to identify aspects of their culture as heritage; thus, it indirectly supported communities and local groups by giving them the power to nominate their own elements of heritage. This also means that the intangible cultural heritage is designated by the relationship between heritage and communities³.

On the other hand, the *2005 Framework Convention on the Value of Cultural Heritage for Society* of the CoE, also called the *Faro Convention*, had a significant impact on the EU’s cultural heritage policies. It placed people and human value at core of the conception of cultural heritage. From then on, the protection of cultural heritage has been influenced by human rights; in fact, the States Parties to the Convention recognized “that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights”⁴. Like the UNESCO Convention, it contributed to the protection of minority groups and communities and provided a definition of “heritage community”⁵. Moreover, it explicitly mentioned the rights and responsibilities relating to cultural heritage:

“The Parties recognize that:

- a. everyone, alone or collectively, has the right to benefit from the cultural heritage and to contribute towards its enrichment;
- b. everyone, alone or collectively, has the responsibility to respect the cultural heritage of others as much as their own heritage, and consequently the common heritage of Europe;

² UNESCO defined the term “intangible cultural heritage” in Article 2 of the Convention for the Safeguarding of the Intangible Cultural Heritage. (Paris, October 17, 2003). Entered into force on April 20, 2006.

³ *Supra* n. 1.

⁴ See Article 1(a) of CoE’s Framework Convention on the Value of Cultural Heritage for Society. (Faro, October 27, 2005). Entered into force on June 1, 2011.

⁵ Article 2(b) of the Faro Convention defined heritage community as “people who value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generation”.

- c. exercise of the right to cultural heritage may be subject only to those restrictions which are necessary in a democratic society for the protection of the public interest and the rights and freedoms of others.”⁶

In addition to this aspect, both conventions introduced the notion of sustainable development in the field of cultural heritage—which definitely modified its definition. Previously, cultural heritage was seen as a historic value that must be preserved and transmitted to future generations. From the beginning of the 21st century, social, economic and environmental purposes have emerged⁷; it is clear in the preamble of the Faro Convention which emphasized “the value and potential of cultural heritage wisely used as a resource for sustainable development and quality of life in a constantly evolving society”⁸. This was then further supported in *The Hangzhou Declaration: Placing Culture at the Heart of Sustainable Development Policies* which recognized the cultural dimension as a driver of sustainable development and well-being⁹. The Hangzhou International Congress, attended by ministers and high officials, private sector and civil society actors, urged decision-makers to harness the potential of the cultural sector, such as tourism and heritage and to deal with the most critical development issues of the world, i.e. the environmental sustainability, poverty and social inclusion. The declaration proposed 9 recommendations:

- integrate culture within all development policies and programmes;
- mobilize culture and mutual understanding to foster peace and reconciliation;
- ensure cultural rights for all to promote inclusive social development;
- leverage culture for poverty reduction and inclusive economic development;
- build on culture to promote environmental sustainability;
- strengthen resilience to disasters and combat climate change through culture;
- value, safeguard and transmit culture to future generations;
- harness culture as a resource for achieving sustainable urban development and management;

⁶ Ibid., Article 4.

⁷ *Supra* n. 1, p. 203.

⁸ The “sustainable development” of cultural heritage is also mentioned in Article 1(c)(d) “Aims of the Convention”, Article 5 “Cultural heritage law and policies”, Article 9 “Sustainable use of the cultural heritage” and Article 10 “Cultural heritage and economic activity” of the Faro Convention and in the Preamble and Article 2 of the 2003 UNESCO Convention.

⁹ See the UNESCO Hangzhou Declaration - Placing Culture at the Heart of Sustainable Development Policies. (Hangzhou, May 17, 2013).

- and capitalize on culture to foster innovative and sustainable models of cooperation.

Moreover, the *Agenda 2030 for Sustainable Development*¹⁰ recognized global citizenship, cultural diversity and intercultural dialogue as aspects helping reach the sustainable development. The Agenda explicitly mentioned culture in various Sustainable Development Goals of the 2030 Agenda: Goal 4 “Education”, Goal 5 “Gender equality”, in relation to tourism in Goal 8 “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” and in Goal 12 “Ensure sustainable consumption and production patterns”, and Goal 11 “Cities-Heritage”.

Under these new approaches, the Member States of the European Union¹¹ were inspired to implement the new approaches in the policies of the EU: the respect for the integrity of cultural heritage, the inclusion of the sustainable management, the use of materials, the techniques and skills based on tradition, and the support to high-quality work of individuals, businesses and institutions related to cultural heritage¹².

At the EU level, the policy shift became particularly clear at the 2010 Bruges conference on *Cultural Heritage: a resource for Europe* organised under the Belgian Presidency of the Council of the European Union¹³. Calling for a long-term plan, the Belgian Presidency proposed to create a European platform able to respond to the “developments, challenges and opportunities” of cultural heritage. In November 2013, the Lithuania Presidency of the Council of the European Union organised the conference called *Cultural Heritage and the EU 2020 Strategy: towards an integrated approach* in Vilnius which, among other things, highlighted the “cross sectorial policy relevance of cultural heritage” and the need to continue to develop various synergies. Furthermore, both conventions called for the active participation of all cultural heritage actors, not only public sector, but also private stakeholders and civil society.

¹⁰ United Nations (2015). Resolution adopted by the General Assembly on 25 September 2015 Transforming our world: the 2030 Agenda for Sustainable Development'. A/RES/70/1. (September 25, 2015).

¹¹ As this thesis is being written, 13 EU Member States have signed the Faro Convention—Austria, Belgium, Bulgaria, Croatia, Finland, Hungary, Italy, Latvia, Luxembourg, Portugal, Slovakia, Slovenia, Spain; out of which 4 have not yet ratified—Belgium, Bulgaria, Italy and Spain. List consulted on January 2, 2020, at <https://www.coe.int/en/web/conventions/full-list>

¹² See Article 9 of the Faro Convention which defined the “Sustainable use of the cultural heritage”.

¹³ See Council of the European Union (2010). Declaration of Bruges, Cultural Heritage: a resource for Europe. (Bruges, December 9, 2010).

The promotion of cultural heritage continued throughout 2014 under the works of the Greek and Italian Presidencies of the Council of the European Union. Three major conclusions and communications were adopted: the *Conclusions on cultural heritage as a strategic resource for a sustainable Europe*¹⁴; the *Conclusions on participatory governance of cultural heritage*¹⁵; and the European Commission's *Communication towards an Integrated Approach to Cultural Heritage for Europe*¹⁶. Respectively, these policy documents recalled the important role of heritage in enhancing social capital and the major economic impacts of such a sector. Moreover, it supported the participatory governance which encourage an active involvement of relevant actors and "offers opportunities to foster democratic participation, sustainability and social cohesion"¹⁷. In addition, the Council of the European Union included cultural heritage in one of the four priorities of the *Work Plan for Culture 2015-2018* and called for more investments, particularly in statistics and cultural data¹⁸.

The policy developments above mentioned represent the new role of cultural heritage as a tactical policy for a sustainable Europe. The EU institutions are committing themselves to build and implement an integrated approach to cultural heritage. It is in this context that naturally came proposals from the Council of the European Union to implement such policy shifting. Thus, supported by the Commission and the Parliament, the project *Cultural Heritage Counts for Europe* and the *2018 European Year of Cultural Heritage* created a framework for all cultural heritage. The stakeholders and cultural actors were encouraged to develop the cooperation and promote the multiple values and advantages of cultural heritage for economy, society, culture and environment.

¹⁴ See the Council conclusions of 21 May 2014 on cultural heritage as a strategic resource for a sustainable Europe. Official Journal of the European Union. OJ C 183. (Brussels, May 21, 2014).

¹⁵ See the Council conclusions on participatory governance of cultural heritage. OJ C 463. (November 25, 2014).

¹⁶ European Commission (2014). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions towards an integrated approach to cultural heritage for Europe. COM(2014) 477 Final. (Brussels, July 22, 2014).

¹⁷ *Supra* n. 15, point 8.

¹⁸ See Point II. of Priorities and Working Methods of the Council of the European Union Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture (2015-2018). OJ C 463. (December 23, 2014).

b. Cultural Heritage Counts for Europe project

In response to the European Commission's *Communication Towards an EU strategy for Cultural Heritage*, the EU launched the project CHCfE in June 2013; funding under *Culture Programme 2007-2013*, it has become a pillar in the planning of Union policies in the field of cultural heritage.

This two-year cooperation project was carried out by a consortium of six partners: Europa Nostra, the European Network on Cultural Management and Cultural Policy Education (ENCATC), Heritage Europe (European Association of Historic Towns and Regions), the International Cultural Centre of Krakow, the Raymond Lemaire International Centre for Conservation and The Heritage Alliance (as associate partner). The final report gave to the European Union bodies a clear demonstration of the impacts and benefits of sustainable development of cultural heritage on four key areas: the economy, culture, society and the environment (cf. figure 1)¹⁹.

According to Figure 1. below, the CHCfE Consortium highlighted the interdependent impact of cultural heritage and identified four pillars and sub-domains for sustainable development; it should serve as a basis for the elaboration of an appropriate and comprehensive future management strategy²⁰. The model shows that sustainable development arises when all pillars are taken into consideration; thus, all logical relations between domains may occur. When these four elements are examined and interpreted, a clearer picture of the impact of a given cultural heritage case arises: its potential, its positive and negative aspects and the reasons behind certain outcomes²¹. However, one must also take into account the fact that heritage may be influenced by its dynamic context, i.e. the stakeholders' purposes and benefits, the nature of the interest to a certain heritage, the *raison d'être* of cultural heritage (mission and objectives), the features of the entity managing the heritage (how decisions are made and the management strategy for example), and the macro- and micro-economic context.

¹⁹ Cultural Heritage Counts for Europe Consortium. *Cultural Heritage Counts for Europe Report*. Krakow: International Cultural Centre. (June, 2015). p. 19.

²⁰ The conceptual model of the Four Pillar Approach to Sustainable Development is based on the Hangzhou Declaration.

²¹ *Supra* n. 19, p. 59.

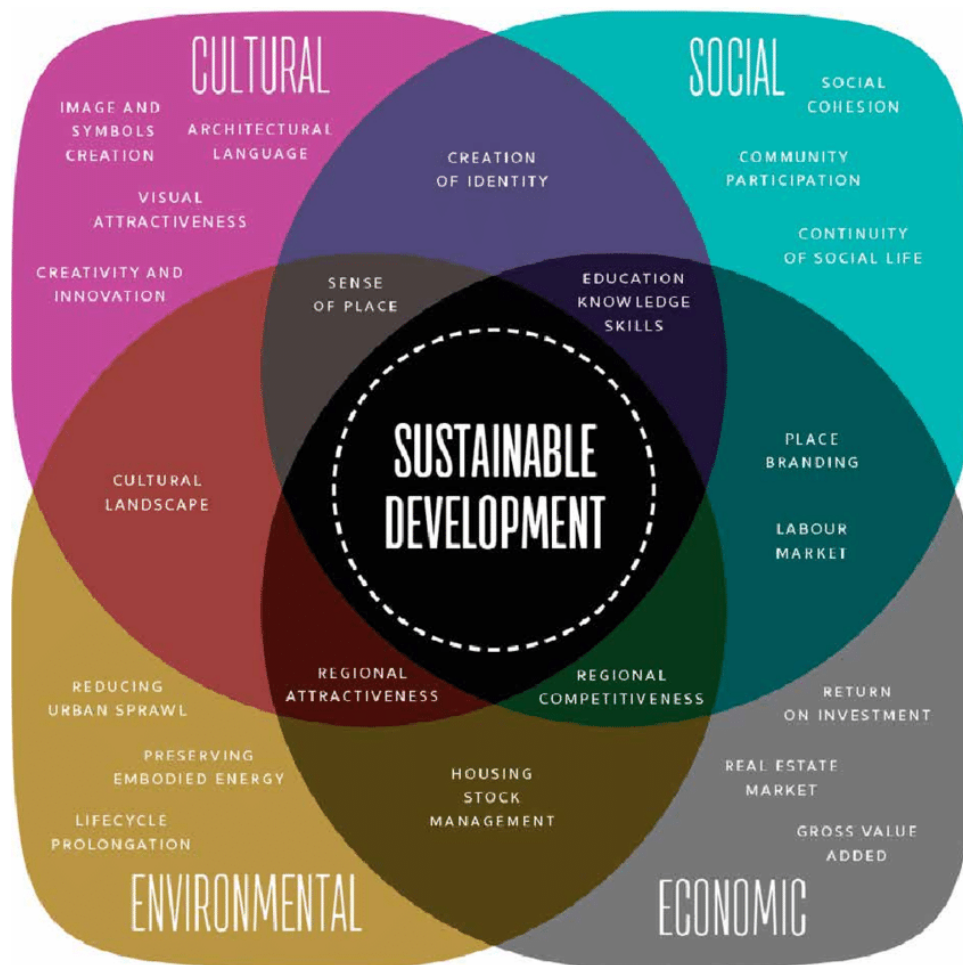


Figure 1. The different subdomains identified in the collected studies mapped in the holistic four domain approach diagram. Source CHCfE Report.

In addition, the report presented the various possible synergies and far-reaching benefits of investment in the cultural heritage field: safeguarding heritage will “work as a ‘multiplier’ through which investment can have positive impacts beyond that initially intended, thereby increasing the level of benefit and sustainability of the initial investment”²². In fact, cultural heritage may embrace wider horizons through a holistic approach which support an integrated policy. The report explicitly demonstrated, through concrete example, the benefits of cultural heritage investment and the interconnexion between the four keys areas.

²² *Supra* n. 19, p. 16.

The CHCfE Consortium identified ten key findings:

1. Cultural heritage is a key component and contributor to the attractiveness of Europe's regions, cities, towns and rural areas in terms of private sector inward investments, developing cultural creative quarters and attracting talents and footloose businesses;
2. Cultural heritage provides European countries and regions with a unique identity that creates compelling city narratives providing the basis for effective marketing strategies aimed at developing cultural tourism and attracting investment;
3. Cultural heritage is a significant creator of jobs across Europe, covering a wide range of types of job and skill levels;
4. Cultural heritage is an important source of creativity and innovation, generating new ideas and solution to problems, and creating innovative services with the aim of interpreting historic environments and buildings and making them accessible to citizens and visitors;
5. Cultural heritage has a track record on providing a good return on investment and is a significant generator of tax revenue for public authorities both from the economic activities of heritage related sectors and indirectly through spill over from heritage-oriented projects leading to further investments;
6. Cultural heritage is a catalyst for sustainable heritage-led regeneration;
7. Cultural heritage is a part of the solution to Europe's climate change challenges;
8. Cultural heritage contributes to the quality of life, providing character and ambience to neighbourhoods, towns and regions across Europe and making them popular places to live, work in and visit;
9. Cultural heritage provides an essential stimulus to education and lifelong learning;
10. Cultural heritage combines many of the above-mentioned positive impacts to build social capital and helps deliver social cohesion in communities across Europe, providing a framework for participation and engagement as well as fostering integration.²³

Table 1. Source CHCfE Report.

These ten points are fundamental to the understanding of the European Union bodies; it will enable them to establish a more effective cultural heritage policy and allocate effectively the funds devoted to this field. It clearly demonstrated the new European strategy and objectives in order to create a Union that will ensure the sustainability of cultural heritage. But in order to have an effective decision- and policy-making, the report highlighted drastic need for the European Union to invest and make more funds available for the heritage field.

²³ Ibid., p 19-29.

Furthermore, it mentioned strategic recommendations for the elaboration of accurate indicators and the improvement of cultural statistic collection—essential to assist policymakers in developing effective cultural policies²⁴. EU bodies have a key role to play; through the identification and dissemination of good practices, institutions could ensure the accurate measurement of the impacts of heritage. Moreover, in order to maximise the inter-sectoral effects of cultural heritage, the Union should encourage all levels of governance (local, regional, and national) to include cultural heritage in any associated policies, programmes and projects. The report thus called for a structured and systematic participatory governance of all actors of cultural heritage, public, private or civil society, to develop efficient strategy in the matter. Finally, the report focused on the contribution that heritage may play in the regional and local sustainable development; in the context of the mid-term review of the Structural Funds (in 2016-2017) and in the elaboration of the next generation of Structural Funds (beyond 2020), heritage could have further impacts on a “smart, sustainable and inclusive growth”.

The CHCfE report, published in June 2015, has been widely regarded as a leading study on the impacts of cultural heritage. To sum up, the project involved the collection and the analysis of various EU countries’ case studies and evidence-bases researches. It provided a framework to illustrate the value and opportunities of cultural heritage as a key asset for sustainable development, to sensitize a wider public to cultural heritage resource and to present key strategies to European decision-maker. Among others, it has influenced the proposal of the European Commission to plan a *European Year of Cultural Heritage* in 2018.

c. *2018: European Year of Cultural Heritage*

The second crucial initiative for the future of European cultural heritage was the establishment of the *European Year of Cultural Heritage* in 2018. With a financial budget of €8 million (€1 million was financed from existing resources in the budget of 2017, €3 million came from the *Creative Europe Programme* and the remaining €4 million was

²⁴ See Pellizzon, D., & Zabeo, S. (2017). Cultural Heritage in the Frame of European Funding Programmes: Challenges and Opportunities. In S. Pinton, & L. Zagato (Eds.), *Culture Heritage - Scenarios 2015-2017*. Edizioni Ca' Foscari. p. 73.

provided from existing resources)²⁵, this event reflected the diversity and the richness of the European cultural heritage, sensitized European people to their histories and traditions and strengthened the sense of belonging to shared European area. It also particularly raises awareness about the opportunities provided by cultural heritage, as well as to the challenges it has to approach.

It is in August 2016 that the European Commission proposed the creation of the *European Year of Cultural Heritage*. In the past years, cooperation between Member States of the European Union has increased (notably through the OMC). The cultural heritage field has been playing a major role since the beginning of the 21st century: the adoption of the first *European Agenda for Culture* in 2007, the successive *Council Work Plans for Culture*, and the Council Conclusions and Communications—notably in 2014. In fact, it is in 2014 that the Council invited the Commission to present a proposal for a “*European Year of Cultural Heritage*”²⁶. The EP then recommended to use 2018 as the *European Year of Cultural Heritage*²⁷ and the Committee of Regions welcomed the proposition²⁸.

The European Commission was gradually aware of the benefits of cultural heritage to economic growth and social cohesion, but also of the many challenges faced by the cultural heritage—including declining of public budgets, decreasing public involvement in cultural activities, rising environmental and physical pressures on heritage places, changing value chains and expectations as a consequence of the digital transformation, and the illicit trade of cultural objects. Thus, it has supported the leading role of the EU bodies in promoting challenges, opportunities and shared solutions to heritage²⁹.

The European Commission highlighted the relevant role that can play cultural heritage in the European social cohesion. The international and European level increasingly recognised the necessity to wider access to cultural heritage. In fact, in order to increase trust and recognition towards European institutions and among European

²⁵ See Article 9 and Annex “Joint Statement by the European Parliament and the Council” of the Decision (EU) 2017/864 of the European Parliament and of the Council of 17 May 2017 on a European Year of Cultural Heritage (2018). OJ L 131/1. (Strasbourg, May 17, 2017). Entered into force on April 9, 2017.

²⁶ *Supra* n. 15, point 28.

²⁷ See Point 3(c) of the European Parliament (2015). Resolution of 8 September 2015 towards an integrated approach to cultural heritage for Europe. P8_TA(2015)0293. (Strasbourg, September 8, 2015).

²⁸ See point 35. and 46. of the Opinion of the European Committee of the Regions – Towards an integrated approach to cultural heritage for Europe. OJ C 195/22. (Brussels, April 16, 2015).

²⁹ See the Explanatory Memorandum, point 1. “Context of the Proposal” of the European Commission Proposal for a Decision of the European Parliament and of the Council on a European Year of Cultural Heritage. COM(2016) 543 Final. (Brussels, August 30, 2016).

citizens, the EU should encourage new participatory governance and intercultural approaches of cultural policies. Placing human values at the core of an interdisciplinary concept of heritage will have a positive effect on economies and societies; it will enable an efficient multi-level governance and cooperation among sectors in order to better safeguard, development and manage heritage resources. Thus, it should maximise the potential of cultural heritage.

According to the Commission, the creation of such an event is an effective method to raise awareness among the European public and citizens, share information on good and innovative practices and support research and policy debates on cultural heritage³⁰. Thus, three overall objectives have been setting up by the European Parliament³¹:

- “- It shall contribute to promoting the role of Europe’s cultural heritage as a pivotal component of cultural diversity and intercultural dialogue. [...];
- It shall enhance the contribution of European cultural heritage to the economy and the society through its direct and indirect economic potential. [...];
- It shall contribute to promoting cultural heritage as an important element of the relations between the Union and third countries, building on the interest and needs in partner countries and on Europe’s expertise in cultural heritage.”³²

Another founding pillar of the programme is the promotion of cooperation at all levels of the decision-making process thanks to a decentralised approach. Indeed, Article 4 supported coordination at Member State level by requesting the designation of national coordinators responsible for the organisation of the *European Year of Cultural Heritage*; these coordinators ensured the coordination of cultural activities at national level³³. As regards to the cooperation at the European Union level, Article 5 planned meetings between national coordinators in order, in particular, to exchange information regarding the implementation of the event³⁴. Moreover, the Article also pointed out the importance of the transversal approach in order to create synergies among the EU programmes and initiatives. Finally, Article 6 supported international cooperation with competent

³⁰ Ibid., preamble point 19.

³¹ *Supra* n. 25, as an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act.

³² Ibid., Article 2(1).

³³ Ibid., Article 4.

³⁴ Ibid., Article 5.

international organisations in the field of cultural heritage—such as with the CoE and UNESCO³⁵.

Recently, the European Commission published the Report on the implementation, results and overall assessment of the *European Year of Cultural Heritage*³⁶. As a result, the report declared that the Communication campaign was powerful: a website has been set up, a special logo was designed, a slogan was created “Our heritage: where the past meets the future”, and toolkit was giving to teachers. The goal was to reach an audience of schoolchildren (aged 10-15) and young people (aged 15-25). In addition, the traditional media also highlighted the many initiatives taken throughout the year, which reached out to more people. All these helped put the spotlight on the 23.000 events organised across Europe; thanks to the monitoring reports, the Commission counted the participation of around 12.6 million people³⁷. In addition, partnerships with third countries and international organisations have enabled to organise further initiatives and reach more individuals.

The Commission has also observed an increase of funds dedicated to cultural heritage projects, notably in the Creative Europe programme. In 2016, 16 cultural heritage projects were financed for an amount of €4.9 million; while in 2018, €10.3 million was granted to 35 cultural heritage projects. In addition, some other programmes were involved to finance heritage-linked project, such as the *2018 Erasmus+* programme, *Horizon 2020*, *LIFE* programme and *Europe for Citizens* programme. As expected, the cooperation between various sectors increased³⁸. In addition, the transnational cooperation has risen thanks to the implementation of cross-border initiatives set up by stakeholders and national coordinators.

Besides that series of events, initiatives and projects, the European Commission noted a shift in the European cultural heritage policies. They identified four outcomes: the engagement for cultural heritage, the sustainability of cultural heritage, the protection of

³⁵ Ibid., Article 6.

³⁶ See the Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the European Year of Cultural Heritage 2018. COM(2019) 548 Final. (Brussels, October 28, 2019).

³⁷ Ibid., point 3.2. “Events and initiatives at Member State and EU level”.

³⁸ Ibid., point 3.3. “EU Funded projects and ten European Initiatives”.

cultural heritage, and the innovation³⁹. Firstly, the *European Year of Cultural heritage* has engaged different generation of individuals, younger or older, professionals and local communities through the many activities and events, special prizes, new tools including online platforms and applications, toolkits to support teaching and volunteer activities. Secondly, the event raised awareness about the necessity to consider cultural heritage as a sustainable resource; many actions were implemented to integrate cultural heritage into environmental, architectural and planning policies (the Leeuwarden Declaration, best practices from the ERDF, policy recommendations for sustainable cultural tourism, European Destinations of Excellence, the Barcelona Declaration). Thirdly, the large-scale mobilisation around the *European Year of Cultural Heritage* has improved the protection of the European's cultural heritage; it developed many documents: a co-funded document with ICOMOS called "European quality principles for EU-funded interventions with potential impact upon cultural heritage", a comparative analysis on "Safeguarding cultural heritage from natural and man-made disasters", and many research and capacity building projects on innovative method to understand disaster risks, strengthen preventive measures and study illegal trafficking. Fourthly and lastly, the European Year 2018 has enabled a major effort to encourage innovative solutions to the challenges that is approaching cultural heritage sector, notably in the R&I programme of the EU.

In conclusion, the *2018 European Year of Cultural Heritage* was a successful European initiative. It has had a positive contribution to the recognition of European cultural heritage as an essential resource for Europe; in fact, the Year has been the demonstration of an incredible intercultural dialogue. As stated by the EU's Ministers of Culture: "the success of the European Year of Cultural Heritage 2018 was based on an appropriate multi-stakeholder governance framework, a clear thematic focus, the engagement of different parts of our societies and cross-border cooperation"⁴⁰. But efforts must be maintained to ensure a long-term policy impact; this is why the European Commission published the *European Framework for Action on Cultural Heritage* on

³⁹ Ibid., point 4. "Policy outcomes at EU level".

⁴⁰ See the Bucharest Declaration of the Ministers of Culture and their representatives on the role of culture in building Europe's future. (Bucharest, April 16, 2019). p. 4.

December 5, 2018 which proposed around 60 actions to continue to promote and protect Europe's cultural heritage⁴¹.

2. CULTURAL CHALLENGES OF THE NEW CENTURY

In the aftermath of a severe global economic and financial crisis, the European Union is confronted by increasing social inequalities, populism, radicalism and terrorist menaces. The advance of new technologies and digital communication in the daily life are transforming societies, lifestyles, consumption habits, public security, businesses and corporations. In this changing context, the cultural sector plays a key role, but it also definitely needs to adapt; the public and private sector, simultaneously, need to assess and protect it at its fair value. In order to fully appreciate all the benefits that cultural heritage can offer to society and to the Union, this section is devoted to build a clear framework for cultural heritage issues. The first part will clarify the many threats to Europe's cultural heritage in order to prevent them successfully; the second one will reconsider the many values of cultural heritage through new perspectives such as perceiving it as a matter of human rights. Finally, the last part will consider cultural heritage as a force employed to empower the European Union and its citizens.

a. Understanding threats to European cultural heritage

In the past few years, the condition of cultural heritage has been deteriorated, and many factors contributed to this: industrialization, globalisation, urbanization, atmospheric pollution, environmental change, neglect and over-tourism. Various examples of intangible cultural heritage are disappearing because of the inefficiency or disability of certain economic structure or due to rapid transformation of the way of living. Unfortunately, the Member States are struggling to take action in the field as a result of the economic crisis, various measures of austerity and structural adjustments⁴². Yet the multiple impacts of cultural heritage on economy, culture, society and environment bring great challenges for international and European policies. As an essential element in ensuring better living conditions of European citizens, it is

⁴¹ See European Commission staff working document – European Framework for Action on Cultural Heritage. SWD(2018) 491 Final. (Brussels, December 5, 2018).

⁴² See Jokilehto, J. (2005). Definition of Cultural Heritage - References to Documents in History. CIF. p. 5.

indispensable for European policies makers to perfectly understand the threats to this common cultural heritage in order to resolve them effectively.

First of all, the natural and man-made disasters pose many threats to cultural heritage—and both are closely related. Disasters are the cumulative results of many dynamic and interconnected factors. According to UNESCO, disaster is defined:

“as a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceeds the ability of the affected community or society to cope using its own resources. The definition of disaster is extended to include its impact not only on people and property but also on the heritage values”⁴³.

There are numerous types of hazards resulting from disasters⁴⁴:

- meteorological: hurricanes, tornadoes, heat waves, lightning, fire;
- hydrological: floods, flash-floods, tsunamis;
- geological: volcanoes, earthquakes, mass movements (falls, slides, slumps);
- astrophysical: meteorites;
- biological: epidemics, pests;
- human-induced: armed conflict, fire, pollution, infrastructure failure or collapse, civil unrest and terrorism;
- climate change: increased storm frequency and severity, glacial lake outburst floods. Given its current worldwide repercussion, it seems appropriate to better identify this hazard. The definition of climate changes is provided by the Intergovernmental Panel on Climate Change (IPCC) in the Fourth Assessment Report⁴⁵: “Climate change in IPCC usage refers to a change in the state of the climate that can be identified (e.g. using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. It refers to any change in climate over time, whether due to natural variability or as a result of human activity”⁴⁶.

⁴³ UNESCO, ICCROM, ICOMOS, & IUCN. (2010). *Managing Disaster Risks for World Heritage*. p. 8.

⁴⁴ Ibid.

⁴⁵ See the *Climate Change 2007: Synthesis Report – Contribution of Working Group I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. IPCC: Geneva. p. 30.

⁴⁶ Please note that Article 1(2) of United Nations Framework Convention on Climate Change (1992) defined climate change “a change of climate which is attributed directly or indirectly to human activity that alters

Thus, the disasters of natural and human activities can be caused or influenced by environmental changes, having various effects on the cultural heritage sector. Such a topic is recent in the international and European sphere, but progresses are being made and programmes are being launched to understand and analyse how disasters affects historical, cultural and natural heritage. The climate change and environmental menaces like the rise of ocean and atmosphere temperatures, increase of sea levels, storms, floods, fires, desertification, earthquakes, erosion, landslides and other hazards, constitute one of the most significant challenge for the future of cultural heritage—especially in light of the increased frequency of extreme weather conditions⁴⁷. Natural disasters have always existed, and were considered as individual local or regional incidents; however, climate change has brought a new phenomenon: “a slow but worldwide transformations, the effects of which can be experienced as a single, global catastrophe that takes many forms and evolves over an extended period of time”⁴⁸.

Natural and man-made disasters on cultural heritage may cause enormous losses or deterioration. The variations due to climate change may increase the possibility of cultural heritage deterioration and vulnerability in protected areas; it could modify, deteriorate or destroy the balance of the ecosystem and change natural heritage. This is not only threatening physical attributes of cultural heritage, it may also have negative repercussions on the tourism economy and the local communities. Thus, by its important economic and social impacts, the loss or damage of heritage affect human life, landscapes and infrastructures.

The fundamental problem in the safeguarding of cultural heritage is to preserve its value⁴⁹. It is already difficult to protect it because of its natural deterioration, but it may be exacerbated in the event of natural disasters or in changing weather conditions—the immovable cultural and natural properties are particularly prone to damage⁵⁰. ICOMOS

the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods”.

⁴⁷ The destruction of Pompeii by the eruption of Vesuvius (79 A.D.), the earthquakes in Lisbon (1755), the inundation of Florence (1966) can be cited as some very significant examples.

⁴⁸ See ICOMOS. (2008). Cultural Heritage and Natural Disasters - Risk Preparedness and the Limits of Prevention. (H.-R. Meier, M. Petzet, & T. Will, Eds.). p. 9.

⁴⁹ Ibid., p. 45. The value of cultural properties is defined by ICOMOS according to five categories: immaterial value, market value, materials value, use value and replacement value.

⁵⁰ The immovable cultural property includes buildings (such as churches, palaces and castles), bridges or monuments; while the movable cultural property is easily transportable and can be move in a safety place, it consists of archives, library collections, sculpture and furniture. Beware, movable property can be subject to damage and destruction.

argued that the preservation of cultural heritage is related to preventive measures, risk control, and precautions initiatives planned in advance and use only upon the event occurrence⁵¹. In addition, it recommended to create a “catalogue of dangers” which prepare preventive measure to be implemented in case of the eventuality of an incident. Therefore, ICOMOS stressed that the risk of deterioration may be minimise thanks to cooperation between all levels of governance and relevant organizations, implementation of sustainability and awareness raising at the local level⁵². In addition, a *Resource Manual on the Managing Disaster Risks for World heritage Sites* was published in 2010 suggesting that disasters could be prevent or risk reduced through the enhancement of the resilience of cultural heritage to be safeguarded⁵³; in particular, it has developed a disaster risk management model.

Raising awareness at the international level has provided a framework for the development of European policy and the implementation of pilot projects at the EU level. In this perspective, the *Sendai Framework for Disaster Risk Reduction 2015-2030* provided a non-binding global instrument which recognised the Member States of the United Nations (UN) as having a fundamental role in managing and reducing disaster risks (including in the field of cultural heritage)⁵⁴. Subsequently, the European Commission published an *Action Plan on the Sendai Framework*⁵⁵. Planned over a period of 5 years, the EU plan supported a more “systematic risk-informed approach for all EU policies”; the Key Area 4 sustained the development of European good practices on the integration of cultural heritage in the national disaster risk reduction strategies⁵⁶. In addition, in the framework of the *Work Plan for Culture (2015-2018)*⁵⁷, the Council of the European Union requested to the European Commission a study on “Risk assessment and prevention for

⁵¹ *Supra* n. 48, p. 48-49.

⁵² *Supra* n. 48, p. 56.

⁵³ *Supra* n. 43, p. 2.

⁵⁴ See point 5. and point 24.(d) of the United Nations Sendai Framework for Disaster Risk Reduction 2015-2030. Adopted on March 15, 2015, at the third United Nations World Conference on Disaster Risk Reduction and adopted by the United Nations General Assembly on June 3, 2015.

⁵⁵ European Commission (2016). Commission Staff Working Document – Action Plan on the Sendai Framework for Disaster Risk Reduction 2015-2030, A disaster risk-informed approach for all EU policies. SWD(2016) 205 final/2. (Brussels, June 17, 2016).

⁵⁶ *Ibid.*, point III. “Action Plan Implementation Priorities”.

⁵⁷ Under the Priority area B « Cultural Heritage ».

safeguarding cultural heritage from the effects of natural disasters and threats caused by human action”⁵⁸.

The European Union implemented two innovative projects on the matter. Firstly, *Noah’s Ark Project (2004-2007)* on global climate change impact on built heritage and cultural landscape was founded under the *6th Framework Programme (FP6)*⁵⁹; it helped build maps in European regions which depict areas with increased or decreased risk of materials’ deterioration. The research continued under the *FP7 Climate for Culture Project (2009-2014)*, which emphasised on the assessment of environmental effects on heritage sites, and the *FP7 European Cultural Heritage Identity Card – EU CHIC (2009-2012)*, which suggests a strategy and systems to monitor changes on tangible cultural heritage⁶⁰. Secondly and more recently, the *Horizon2020 programme* supported two additional projects aimed at developing the resilience of cultural heritage while addressing climate change consequences and natural hazards: *the H2020 Heritage Resilience Against Climate Events on Site – HERACLES (2016-2019)*⁶¹ and the *H2020 Safeguarding cultural heritage through Technical and Organisational Resources Management – STORM (2016-2019)*⁶².

In addition, *Interreg Europe* supported cultural heritage programme. Interreg helps European regional and local governments for enhancing and offering better policy; financed by the ERDF, it created an environment and opportunities for sharing solutions. The first project developing under Interreg IIIC South was the *Patrimoine et prevention des risques naturels – NOE project (2007-2013)* aimed at the anticipation of natural risks affecting cultural heritage⁶³. It was followed by the *Protecting Mediterranean Cultural Heritage During Disasters – PROMEDHE (2016-2018)* aimed at creating a cross-border network to cooperate and exchange best practices on the protection of cultural heritage during disaster management. Still with a view to regional development, *FP7 Building*

⁵⁸ See European Commission DG for Education, Youth, Sport and Culture (2018). Safeguarding Cultural Heritage from Natural and Man-Made Disasters – A comparative analysis of risk management in the EU. Luxembourg: Publications Office of the European Union.

⁵⁹ Final report is available at: https://cordis.europa.eu/publication/rcn/11779_en.html

⁶⁰ <http://www.euchic.eu/>

⁶¹ The project objective was “to design, validate and promote responsive systems/solutions for effective resilience of cultural heritage against climate change effects”. Project available at: <http://www.heracles-project.eu/>

⁶² The project wanted to propose “models and improved non-invasive and non-destructive methods of surveying and diagnosis, respectively for effective prediction of environmental changes and for revealing threats and conditions that could damage materials and structures of cultural heritage”. Project available at: <http://www.storm-project.eu/>

⁶³ <http://noe.cartodata.free.fr/>

Capacity for a Centre of Excellence for EO-based monitoring of Natural Disasters – BEYOND (2013-2016) project aimed at monitoring natural disasters in south-eastern Europe and the Balkans; it particularly developed the flood risk management⁶⁴.

On the other hand, the question of how to manage socio-economic pressures arises. With their rich historic, cultural and natural heritage, European countries has been developing tourism for their economic growth and for developing socio-economic well-being of their people. Being the first destination in the world, the tourism industry is the third socioeconomic activity in the EU; it contributes to the EU GDP up to €415 billion and employs 15.2 million people (many of those jobs are related to heritage)⁶⁵. The heritage tourism “is, as an economic activity, predicated on the use of inherited environmental and socio-cultural assets in order to attract visitors”⁶⁶; thus, tourism to cultural sites is more and more appreciated. However, the necessity to ensure sustainable tourism management for residents and for tourists has been increasingly recognized over the past two decades⁶⁷.

Recently, the terms “over-tourism” and “mass tourism” has been used to illustrate the risks of a large-scale and uncoordinated inflow of tourists to some popular locations around the world and Europe; it can be cited cities such as Paris, Berlin and, of course, Venice. Goodwin described the term of “over-tourism” as “destinations where hosts or guests, locals or visitors, feel that here are too many visitors and that the quality of life in the area or the quality of the experience has deteriorated unacceptably”⁶⁸. As one of the most frequent threats to cultural heritage sites⁶⁹, unsustainable tourism implies a certain number of negative consequences: the locals see their well-being reduced, the environmental sustainability of cultural heritage sites is being endanger and “day-trippers” tourists have only a limited input on the local economy⁷⁰. On a daily life basis, it may conduct to parking and cars circulation problems, frustration of locals due to the

⁶⁴ The project is available at: <http://www.beyond-eocenter.eu/index.php>

⁶⁵ *Supra* n. 16, p. 4.

⁶⁶ See Fyall, A., & Garrod, B. (1998). Heritage tourism: at what price? *Managing Leisure*. p. 213.

⁶⁷ See Goodwin, H. (October 4, 2017). Responsible Tourism Partnership Working Paper - The Challenge of Overtourism. p. 1.

⁶⁸ *Ibid*.

⁶⁹ See Labadi, S., & Long, C. (Eds.). (2010). *Heritage and Globalisation - Key Issues in Cultural Heritage*. London, New York: Routledge.p. 7.

⁷⁰ Seraphin, H., Sheeran, P., & Pilato, M. (2018). Over-tourism and the fall of Venice as a destination. *Journal of Destination Marketing & Management*, 9. p. 374.

misbehaviour of tourists, increasing living costs of residents (food supply, transports services and real estate), visitors disappointment, and significant deterioration on heritage (both, tangible and intangible)⁷¹. Concretely, the environmental concerns on cultural heritage take the form of, among other, “overcrowding [places], wear and tear, pilfering, graffiti and traffic problems”⁷².

So, the main challenge represented by mass tourism is to know how to continue to fulfil tourists’ expectations, by maintaining the authenticity of their experiences, while managing their impacts. The sustainability and cultural heritage are closely related: both require precious management to satisfy the need of present generation while transmitted the assets to future generations, passing the same size and quality of the inherited assets⁷³. Thus, cultural heritage must be protected from damage. In this perspective, the sustainability concept must be applied to the heritage tourism industry. The European Union defined “Sustainable Cultural Tourism” as an “integrated management of cultural heritage and tourism activities in conjunction with the local community creating social, environmental and economic benefits for all stakeholders, to achieve tangible and intangible cultural heritage conservation and sustainable tourism development”⁷⁴.

In the EU scene, it is important to note the geographical interest for areas with specific food, wine and spirits which bring a certain type of cultural tourism. Moreover, coastal and maritime⁷⁵ tourism is the major sector of European tourism activity; thus, it brings to the fore fisheries, maritime and coastal heritage—including underwater cultural heritage⁷⁶. Both types of cultural activities create a link between cultural and natural heritage in the minds of visitors and tourists. That is why, the European Commission began in 2007 to reflect on an *Agenda for a sustainable and competitive European*

⁷¹ See Adie, B. A., Falk, M., & Savioli, M. (2019). Overtourism as a perceived threat to cultural heritage in Europe. *Current Issues in Tourism*. p. 1.

⁷² *Supra* n. 66, p. 216.

⁷³ *Supra* n. 66, p. 214.

⁷⁴ Definition available on the European Union toolkit “Sustainable Cultural tourism”. Consulted on January 7th, 2020, at:

https://europa.eu/cultural-heritage/sites/eych/files/sustainable-cultural-tourism-recommendations_en5097.pdf?token=PsePI9T4

⁷⁵ It is interesting to note that the Eu coastline is about 68.000 km long and is the largest maritime territory in the world (41% of the EU population lives in these areas). As a popular European destination, the sector employs over 3.2 million individuals and generates €183 billion in gross value added. Sources: European Environment Agency website; consulted on January 2020 at:

<https://www.eea.europa.eu/themes/water/europes-seas-and-coasts/europes-seas-and-coasts>

⁷⁶ See European Commission staff working document – A New European Agenda for Culture: Background Information. SWD(2018) 167 final. (Brussels, May 22, 2018). p. 11.

*tourism*⁷⁷ identifying challenges and opportunities. In addition, the fifth of the *10 European Initiatives of the European Year of Cultural Heritage*⁷⁸ was dedicated to “Tourism and heritage”. It argued that cultural heritage along with the economic advantages of tourism may generate important economic resources, but only when it is managed to ensure positive consequences for communities. The initiative has five components⁷⁹:

- Component 1: Towards policy recommendations on sustainable cultural tourism;
- Component 2: Natural heritage. The *Natura 2000* programme aimed at the sustainable preservation of spaces under the European network;
- Component 3: Promoting Europe’s cultural routes, inviting travellers to explore diverse and lesser-known themes of European history, landscapes and heritage;
- Component 4: Awarding excellence – European destination of excellence award. It supports destinations that offered sustainable tourism and bring non-traditional European areas to the fore;
- Component 5: European Capital of Smart Tourism award.

Beyond protecting cultural tourism for its economic repercussions, the European Commission has highlighted sustainable cultural tourism also because the cross-border mobility enhances the capacity of understanding each other’s culture and building a common European identity⁸⁰.

In December 2018, the report of the OMC Working Group reported the SWOT analysis of the cultural heritage sector; it enables to delimit shared challenges and common aims between the various country of the European Union⁸¹. As threats from outside the heritage sector, the expert panel recognized a challenge in the management and administration of the cultural sector. In particular, they first reported an

⁷⁷ See Communication from the Commission – Agenda for a sustainable and competitive European tourism. SWD(2018) 167 final. (Brussels, October 19, 2007).

⁷⁸ The 10 European Initiatives aimed at running long-term projects under 4 principles: engagement, sustainability, protection and innovation. It is implemented through the various initiatives and projects of the departments of European Commission, such as Erasmus+, Horizon 2020, Europe for Citizens, Natura 2000. Available at: https://ec.europa.eu/culture/content/overview_en

⁷⁹ See European Commission document “Europe Initiative n°5 – Tourism and Heritage: Promoting Sustainable Cultural Tourism”. (September, 2018).

Available at: <https://ec.europa.eu/culture/sites/culture/files/5-tourism-and-heritage-10-european-initiatives-factsheet.pdf>

⁸⁰ *Supra* n. 76, p. 11.

⁸¹ See Open Method of Coordination Working Group (2019). *Fostering Cooperation in the European Union on skills, training and knowledge transfer in Cultural Heritage Professions*. Luxembourg: Publications Office of the European Union. p. 21-27.

“academisation of society” which means that the sector does not attract young people, there is a lack of formal work recognition in the field, the vocational trainings are not enough privileged over the academic training, and the time dedicated to practice activities has been reduced. Secondly, there is a demographic impact on the workforce, i.e. through the ageing of professionals, the brain drains and the fact that European social diversity is not sufficiently represented. The large number of volunteers cannot solve the situation: they do not have enough skills to replace professionals and may therefore damage heritage. In addition, the economic context is not in favour of the European cultural heritage. The OMC highlighted a reduction of public funding and a cultural heritage sector under pressure due to the market and commercial conditions; it may lead to different consequences: a stronger focus are made on projects and events rather than on cultural heritage itself, a certain pression to develop low-priced, a stronger focus on economic effects, and entertainment may be favoured over scientific research. In addition, some conflicts of interests may appear for the cultural heritage assets due to other public sectors, mass tourism and the rehabilitation strategies of cities. To address these various threats and to improve the cultural heritage professional sector, the OMC recommends focusing on awareness-raising, education and training, lifelong learning and knowledge transfer.

Finally, the European Union is also fighting the cultural heritage artefacts illicit trade. Since the first *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* of 1970⁸², numerous international instruments, as well as organizations, have been protecting cultural properties against illicit trafficking. Illicit trade of cultural property may take various form and is sometimes linked to organised crime, money laundering and terrorism. The subject is very broad and complex, both at international and European level; that is why the following paragraph will only elaborate the recent paths taken by the EU.

Lately, the European Commission is further improving measures to tackle this international issue: the DG Home Affairs published a *Study on preventing and fighting*

⁸² The 1970 UNESCO Convention aimed at protecting cultural properties against damage, theft, clandestine excavations, illicit import, export and transfer of ownership and trafficking. It entered into force on April 24, 1972.

illicit trafficking in cultural goods in the European Union in 2011⁸³, the Council of the European Union has been adopted a Regulation on the export of cultural goods⁸⁴, and the EP and the Council of the European Union has been adopted a *Directive on the return of cultural objects unlawfully removed from the territory of a Member State* in 2014⁸⁵. In addition, the initiative 7 “Heritage at risk” of the *10 European Initiatives* alert and sensitize national and European authorities, as well as the policymakers, the market of art and culture and the research communities, to the consequences of illicit trade in culture goods. It has three components:

- Component 1: Adoption of regulatory measures in order to fight illicit trade in cultural goods, particularly on the introduction and import of cultural goods⁸⁶;
- Component 2: Awareness raising and capacity building activities in collaboration with the UNESCO;
- Component 3: Improving evidence and sharing experience as a means to efficiently managed risks affecting heritage and better understand the illegal trafficking.

To develop the regulatory environment, the international cooperation constitutes the major instrument to protect the country’s cultural property. The EU bodies are thus closely working with international organizations such as UNESCO⁸⁷, the International Council of Museums (ICOM)⁸⁸, the ICOMOS, INTERPOL and the World Customs Organization (WCO), International Institute for the Unification of Private Law (UNIDROIT), United Nations Office for Drugs and Crime (UNODC) and the CoE.

⁸³ European Commission DG Home Affairs (2011). Study on preventing and fighting illicit trafficking in cultural goods in the European Union – Final Report. (October 2011).

⁸⁴ Council of the European Union (2008). Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods. OJ L 39/1. (Brussels, December 19, 2008). Entered into force on March 1, 2009.

⁸⁵ See the Council of the European Union Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast). OJ L 159/1. (Brussels, May 15, 2014). Entered into force on June 16, 2014.

⁸⁶ See the Council of the European Union Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods. OJ L 151/1. (Strasbourg, April 17, 2019). Entered into force on June 26, 2019.

⁸⁷ In collaboration with UNESCO, two joint projects have been created and will be implemented: “Engaging the European art market in the fight against the illicit trafficking of cultural property” and a “Training to enforcement authorities”. Moreover, both are acting at a regional level; for example, a joint Action Plan for the protection of Syrian cultural heritage was created. Available at: <http://www.unesco.org/new/en/safeguarding-syrian-cultural-heritage/>

⁸⁸ The European Commission DG Home Affairs financially support, through the Prevention of and Fight against Crime Programme, the ICOM International Observatory on Illicit Traffic in Cultural Goods.

To conclude, from natural and man-made disasters to socio-economic pressures, the cultural heritage field is facing emerging threats. The EU institutions need more insights and approaches to address these challenges and to enhance its numerous opportunities; the Research and Innovation department can contribute to find innovative methods for conserving and promoting cultural heritage and using it wisely. Moreover, new ways of perceiving this important field must be developed; it is in this perspective that cultural rights are now conceived as part of human rights.

b. Cultural rights as human rights

After the implementation of cultural protection achieved through two categories, "material protection" and "conservation", a third group of regulations appeared: it covered norms relating to the "enhancement" of cultural property. It notably aimed to ensure the link between cultural heritage and society through awareness-raising, public access, education, information, communication and scientific research⁸⁹. These norms are considered closely related to human rights, and it definitely consolidated cultural rights.

As this thesis already specified, the sense and definition of the notion of cultural heritage has broadened over the years; from the concept of the inheritance from generation to generation, of initially only physical elements, to the recognition of intangible elements of cultural heritage, international instruments have then come to recognize the natural and environmental dimensions of cultural heritage. These new elements have particularly led to reflect on the indigenous rights over their natural environment—intended as culture and natural resource. Consequently, since the mid-1980', the interrelationship between environment and culture and between cultural heritage and cultural rights are also considered⁹⁰.

The prominent role of the UNESCO in the recognition of cultural rights as human rights came first from the Article 1 of its Constitution "the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice,

⁸⁹ See Mainetti, V. (2008). Le principe du patrimoine culturel de l'humanité: de la République des Arts à un ordre public international. In A. Gentili, *La salvaguardia dei beni culturali nel diritto internazionale*. Atti del Convegno. 12° Giornata Gentiliana (San Ginesio, 22-23 settembre 2006). (pp. 583-601). Milan: Giuffrè, p. 599.

⁹⁰ See Blake, J. (2000, Jan.). On Defining the Cultural Heritage. *The International and Comparative Law Quarterly*, vol. 49, no. 1, pp. (61-85). p. 72.

for the rules of the law and for the human rights and fundamental freedoms[...]"⁹¹. Moreover, in 1948, the UN promulgated the *Universal Declaration of Human Rights*, and stated a person has the "right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance"⁹². But as to cultural rights, what is more significant in the Declaration is Article 27: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits". Thus, it recognized the cultural dimension as an element of the human rights. Some twenty years later, the cultural rights were officially recognized through the *International Covenant on Civil and Political Rights (ICCPR)*⁹³ and the *International Covenant on Economic, Social and Cultural Rights*⁹⁴; but economic, social and cultural rights remained of less importance than civil and political rights⁹⁵. In 1998, the ICOM *Resolution no° 1 concerning museums and cultural diversity* declared "the promotion of cultural rights of all peoples through a reaffirmation of the values embedded in The Universal Declaration of Human Rights" and "support the United Nations Draft Declaration on the Rights of the World's Indigenous Peoples"⁹⁶.

The Council of Europe approached the subject of cultural and human rights domain by enhancing the concept of cultural landscapes as new component of cultural heritage; by definition, the concept of cultural landscape "means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factor"⁹⁷. Even if it remains one of the physical characteristics of cultural heritage, it is

⁹¹ Article 1 of the UNESCO Constitution. (November 16, 1945). Entered into force on November 4, 1946.

⁹² United Nations General Assembly (1948). *The Universal Declaration of Human Rights*. (Paris, December 10, 1948).

⁹³ United Nations General Assembly (1996). *International Covenant on Civil and Political Rights*. (December 16, 1966). Entered into force on March 23, 1976.

⁹⁴ United Nations General Assembly (1996). *International Covenant on Economic, Social and Cultural Rights*. (December 16, 1966). Entered into force on January 3, 1976.

⁹⁵ Silverman, H., & Ruggles, D. F. (Eds.). (2007). *Cultural Heritage and Human Rights*. New York: Springer. p.5. and Blake, *supra* n. 90, p. 78.

⁹⁶ See ICOM Resolutions adopted by ICOM's 19th General Assembly. (Melbourne, October 16, 1998).

⁹⁷ Article 1 of the European Landscape Convention. (Florence, October 10, 2000). Entered into force on March 1, 2004. As this thesis is being written, 26 EU Member States have signed the Florence Convention—Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom (considered to be part of the EU until it officially leaves it on January 31, 2020); out of which Malta has not yet ratified. List consulted on January 7, 2020, at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/176>

often considered as being close to the intangible cultural heritage because it is related to ethnographic studies and similarities between landscapes elements and cultural identities have been identified. In 1996, the CoE officially considered the cultural landscape, movable heritage and intangible heritage as cultural heritage in its Final Helsinki *Declaration on the Political Dimension of Cultural Heritage Conservation in Europe*⁹⁸. Thus, it implicitly recognized the cultural heritage political interests of the European organization. The insertion of the notion of intangible cultural heritage in international instruments has had repercussions on political and social dimensions; it comprised, among others, the construction of cultural identities, the impacts and the powerful meanings of the destruction of cultural heritage in time of wars (using as weapons) and the necessity to protect cultural indigenous and minorities rights⁹⁹.

However, these conventions always referred to the notion of “cultural rights”; it was in the domain of the protection of the rights of indigenous and minorities people that the concept of “cultural heritage” and “cultural identity” has been further enhanced¹⁰⁰. As cultural heritage is no longer limited only to the physical features of cultural heritage assets (i.e. tangible heritage), intangible heritage has been arising the question as to what people attribute their sense of identity to¹⁰¹. To approach this reflexion, UNESCO considered in 1989 that folklore “forms part of the universal heritage of humanity and that it is a powerful means of bringing together different peoples and social groups and of asserting their cultural identity”¹⁰².

In 1993, the Council of Europe demonstrated the close relationship between cultural rights and cultural heritage and the concept of the cultural identity. Article 3 of the *Recommendation 1201* expressed first that “every person belonging to a national minority shall have the right to express, preserve and develop in complete freedom his/her religious, ethnic, linguistic and/or cultural identity, without being subjected to

⁹⁸ See point II.A. of Helsinki Declaration on the Political Dimension of Cultural Heritage Conservation in Europe the IVth European Conference of Ministers Responsible for the Cultural Heritage Helsinki 30-31 May 1996 – Report by the Secretary General submitted in pursuance of paragraph 8 of Resolution (71) 44 of the Committee of Ministers. CM(96)97. (Strasbourg, July 9, 1996). p. 20.

⁹⁹ *Supra* n. 90, p. 75.

¹⁰⁰ *Supra* n. 90, p. 81.

¹⁰¹ *Ibid*.

¹⁰² See the preamble of the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore. (Paris, November 15, 1989).

any attempt at assimilation against his/her will” and secondly that “every person belonging to a national minority exercise his/her rights and enjoy them individually or in association with others”¹⁰³. Thus, the necessity to protect cultural identity of people, groups and humankind explained the preservation of cultural heritage; in fact, as Blake explained, it has two aspects: cultural heritage is the symbol of the identity of groups and communities and is an existential dimension in the construction of their identity—creating thus a group cohesion¹⁰⁴.

Intended as human rights, cultural heritage can be use used for several purposes such as cultural, social and political. The Faro Convention of the CoE introduced this dimension in Article 1 by recognising “that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights”¹⁰⁵. Even if the European institutions are aware of the need to build a sense of European identity between the countries of Europe, both the EU and the CoE do not consider the question as a priority. The European Union placed great significance on the correlation between all human rights, and on the indissociable nature of civil and political rights and economic, social and cultural rights—fundamental element of the international human rights law. The EU’s engagement made during the ICESCR has been enhanced in the *European Instrument for Democracy and Human Rights*. But the Regulation establishing this financing instrument makes no mention of culture, cultural identity or cultural heritage¹⁰⁶. It is maybe due to the contradiction and the complexity of the debate; as Logan et al. explained “often groups claim a cultural practice as a human right, even though others may claim that the practice contravenes laws and/or human rights instruments”¹⁰⁷.

Karima Bennoune, UN Rapporteur in the field of cultural rights, addressed in 2016 that the cultural heritage field must be explicitly approach with a human rights

¹⁰³ See the CoE Recommendation 1201 – Additional protocol on the rights of minorities to the European Convention on Human Rights. (Strasbourg, February 5, 1993).

¹⁰⁴ *Supra* n. 90, p. 84.

¹⁰⁵ *Supra* n. 4.

¹⁰⁶ See Council of the European Union (2014). Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide. OJ L 77/85. (Strasbourg, Marche 11, 2014). Entered into force on March 16, 2014.

¹⁰⁷ See Langfield, M., Logan, W., & Nic Craith, M. (Eds.). (2010). *Cultural Diversity, Heritage and Human Rights*. London, New York: Routledge. p. 14.

perspective¹⁰⁸. Such approach requires the consideration of the right of individuals and population; it means that it necessary consider cultural heritage of people with people themselves and their own rights due to the “significance for individuals and groups and their identity and development process”¹⁰⁹. Moreover, she also stressed the need to make the intentional destruction of cultural heritage an urgent priority¹¹⁰. In fact, the loss and the damage of cultural heritage has powerful devastating impact on human life—and thus, on cultural rights. The Human Rights Council went on this direction after the adoption of the *Resolution on Cultural rights and the protection of cultural heritage* by highlighting that ‘the destruction of cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights’¹¹¹.

The importance to consider cultural heritage as human rights is also due to its close relationship with other human rights such as rights to freedom of expression, freedom of thought, freedom of conscience and religion and economic rights. Thus, attacked on cultural heritage has consequences for human rights. The UN special rapporteur illustrated this idea with the example of northern Mali: “when mausoleums and ancient Islamic manuscripts were being destroyed by armed groups in northern Mali, various forms of cultural practice were also under attack, including religious practices, singing and music. Local populations were greatly affected, in an integrated way, by assaults on both forms of cultural heritage”¹¹².

To conclude, it is crucial to stress the importance to consider cultural heritage, and the destruction of it, as a human rights issue at both international and European level. In order to protect it better from destruction and illicit trafficking, awareness should be raised about the irreplaceable nature of cultural heritage and its significance for individuals, groups and the community. Even if the first steps have been taken at the international level, it is also a European challenge which should be further considerate. In fact, the protection of cultural heritage as human rights could have a positive impact on

¹⁰⁸ United Nations General Assembly (2016). Human Rights Council Thirty-first session - Report of the Special Rapporteur in the field of cultural rights. A/HRC/31/59. (February 3, 2016). p. 7.

¹⁰⁹ Ibid., p. 11.

¹¹⁰ Ibid., p. 11.

¹¹¹ United Nations General Assembly (2016). Human Rights Council Thirty-third session – Resolution 33/20 adopted by the Human Rights Council on 30 September 2016 on cultural rights and the protection of cultural heritage. A/HRC/RES/33/20. (September 30, 2016).

¹¹² *Supra* n. 108, point 77. at p. 17.

the behaviour and rights of the European citizens by creating a more meaningful cohesion within European people. In the search for appreciation and valorisation of European policy by the European institutions, European citizens are a key element for the recognition of the European integration. The elements discussed in this section could be one of the factors that empower European citizens, but as it will be discussed in the following section, it is certainly not the only one.

c. Enhancement of cultural heritage: a driving force for empowering the EU

“The construction of Europe is not just a form of collaboration between States. It is a *rapprochement* of peoples who wish to go forward together, adapting their activity to the changing conditions in the world while preserving those values which are their common heritage”

Declaration of the Prime Minister of Belgium Mr Tindemans on “a citizen’s Europe”¹¹³.

The European Community initially began its project with relatively restricted aims: the establishment of a common European market and a customs union. It has then expended rapidly; the inclusion of 22 Member States and the numerous Treaties adopted for political, legal and economic integration has increased the competences in almost every economic and social domain¹¹⁴. In 1961, Haas, a pioneering theoretician of European integration, has introduced the idea that the political integration would naturally follow the process of economic integration; this “regional integration” is a:

“process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities toward a new and larger centre, whose institutions possess or demand jurisdiction over the pre-existing national states. It should be noted that the objective economic, social, and communications ‘factors’ often identified with ‘integration’ in my scheme, are conditions typical of an ongoing political community”¹¹⁵.

¹¹³ See European Union - Report by Mr Leo Tindemans, Prime Minister of Belgium, to the European Council sent on 29 December 1975. Bulletin of the European Communities Supplement 1/76. p. 11.

¹¹⁴ See Fligstein, N., Polyakova, A., & Sandholtz, W. (2012). European Integration, Nationalism and European Identity. *Journal of Common Market Studies* (Vol. 50, No. S1, p. 106-122). p. 106.

¹¹⁵ See Haas, E. B. (1961). *International Integration: The European and the Universal Process*. In *International Organization* (Vol. 15 No. 3, pp. 366-392). p. 366.

He later noticed that the European process was not considered by the majority of European citizens because of the prevailing their “national consciousness”¹¹⁶. However, the view of “Europe” as a space for political activities and commitment has been gradually considered by European citizens, guiding by a rapprochement of values, beliefs and interests¹¹⁷. From the 1980s, the increased cooperation between Member States enhanced political structure of the EC: the single market, the Schengen Area, the enlargement of the European Community, the creation of the euro currency and the universal suffrage of the Elections to the European Parliament. Unfortunately, this multitude of measures has not led to concrete support from the European public opinion; for example, it can be observed through the decline of the electoral participation rate for the EP elections: the turnout has fallen from 61,99% in 1979 to 42,61% in 2014¹¹⁸. In addition, Fligstein raised another point by studying the determinants of European identity¹¹⁹; it is observable in the following table:

<i>In the near future, will you think of yourself as a . . . ?</i>		
		%
	EB67.1 Feb.-Mar- 2007	EB73 Spring. 2010
European only	4	3
European and own nationality	8	7
Own nationality and European	44	41
Own nationality only	42	46
TOTALS		
Mostly national	86	87
Mostly European	12	10
Sometimes European	56	51

Table 2. Source: Eurobarometer 73, spring 2010¹²⁰.

¹¹⁶ See 1968 Preface p. xxix of Haas, E. B. (1968). *The Uniting of Europe - Political, Social, and Economic Forces 1950-1957*. Indiana: University of Notre Dame Press.

¹¹⁷ *Ibid.*, p. 11-29.

¹¹⁸ As already mentioned above in p. 38, the long downward trend in voter turnout was finally reversed during the 2019 European Parliament elections with a turnout rate of 50,66%.

¹¹⁹ See Fligstein, N. (2008). *Euro-Clash - The EU, European Identity, and the Future of Europe*. New York: Oxford University Press. p. 141.

¹²⁰ See p. 117 of Standard Eurobarometer, August 2010, No. 73. Available at:

Following the same reasoning as Fligstein¹²¹, the European identity has not become very significant for European citizens. In 2007, only 12% of the citizens feel mostly European, 56% sometimes European. The second survey in 2010 shows a lower proportion of people identifying themselves as European. Thus, the difficulty lies in knowing what the meaning of the European identity is and what considerations will make people see themselves as European citizens.

According to Shore, the importance of the “European identity” lies in four reasons for EC leaders¹²². Firstly, it is due to the “political integration”; the European Community has implemented the economic and monetary integration, the cultural aspect of the European Union has been gaining political interest over the year. The European Commission recognized that the objective to “unify Europe” will not be achieved by the legal and economic instrument; however, a transformation of people’s consciousness, including their identity, could help enhance the popularity of the European institutions’ scope and objectives. Secondly, Shore highlighted the potential of the “European identity” to address the ‘democratic deficit’ of the EC. To resolve the lack of authority and prestige of the European institutions, the people of Europe should be able to identify themselves, not only in relation with the European bodies and their policies, but also with their common cultural heritage; thus, heritage awareness became an instrument to legitimize the EC policies and to justify the ‘ever-close union’. A third reason for the interest in the question of the European identity depends on the importance to finally qualify and construct a clearer definition of ‘Europe’. Fourthly and finally, the “European identity” could be an “answer to the divisive legacy of nationalism”.

In order to build a European identity, the European Commission has to put in place a number of symbolic measures aimed at promoting a stronger union between the countries of Europe and their people¹²³. Despite the singular character of nation-states, there are similarities between them. The notion of “European culture” is a complex issue;

https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb73/eb73_vol2_fr.pdf

¹²¹ The data used here are from 2007 and 2012, while Fligstein used data from 2004. The data are similar in terms of proportionality, which allows the same reasoning to be used. For reasons of unavailable data, this thesis uses data from the same database Eurobarometer and the same questioning as Fligstein.

¹²² See Shore, C. (1993, Dec.). Inventing the 'People's Europe': Critical Approaches to European Community 'Cultural Policy'. *Man, New Series*, vol. 28, no. 4. p. 785-787.

¹²³ *Ibid.*, p. 779.

the *Declaration on European Identity* of the nine members of the European Council has attempted to shed light on the matter. It involved three aspects: firstly, and the more meaningful for this thesis, the European common heritage, interests and special obligations of the Member States; secondly, the cooperation and responsibilities of Member States in their relations with the rest of the world; and finally, the evolution of the European unification¹²⁴. Much later and in a different context, the DG for Education and Culture (DG EAC) defined the term as the following:

“one point of view is to emphasize the shared heritage of the continent’s countries, based on a long-shared history of democracy, liberal economic regimes and value-sources such as Enlightenment, the French Revolution and the continent’s status as the fulcrum of two global wars this century. Another view counters [the idea of a ‘European culture’] by stressing cultural difference, seeing unique elements in each country and the continent as multi-cultured patchwork. A third idea draws on elements from the previous two, arguing that culture exists at different levels and that [...] should be regarded as culturally distinctive. Such view often revolves around values of ‘openness’ and ‘tolerance’ which are seen as more European in nature”¹²⁵.

European identity and national identity are two distinct concepts, one does not compete with the other. Citizenship is considered by many authors as a key aspect of identity; however, it is no less important that elements such as social, cultural and historical unity remain fundamental in the construction of identity¹²⁶.

The European Union is facing many challenges: demographic change, migration and political disengagement of citizens, in particular by young and unemployed people. The issue was raised on how to solve these problems and how to empower citizens in the institutional process. Cultural heritage could shift these challenges into positive outcomes for the European social cohesion and the quality of life of European citizens.

¹²⁴ See the Council of the European Union Meeting of the Heads of State or Government, 9 December 1973. *Declaration on European Identity*, Bulletin of the EC, December 1973 n. 12, pp. 118-122. (Copenhagen, December 9, 1973).

¹²⁵ See European Commission Directorate General Education & Culture (2007). *Special Eurobarometer 278 – Report on European Cultural Values*. (September 2007). p. 63.

¹²⁶ See Henze, R. (2014). *Spending on culture is a solid investment*. In R. Henze, & G. Wolfram (Eds.), *Exporting Culture - Which role for Europe in a Global World?* (pp. 39-52). Wiesbaden: Springer VS. p. 40.

The increased prominence of cultural heritage protection and promotion has been accompanied by a general reshaping of the EC objectives and tasks. The Maastricht Treaty, beyond the enlargement of the Community's competences to new sectors and domains of activity, introduced a qualitative change in the European integration. Citizenship and human right became key words after Maastricht, priorities of social and environmental order emerged, and the economic and monetary Union recognized the complementarity of the social cohesion¹²⁷. Thus, cultural heritage is a real resource for Europe for the twenty-first century, not only because it is at the centre of what it means to be European, but also because it has recently been recognized by governments and citizens as an instrument to enhance economic performances and people well-being. In 2014, the Council of the European Union emphasised (among other) the fundamental capacity of cultural heritage firstly, to inspire and foster citizens' participation in public life and secondly, to promote diversity and intercultural dialogue. Notably, cultural heritage contributes to a heightened sense of "belonging" to the European community and a greater understanding and respect between peoples¹²⁸.

In this perspective, innovative solution has been proposed by DG for Research and Innovation (DG RTD)¹²⁹. One of the main objectives regarded the society as a whole and how to encourage integration, inclusiveness, cohesion and participation through cultural heritage¹³⁰. In the context of the will of the EU countries to deregulate and decentralize policies, the DG RTD sustained that giving more responsibilities to citizens in the protection and maintenance of cultural heritage has brought many benefits to local communities. In addition, they supported the use of digital technologies to involve individuals and secure integration, inclusiveness and social cohesion. In fact, the digitization of cultural heritage may facilitate its access and enable collective sharing of knowledge. In addition, the project CoHERE funded by the *Horizon 2020* programme is studying the relationship between identity and representation of history, i.e. how the

¹²⁷ See Psychogiopoulou, E. (2008). *The Integration of Cultural Considerations in EU Law and Policies*. Leiden, Boston: Martinus Nijhoff Publishers. p. 3.

¹²⁸ *Supra* n. 14, point 5.

¹²⁹ See the European Commission DG for Research and Innovation report "Getting cultural heritage to work for Europe – Report of the Horizon 2020 Expert Group on Cultural Heritage." Luxembourg: Publication Office of the European Union (2015). p. 8-9.

¹³⁰ The two other objectives of the innovative use of cultural heritage are on the economy and environment, both arguments will be further discussed in section III. a. and in section III. b.

heritage can unite, but also divide. It is thus aimed at understanding better the socio-political and cultural significance of heritage.

The development of cultural heritage at different levels—local, regional, national and recently European—has a crucial importance for the shared memory, social cohesion of a group and for people cultural education. It has a key role in the European Union construction and foster a sense of European belonging to citizens of Europe. In order to overcome the EU crisis, cultural heritage and cultural values may provide the necessary impetus for revisions of EU policies. The recent challenge of the European institutions is to change its policies and apply new approaches to tackle cultural heritage issues.

3. TOWARD AN INTEGRATIVE AND SUSTAINABLE APPROACH TO CULTURAL HERITAGE

Sixty years after the adoption of the Treaty of Rome, the leaders of the 27 Member States and of the European institutions met in Rome to assess the European Union's achievements. In the ten years to come, one of their ambition is to attain a Union where “citizens have new opportunities for cultural and social development and economic growth. [The leaders] want a Union which remains open to those European countries that respect [European] values and are committed to promoting them [...]; a Union which preserve our cultural heritage and promotes cultural diversity”¹³¹. As explained above, Europe’s valuable cultural heritage and the potential of the cultural and creative sectors contribute to build the European identity. Culture strengthens citizenship, has contributed values, inclusion, intercultural dialogue and social cohesion. In addition, cultural and creative industries have the potential to transform lives, enrich communities, create jobs and economic growth and impact other sectors. To build a cohesive Union, the European institutions aim to harness the full potential of cultural heritage, and of the cultural sector in general, through policies that are more inclusive, more sustainable and resilient, and that foster international cooperation.

¹³¹ Council of the European Union (2017). The Rome Declaration. (March 25, 2017).

a. *Rethinking the integrated approach: support participatory governance for cultural heritage*

The role of cultural heritage in economic, cultural and social activities is crucial and fundamental; it is a moving process involving numerous disciplines. To ensure its efficient promotion, protection and management, the European institutions are beginning to enhance an integrated approach which combine the support to cultural diversity, democratic governance and innovation. Aware of the unique value of heritage for society and the shared and common character of cultural heritage, it is thus essential that European decision- and policymakers engage the parties directly or indirectly concerned.

It is important to remind that it is the national and local responsibilities to implement policies linked to the maintenance, restoration, accessibility and exploitation of cultural heritage; however, it is a sector related with many European Union policies, including in the field of culture, environment, research and innovation, education, regional policy and customs cooperation. In 2014, the European Commission published a *Communication towards an integrated approach to cultural heritage for Europe*¹³². To meet the challenges and seize the opportunities of cultural heritage, the Commission proposed the adoption of a new integrated approach with three objectives¹³³. Firstly, it promoted cultural diversity and intercultural dialogue through the development of policies and instruments in research and innovation, digitization, and cooperation (at all level: local, regional, national and European). It will enhance the intrinsic and societal value of cultural heritage. Secondly, it promoted culture as a catalyst for creativity by taking full advantage of its direct and indirect economic potential for local and regional development, promoting European cultural and industrial heritage tourism, and rehabilitating old skills and acquiring new ones. Thirdly, it supported culture as a vital element of the Union's international dimension in order to link the EU with international public diplomacy, multilateral fora and organizations—such as the Council of Europe and UNESCO.

The EP then adopted the text *Towards an integrated approach to cultural heritage in Europe*¹³⁴. As a result of the *European Year of Cultural Heritage*, the recognition of the non-renewable nature and all forms of cultural heritage (tangible and intangible, movable

¹³² *Supra* n. 16

¹³³ *Ibid.*, p. 6-12.

¹³⁴ *Supra* n. 27.

and immovable), the “new integrated approach to cultural heritage” highlights the importance of cooperation between the various policy areas, transparency and exchange of best practices, public awareness-raising and promotion of education. Thus, the integrated approach of heritage also means to consider many other aspects: cultural, economic, social, historical, educational, environmental and scientific.

As for the *Work Plan for Culture 2015-2018*, it was aimed at sustaining accessible and inclusive approach to culture, cultural heritage, cultural and creative sectors, cultural diversity, culture in EU external relations and mobility; unfortunately, only a small section was dedicated to cultural heritage¹³⁵. However, the 2018 *European Year of Cultural Heritage* changed the situation by increasing the European awareness of the social and economic benefits of this field. Thus, the priority A of the *Work Plan for Culture 2019-2022* was the “sustainability in cultural heritage”; it was aimed at ensuring the continuation of the Year of Cultural Heritage and proposed a “comprehensive strategic approach” to the conservation, preservation, safeguarding, research, educational activities and knowledge transfer, financing, participatory governance and contemporary interpretation¹³⁶.

As regards to the “participatory governance”, it is an innovative, people-centred and forward-looking approach on the management and valuation of cultural heritage. In 2012, the Council of the European Union highlighted the need to ensure a cultural governance more open, participatory, effective and coherent. It asked to Member States to promote a “participatory approach to cultural policy-making by enhancing partnerships between public cultural institutions and civil society and by stimulating participation of civil society through appropriate dialogue and consultation” in order to promote synergies and develop integrated strategies for a more holistic approach to culture¹³⁷. It was also highlighted in the Horizon 2020 Expert Group on Cultural Heritage as the second objective to be followed to get cultural heritage working for Europe¹³⁸. In addition, in the framework of the Europe 2020 *Strategy for a “smart, sustainable and*

¹³⁵ *Supra* n. 18, point II. “Priorities and working methods”.

¹³⁶ See point II. “Priorities” of the Council of the European Union Draft Council conclusions on the Work Plan for Culture 2019-2022 - Adoption. 13886/18 CULT 132. (Brussels, November 15, 2018).

¹³⁷ See point I. “Promoting evidence-based policy-making” and point II. “Promoting synergies and developing integrated strategies for a more holistic approach to culture” of the Council conclusions of 26 November 2012 on Cultural Governance. OJ C 393/3. (November 26, 2012).

¹³⁸ *Supra* n. 129, p. 8.

inclusive growth”, the Council called the promotion of a long-term policy in the field of cultural heritage based on society- and citizen-driven¹³⁹. The Council then identified multiple benefits of such approach: firstly, it enhances democratic participation, sustainability and social cohesion in the EU. Secondly, it prompts active involvement of the cultural heritage actors in the framework of public action which enable to increase accountability, transparency and public trust in policy decisions. Thirdly, it raises awareness about cultural heritage’s value as common resource and social and economic benefits. Fourthly, it supports cultural, artistic and creative works. Finally, it offers new possibilities for the technologies and digitization to develop¹⁴⁰.

Based on European best practices, the Open Method of Coordination published in 2018 a report on *Participatory governance of Cultural heritage*¹⁴¹. The working group identified two motivations for implementing the participatory governance approach¹⁴². In fact, it stressed some cultural heritage-centred motivations, that is increasing the protection and the conservation of cultural heritage, resolving a lack in funding and manpower, valorising, dynamizing, protecting the essential values and nature of one’s own environment and enhancing innovative methods in the field. The second driving force was based on external motivations by enhancing democracy, sustainability and responsibility, increasing regional and local involvement and development, facilitating the access to information to reach a wider public and engaging people in the cultural heritage sector.

According to the OMC, the best practices analysed shown that participatory governance has long-term impacts and changes; it has contributed to build sustainable communities because it helped to better protect, enhance and safeguard cultural heritage, improved participants’ interest in cultural heritage and thus their quality of life and social inclusion, and strengthened civic society¹⁴³.

¹³⁹ *Supra* n. 14

¹⁴⁰ *Supra* n. 15, point 8, 9, 10, 11, 12.

¹⁴¹ See Open Method of Coordination report “Participatory Governance of Cultural Heritage”. European Union (2018)

¹⁴² *Ibid.*, p. 35-37.

¹⁴³ *Ibid.*, p. 41-42.

b. Cultural heritage sustainability

The concept of “sustainability” is increasingly used, and its application is notably related to environmental issue. It is often linked with the term of “development”; both combined, the “sustainable development embraces an interpretation of ‘economic development’ that supersedes former notions of economic growth measured only in terms of increases in per capita GDP; sustainability in this context embraces the wider concept of ‘human development’, focused on the individual as both the instrument and the object of development and measured by a variety of indicators of quality of life and standards of living that go well beyond measuring simply material progress”¹⁴⁴. In other words, it is fulfilling the needs of the present generations without affecting the capacity of future generations to satisfy their own needs.

The Resolution adopted by the UN General Assembly on 25 September 2015 *Transforming our world: the 2030 Agenda for Sustainable development* provides an international framework that inspired the implementation of sustainable goals in policies—also within the EU policies. With regard to culture and cultural heritage, the “Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” ensures the appreciation of cultural diversity and of the contribution of culture to sustainable development¹⁴⁵; while the “Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” ensure the implementation of sustainable tourism policies that will enable jobs creation and promote local and regional culture and their products¹⁴⁶.

In this international framework and following the *Europe 2020 – A strategy for smart, sustainable and inclusive growth*, the Council of the European Union published on May 2014 its *Conclusion on cultural heritage as a strategic resource for a sustainable Europe*. It recognized the necessity to manage cultural heritage in a sustainable way in order to preserve its great cultural, environmental, social and economic values¹⁴⁷. In

¹⁴⁴ See Throsby, D. (2002). Cultural Capital and Sustainability Concepts in the Economics of Cultural Heritage. In M. De la Torre (Ed.), *Assessing the Values of Cultural Heritage - Research Report*. Los Angeles: The Getty Conservation Institute. p. 107.

¹⁴⁵ *Supra* n. 10, p. 17.

¹⁴⁶ *Ibid.*, p. 23.

¹⁴⁷ *Supra* n. 14, point 2.

particularly, the Council highlighted the potential of cultural heritage for supporting sustainable cultural tourism, sustainable rural and urban development and regeneration, and environmental sustainability¹⁴⁸. In addition, the Horizon 2020 Expert Group on Cultural Heritage ensured that a sustainable use of cultural heritage will contribute to sustainable development of European cultural landscapes and environments¹⁴⁹. The report explicitly stated that there is a necessity to make further steps to provide a sustainable management and an accurate conservation of cultural heritage sites. As it is explained, the natural or semi-natural sites are rarely conserved as a fully preserved wilderness ecosystem; it has been shaped over time by the management of these spaces and places by humans. Nowadays, there is a general strong division between nature and heritage management, which unfortunately has harmful consequences such as miscommunication, inappropriate use of resources and damage or destruction of cultural and natural assets. Thus, the Expert group raised the issue on the sustainable management of such heritage which should be view as a common land and common goods and should require major reflexion on this challenge.

As already mentioned above, the priority A of the Work Plan for Culture 2019-2022 explicitly addresses “Sustainability in cultural heritage”. It particularly involves the participatory governance, but also the adaptation to environmental changes, the enhancement of quality principles for cultural interventions and the identification of alternative funding for cultural heritage¹⁵⁰. With regard to the issue on climate change, the Council of the European Union recommend further focus on the energy efficiency of historical buildings, the design and modification of the cultural landscape and the protection of heritage against extreme climate circumstances. Moreover, the DG EAC has published in 2018 the analysis of “Safeguarding Cultural Heritage from Natural and Man-Made Disasters” which recommended the European institutions to support preparedness and recovery strategies at the European level and tailor a sustainable cultural heritage management at national level¹⁵¹. Secondly, concerning the development of quality principles for cultural heritage interventions, the Work Plan 2019-2022 planned the exchange of European best practices, training and knowledge transfer¹⁵². The Council of

¹⁴⁸ Ibid., point 6. and 7.

¹⁴⁹ *Supra* n. 129, p. 9.

¹⁵⁰ *Supra* n. 136, Annex I. point. IV. “Actions”.

¹⁵¹ *Supra* n. 58, p. 32.

¹⁵² *Supra* n. 136, Annex I. point IV. “Actions”.

the European Union stressed that decisions taken concerning the transformation or reconstruction of the historical environment of heritage must be based on an appropriate assessment and consideration of the consequences of such an act. Finally, the sustainability of cultural heritage is also reflected in the funding programme. In fact, due to the strong restriction of public budgets dedicated to the area, the European authorities need to evaluate, develop and promote alternative resources of funding such as through public/private partnerships, tax credit for donations, and foundations. Moreover, the Member States and the Commission should foster investments within the framework of integrated strategies for sustainable local and regional development¹⁵³.

In recognizing the intrinsic value of cultural heritage as a shared resource contributing to the development of a European Union based on democratic, ethical, aesthetic and ecological values, the Member States and the European Commission must further elaborate and develop the sustainable aspect of cultural heritage. It passes through the sustainable management of heritage assets, an integrated and holistic approach to the support, development and promotion of cultural heritage, the involvement of cultural heritage within national and European policies (in particular because of the potential for developing synergies with other sectors such as regional development, cohesion, agriculture, maritime affairs, environment, energy, climate change, tourism, education and research and innovation), and the improvement of accessible funding (notably thank to the contribution that cultural heritage may provide to sustainable local and regional development strategies)¹⁵⁴.

c. Cooperation: a key to tackling cultural heritage threats

In order to protect Europe's valuable and diverse cultural heritage increasingly exposed to threats from human activity and environmental change, the pooling of national resources through cooperation measures and actions funded by the EU has demonstrated the potential for building resilience and achieving results that benefit to the society as a whole.

¹⁵³ *Supra* n. 14, p. 3.

¹⁵⁴ *Ibid.*

It should be recalled that Article 167 TFEU sets the exclusive competence on cultural policy to Member States; however, it stated that the role of the EU is to encourage cooperation with third countries and the competent international organisation. The Commission's 2007 *Communication on a European agenda for culture in a globalizing world* has given a major impetus to the European Union political cooperation in the field of culture; it stated that "the time is now ripe to develop a common cultural agenda and new partnerships and methods for cooperation with Member States, civil society and third countries"¹⁵⁵. In addition, in 2014, the Council of the European Union called on Member States to develop cooperation with cultural stakeholders at all levels—cross-border, interregional and transnational¹⁵⁶

The cooperation goes further with the joint communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy *Towards an EU strategy for international cultural relations* in 2016; in fact the communication proposed three objectives: supporting culture as an engine for sustainable social and economic development, promoting culture and intercultural dialogue for peaceful inter-community relations, and reinforcing cooperation on cultural heritage¹⁵⁷. The latter particularly stressed that the cooperation in the field of cultural heritage occupies an essential position in international relations and development policies. Thus, it exists many opportunities to enhance cooperation between Member States themselves, and partner countries to enhance a sustainable strategy for the conservation of heritage thanks to education and training, skills development and exchange of knowledge. In line with the above joint communication, the *New European Agenda for Culture* has approved the cooperation in three areas¹⁵⁸. The Commission and the High Representative bind themselves to many actions including, among others, to:¹⁵⁹

¹⁵⁵ See the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European agenda for culture in a globalizing world. COM(2007) 242 Final. (Brussels, May 10, 2007).

¹⁵⁶ *Supra* n. 14, point 23.

¹⁵⁷ See the European Commission (2016). Joint Communication with the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council Towards an EU strategy for international cultural relations. JOIN(2016) 29 Final. (Brussels, June 8, 2016). p. 7-12.

¹⁵⁸ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – A New European Agenda. COM(2018) 267 final. (Brussels, May 22, 2018).

¹⁵⁹ *Ibid.*, p. 7-8.

- Sustain the culture and creative sectors in the Western Balkans through the programme Creative Europe and maybe use the Instrument for Pre-Accession Assistance (IPA);
- Envisage to continue the Eastern Partnership Culture programme;
- Create a Preparatory Action on European Houses of Culture in partner countries¹⁶⁰;
- Reinforce the dialogue on the cultural field with China and launch a new one with Japan;
- Implement the 11th European Development Fund Intra-ACP (African, Caribbean, and Pacific countries);
- Develop cooperation strategies at regional level (in Western Balkans, the Middle East, North Africa and Latin America);
- Add cultural heritage preservation to the Common Security and Defence Policy missions;
- Sustain the project Silk Road Heritage also in Central Asia, Afghanistan and Iran.

The promotion of sustainable cultural tourism across the countries of the European Union also requires regions and countries to work on common cultural priorities (through clusters of countries, regions, and cross-border cooperation) in order to enhance Europe as long-haul destination¹⁶¹. In this perspective, some projects must be cited. Firstly, the European Cultural Routes was a cooperation project with the CoE which reinforced macro-regional dimension¹⁶². Secondly, the World Heritage Journeys of the EU, in cooperation with UNESCO, has enabled the European cultural routes to be linked with lesser-known UNESCO World Heritage sites¹⁶³. Then, the Western Silk Road Tourism Development Initiative, the cooperation project with the United Nations World Tourism Agency (UNWTO) and the DG GROW (under the COSME Programme 2014-2020), aimed to increase the socio-economic knowledge of the tourism sector in Europe¹⁶⁴. Moreover, the EU programme for the Competitiveness of Enterprises and Small- and Medium-sized Enterprises (2014-2020) called COSME is financing transnational and European projects

¹⁶⁰ The European Houses of Culture project is available at: <https://www.eunicglobal.eu/european-houses-of-culture>

¹⁶¹ *Supra* n. 76, p. 11-12.

¹⁶² The Joint Programme 2017-2020 fostered the Adriatic-Ionian, the Alpine, the Baltic Sea and the Danube Region. Available at: <https://www.coe.int/en/web/cultural-routes/eu-jp-2017-20>

¹⁶³ Available at: <http://whc.unesco.org/en/activities/875/>

¹⁶⁴ Available at: <https://www.unwto.org/project/western-silk-road-tourism-initiative>

since 2011 based on cultural tourism¹⁶⁵. Finally, the EMFF discovered and promoted underwater cultural heritage sites and founded transnational touristic thematic routes based on it.

Cooperation does not only concern the international sphere; it is also of great importance at the local level. For example, the sites of the European Heritage Label¹⁶⁶ are considered as common property (of mankind or of Europe), and thus human value are at the core of the notion of cultural heritage. It enables to consider heritage as the communities' interaction with their cultural, historic and natural environment; in fact, it is explicitly one of the key components of the European Heritage Label: "European Heritage sites bring to life the European narrative and the history behind it. They are about much more than just aesthetics"¹⁶⁷. This is of great importance because it implies the recognition of the close cooperation with local communities¹⁶⁸; as it is explained above, implying the local level through participatory governance have social, economic and cultural positive consequences.

In addition, cooperation and collaboration should also be practised between the different policies and sectors of the European Union. Indeed, the cross-sectoral nature of cultural heritage links the heritage sector to other sectors such as regional development, cohesion, agriculture, maritime affairs, environment, energy, tourism, education and research and innovation. These synergies naturally require an efficient cooperation at European level in order to operate effectively and successfully¹⁶⁹.

Thus, there is a growing evidence that transnational cooperation and collaboration is a key to tackle cultural heritage threats. It is also fundamental for the conservation, the protection and the promotion of the cultural heritage of Europe and the world. However, some evidences and concrete examples of best practices are missing; the DG for Research

¹⁶⁵ List of projects available at: <https://ec.europa.eu/growth/sectors/tourism/offer/cultural/>

¹⁶⁶ Under the Creative Europe programme, the European Heritage Label is selected every two years sites which have contributed to the progress and unity of the history of Europe. Project available at: https://ec.europa.eu/programmes/creative-europe/actions/heritage-label_en

¹⁶⁷ https://ec.europa.eu/programmes/creative-europe/actions/heritage-label_en

¹⁶⁸ See European Commission DG for Research and Innovation. Innovation in Cultural Heritage – For an integrated European Research Policy. Luxembourg: Publication Office of the European Union. (January 2018). p. 26 and p. 37.

¹⁶⁹ Ibid., p. 37.

and Innovation has notably stressed the need to improve research and evaluation of projects in the cultural heritage field in order to gather practitioners and academics¹⁷⁰.

¹⁷⁰ Ibid., p. 37.

CHAPTER III. SPECIFIC CASE – VENICE AND ITS LAGOON: A VULNERABLE CULTURAL, NATURAL AND HISTORICAL HERITAGE

As observed in the thesis, despite current legislative and political efforts to gradually adopt a European policy in the cultural sector, and indirectly in the field of cultural heritage, the responsibility remains with the Member States of the European Union. On the one hand, despite the decreasing confidence of European citizens in EU bodies, the institutions of the European Union are bound by the Council of the European Union, which does not want to give more competences and funds to be allocated to the field. On the other hand, the field of culture and cultural heritage could act as a lever to give more power to the EU institutions, for social inclusion and to build a sustainable European economic development.

This final chapter will investigate on how the European funds are concretely acting in the field of cultural heritage at a local level. In particular, it will explore the case of the cultural and natural heritage of the city of Venice and its lagoon. This site is one of the oldest and most remarkable models of the relationship between human activities and natural resources, therefore the entire city gathers an extremely rich and unique cultural and natural heritage. The first section will analyse the value of the venetian heritage and how it has been protected over the years. It will introduce the general protection framework of the venetian heritage, its management, and the many pressures on this singular heritage. The second section will concretely present the actions and projects funded through the financial instruments of the European Union. It will establish a non-exhaustive list in order to give an overview of the actions that may be carried out on the territory.

1. ACKNOWLEDGING THE RICH VALUE OF THE VENETIAN HERITAGE

The city of Venice and its lagoon is internationally renowned; the city is undoubtedly hosting an unparalleled amount of cultural and natural heritage build over centuries. But given the number of threats and growing pressure on heritage, the question then arises as to how such a special city can continue to conserve and promote a heritage

that has never been so endangered. Thus, this section will develop the international reference framework for the protection of the city and its heritage. It will also further explain the management of such peculiar city. Finally, the last part will focus on the many current pressures and challenges that this vulnerable city and its lagoon are facing.

a. General Reference Framework

It should be remembered that in the early 1970s, the UNESCO adopted the *Convention concerning the Protection of the World Cultural and Natural Heritage*¹. Taking into consideration the deterioration and disappearance of certain assets of heritage, the aimed of the Convention was to ensure “the identification, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage”². The Convention introduced an innovative concept: the “World Heritage List”; on the basis of States proposition, the UNESCO Committee then has the task of establishing a list of cultural and natural heritage properties³. Thus, it especially highlighted the vulnerability of heritage, not only because of erosion or traditional abandon, but also because of changing social and economic conditions⁴. It is important to note that since its adoption, nearly the half of the selected sites are located in Europe in 2018 which represents 453 sites—the major part within the European Union area⁵. Moreover, European intangible heritage accounts for a quarter of the UNESCO intangible list. It is also relevant to point out that Italy is the country with more cultural heritage listed by UNESCO; the country shares the place with China, with 55 heritages each. Both are followed by Spain, France and Germany. In addition, the Convention fully recognized the sovereignty of the States; thus, the Convention serves as an instrument of cooperation for the international community⁶. It considered that the nominated cultural and natural heritage are part of the world heritage of mankind and the responsibility rests on the whole international community to participate in its protection.

¹ UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage. (Paris, November 16, 1972). Entered into force on December 17, 1975.

² *Ibid.*, Article 4.

³ *Ibid.*, Article 11.

⁴ *Ibid.*, Preamble.

⁵ See p. 2 of the European Parliament Research Service’s Briefing – Cultural heritage in EU policies. Published by the European Union. Last consulted on 10 January 2020 at: [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2018\)621876](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2018)621876)

⁶ *Supra* n. 2, Article 6.

During the 2002 Budapest Declaration on World Heritage, the decisions taken in the 1972 Convention was reiterated, reinforced, and new objectives were set up; it ensured an “appropriate and equitable balance between conservation, sustainability and development”⁷. In 2005, the Committee of the World Heritage list requires for the selected sites the adoption of a Management Plan-system⁸ in order to clarify a method to outstanding the universal value of the chosen property and a way to preserve it for the present and future generation. To provide the indication and standards of the Budapest Declaration and the 2005 UNESCO Operational Guidelines, Italy decided to establish the mandatory character of the drafting of Site Management Plan for the sites on the World Heritage List⁹.

In this perspective, the Management Plan 2012-2018 for Venice and its lagoon was set up; it has been funded by the Italian Ministry of National Heritage and Culture and Tourism and by the project SUSTCULT - Achieving SUSTainability through an integrated approach to the management of CULTural heritage. Here cooperation plays a key role, the SUSTCULT project was co-funded by the EU through the transnational cooperation programme « South-East Europe » (SEE); the project was led by the city of Venice and was gathered by 12 European partners and the UNESCO Venice office. It aimed at bringing together common challenges in order to strengthen the sustainable management of cultural heritage in the future.

Before to go further, the definition of a Management Plan is needed. Clearly, the Management Plan of cultural heritage enables the creation of a framework instrument to « assess, foresee and manage natural processes and factors and any anthropic change that might affect the quality of the cultural heritage »¹⁰. It is aimed at offering a high level of heritage preservation and helping integrate the sustainable management of local activities. Concretely, it recognizes the environment and cultural properties of the site, determines the different objectives, establishes a policy framework and defines actions.

⁷ See point 6. of the Annex I. of the UNESCO Budapest Declaration on World Heritage. WHC-02/CONF.202/5. (Budapest, June 29, 2002).

⁸ See point II.F. p. 108-118 of the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention. WHC.05/2. (February 2, 2005).

⁹ Law n. 77 of the 20 February 2006 (GU N. 58 of 10 March 2006) stated that “special measures for the protection and fruition of Italian sites of cultural, landscape-related and natural interest, inscribed in the World Heritage List, placed under UNESCO’s protection. Available at:

<http://www.valorizzazione.beniculturali.it/en/law-n772006-unesco-world-heritage-sites.html>

¹⁰ Municipality of Venice (2012). Venice and its lagoon, UNESCO World Heritage Site – The Management Plan 2012-2018. Draft 31st October 2012. p. 18.

In this purpose, the following action plan is implemented to facilitate the identification and the application of the strategy¹¹:

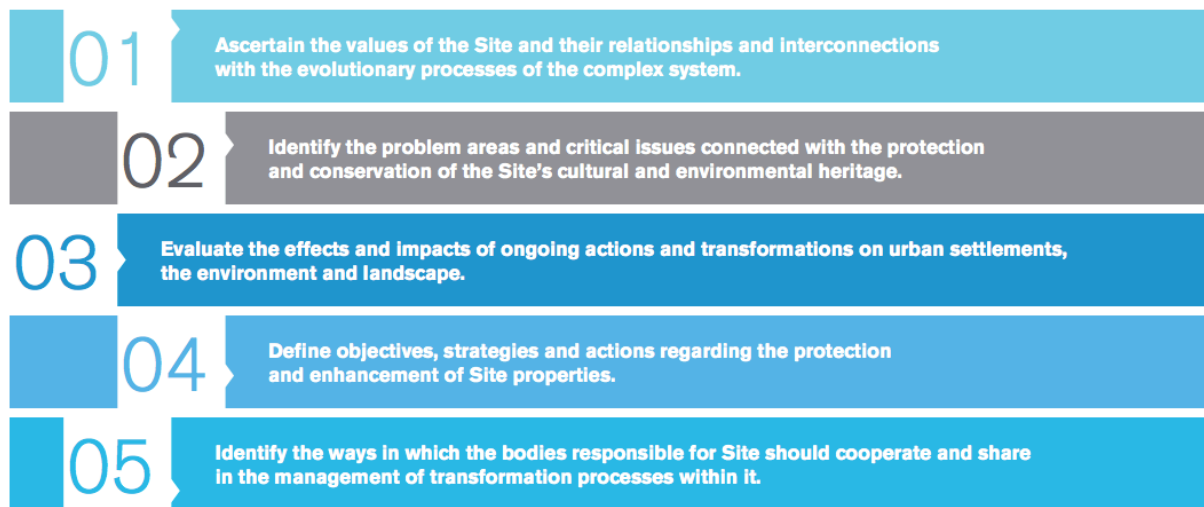


Figure 2. General Objectives of the Management Plan.
Source: Municipality of Venice – Management Plan 2012-2018, p. 19

It is an instrument extremely crucial for the future of cultural heritage because it commits the stakeholders to be legally responsible for the given cultural and natural heritage. In fact, the Management Plan is constituted by formal agreements and conventions made by all the actors involved in the field—in the case of Venice and its lagoon, it engaged the Ministero Dei Beni e Delle Attività culturali e del turismo, the State Archive of Venice, Venice Water Authority, Port Authority of Venice, Diocese of Venice, the Veneto Region, the Provinces of Padua and Venice, the Municipalities of Campagna Lupia, Cavallino-Treporti, Chioggia, Codevigo, Jesolo, Mira, Musile di Piave, Quarto d'Altino and naturally, of Venice.

b. Venetian cultural heritage and its management

Due to the complexity of the environment and the landscape combining natural aspects, ecological rarity and rich archaeological and historical assets, it is not only the historic center of Venice which is concerned by the protection and the conservation of the heritage, it is also the whole lagoon: a wide coastal saltwater basin involving 550 Km², other cities such as Chioggia (at the southern of the lagoon) and Jesolo (at the eastern),

¹¹ Ibid., p. 18-19.

many islands Torcello, Burano and Murano—to cite only the most famous one. In fact, this is the entire lagoon environment which shaped centuries of history and the lifestyle and culture of the Venetian people. However, at the center of the lagoon, Venice is a combination of 118 small islands which time after time became connected all together in a unique urban system. Thus, all of this forms a dynamic process where people and the ecosystem are in a constant interaction; over time, the human operations demonstrated a high level of technical and creative competence in combining hydraulic and architectural tasks. Thus, Venice and its lagoon constitute an indissociable ensemble of which Venice is a fascinating historical nucleus and a remarkable artistic accomplishment; it has considerably influenced many architectural developments and artistic creations throughout the world.

But in 1966, the disastrous flood that struck the city drew international attention to Venice's environmental fragility. Before the nomination of the site to the World List of Heritage in 1987, ICOMOS was already alarming the dangers threatening the rich heritage of Venice: “changes in ground level and tides, atmospheric pollution and socio-economic changes are some of the direct or indirect consequences of the industrialization of the zone of Mestre. These factors have posed the problem of the survival of Venice”¹².

Within the international context previously described, it is only in 1987 that the city of Venice and its lagoon has been integrated in the World List of Heritage¹³. The Committee of the UNESCO decided to nominate Venice and its lagoon under six criteria:

- **Criterion (i)** to represent a masterpiece of human creative genius: it inspired so many artistic creations over the years and has one of the biggest concentrations of masterpieces in the world;
- **Criterion (ii)** to exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design: the Venetian influence on the development of architecture and monumental arts is prominent;
- **Criterion (iii)** to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared: it is an

¹² ICOMOS International (1986). World Heritage List no. 394. (May, 1987). p. 2.

¹³ See point 9. A. of the UNESCO Report of the World Heritage Committee Eleventh session – UNESCO Headquarters, 7-11 December 1987. SC-87/CONF.005/9. (Paris, January 20, 1988).

archaeological site which is still bearing testimony, and which continues to perpetuate a certain way of life;

- **Criterion (iv)** to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant state(s) in human history: the city possesses many architectural constructions inherited from the medieval golden age of the Republic;

- **Criterion (v)** to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change: in a sea area, the ecosystem has become vulnerable and fishing villages, rice-fields and muddy shelves need to be protect;

- **Criterion (vi)** to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance: the city illustrates the struggle of human to overcome his natural and hostile environment¹⁴.

In addition to be protected by UNESCO, the success of an environmental management strategy is also coming from the acknowledgement of the relationship between human activities and natural components of human environment¹⁵. This is especially meaningful in the coastal ecosystem because it illustrates an unequivocal interface between human societies and natural environment. Indeed, it is becoming increasingly known that our planet is a closed system where resources must be managed in such a way that they can be maintained and recycled. In this challenge of sustainability, the case of the city of Venice and its lagoon symbolizes this complexity to answer to present's needs without compromising the capacity of future generations to satisfy their own needs.

From a scientific standpoint, the lagoon is a particular heterogeneous ecosystem where the junction of freshwater and marine ecosystem is favorable to the development specific species. Shallow, rich in nutriments, and enabling a high productivity, the lagoon hosts a plentiful fauna and flora which has been contributing to socioeconomic

¹⁴ The whole list of criteria is available at: <https://whc.unesco.org/en/criteria/>; see also the more precisely selected Venetian selected criterias at: <https://whc.unesco.org/en/list/394/>

¹⁵ Deheyn, D. D., & Shaffer, L. R. (2007). Saving Venice: Engineering and ecology in the Venice Lagoon. *Technology in Society*, 29, 205-213. p. 206.

development¹⁶. However, this environment is very vulnerable, and the balance of this rich biodiversity depends on multiple factors: water circulation and inputs, sediment transport, geochemistry, biology, etc. This whole environment is all the more important as since the foundation of the Republic of Venice, the lagoon and the city have always been considered as a single and indissociable entity; it contributed to a commercial and residential system. Nowadays, Venice and its lagoon are still carrying many activities and programmes are being developed to “save Venice” at all level—local, regional, national and international. Indeed, its management represents an incredible challenge due to the environmental, legislative, scientific and institutional complexities. These are therefore all factors to be included in managing natural, cultural and historic heritage.

The Faro Convention has inspired the EU to consider the societal value of cultural heritage and reflect on methods to manage it efficiently, i.e. in order to participate in the EU’s GDP, develop innovation, competitiveness and economic growth. This is how an additional feature has been involved in the management of cultural heritage; in the *Communication towards an integrated approach to cultural heritage for Europe*, the European Commission declared “cultural heritage [as] a shared resource, and a common good”¹⁷. Thus, common goods have become tangible and intangible elements alongside natural and human components¹⁸. In economics, the term of common good is defined by its accessibility and its non-rival consumption¹⁹. It results a collective aspect in their production and utilization which benefits to the economic wellbeing of the whole community. The decision of the Commission to refer cultural heritage as a common good raises the question of the most appropriate form of governance to be implemented; while at the same time, it also must ensure its preservation and protection, exploit its benefits, and finding an equilibrium between public and private measures²⁰.

¹⁶ Ibid.

¹⁷ See point 1.1. of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions towards an integrated approach to cultural heritage for Europe. COM(2014) 477 Final. (Brussels, July 22, 2014).

¹⁸ Tufano, M. L., Brizzi, L., Pugliese, S., & Spagna, V. (2017). Towards an Effective Method of Governance of Cultural Heritage Sites. In S. Pinton, & L. Zagato (Eds.), *Cultural Heritage - Scenarios 2015-2017* (pp. 389-412). Edizioni Ca' Foscari. p. 390-391.

¹⁹ See Preface of Héritier, A. (Ed.). (2002). *Common goods: reinventing European and international governance*. Boston, Lanham, Maryland, United States of America: Rowman & Littlefield Publishers.

²⁰ *Supra* n. 18, p. 391.

In this perspective and as discussed earlier, some management guidelines have been proposed to the Member States of the EU such as participatory governance and cooperation. The European Union institutions highlighted a bottom-up perspective in the decision-making process, thanks to the actions of multilevel public actors and the involvement of private stakeholders in the determination of strategies, its implementation and its evaluation²¹.

Thus, since 2010, the city of Venice launched an ensemble of debates and consultations with heritage stakeholders. As a result, the Management Plan 2012-2018 of Venice and its lagoon has been setting up, by the city itself as administrator of the site and in cooperation with the UNESCO Office and the European Union. During its preparation, the main objective was to identify key point and opportunities in order to create a common vision regarded the management of the heritage of the city of Venice and its lagoon. It is interesting to note that such a plan concerned many actors and stakeholders; up to 250 public bodies and stakeholders were involved—with a participation rate of around 60% of them²². Thus, this consultation of stakeholders enabled to raise four major concerns and created an Action Plans based on: the protection and conservation of heritage; the sustainable use of the Site; the communication, promotion and training; and the knowledge and sharing²³.

An essential component of the management plan is the supervision of the macro-emergencies and the projects foreseen in the action plan. The monitoring of the risks and macro-emergencies defines and measures the quality of the natural environment of the lagoon, i.e. water, air, soil and subsoil; moreover, it also identifies the effects of human activities. Both has enabled to evaluate the state of health of the Site and determine an effective management; the major aim was to reduce or remove the risks of hazards²⁴ and this is what will be explored in the next section.

²¹ Ibid.

²² *Supra* n. 10, p. 94.

²³ Ibid., p. 116-127.

²⁴ Ibid., p. 129.

c. The pressures and threats to the Venetian heritage

The difficulties encountered by Venice and its lagoon are now fully understood and extensively studied, both as regards the origins of these problems and their repercussions on the environment and on the urban and social landscape of the entire lagoon.

Two years after its nomination to the UNESCO World Heritage List, the vulnerability of the city of Venice and its lagoon was remarked. In fact, already in 1989, UNESCO highlighted the fragility of the structures and the limited space of the town. However, above all, they pointed out a major issue affecting of the city and its lagoon: the impacts of tourism that could threaten the integrity of the venetian heritage²⁵. This statement played a significant role in the decision of the Italian authorities not to host the 2000 Universal Exhibition²⁶. Indeed, the organization of such a mass event could have further endangered the city because of the several hundreds of thousands of visitors that would have to be added to the usual influx of tourists²⁷.

In 2014, the World Heritage Committee identified additional threats to the Site: erosion and siltation, marine transport infrastructure and water infrastructure²⁸. It manifested its concerns regarding the extent and scale of the large infrastructure proposed by Italian authorities because of the risk to jeopardize the outstanding universal value of the Site. In fact, navigation and construction activities may cause irreversible modifications on the landscape and seascape of the venetian lagoon. In addition, the Committee raised awareness about the negative impacts of medium motorboats and high tonnage ships; it drew attention to the erosion of the lagoon bed already done by ships. With this position, the World Committee Heritage requested the enforcement of boat speed limit and the regulation of the number and type of boats; and even more importantly, it explicitly urged the State Party to “prohibit the largest ships and tankers to enter the Lagoon”²⁹. Finally, it further recognized the exceptionally elevated pressure

²⁵ See point IX.22. of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage – Report of the World Heritage Committee Thirteenth session. SC-89/CONF.004/12. (Paris, December 11-15, 1989).

²⁶ See point IV.B.43. of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage – Bureau of the world heritage committee Fourteenth Session. CC-90/CONF.003/12. (Paris, June 11-14, 1990).

²⁷ *Supra* n. 25.

²⁸ See point 7.B.27. of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage – Decisions adopted by the World Heritage Committee at its 38th session. WHC-14/38.COM/16. (Doha, June 15-25, 2014).

²⁹ *Ibid.*, point 7.B.27.7. p. 80.

of the tourism and the growth of activities related to tourism. Thus, it urged the government of Italy to enhance a sustainable tourism.

Since then, the many concerns expressed by the Committee have been frequently examined; thus, it stressed the emergency of the situation of the city of Venice and its lagoon. In 2016, the World Heritage Committee highlighted a new threat: the deterioration of the natural and cultural heritage of the lagoon and their irreversible alteration due to the previous and ongoing transformations projects. Indeed, the Committee called for an immediate step forward an efficient planning tools creating three dimensions: an integrated strategy for all developments, a three-dimensional morphological model, and a sustainable tourism strategy³⁰. A year later, the Committee noted the co-operative work carried out by the Italian government and all the institutions involved in order to safeguard the outstanding universal value of the Site³¹. However, it also observed that a large part of the previous recommendations had not been fully implemented; thus, the Committee further advise to update the Management Plan in order to support short-, medium-, and long-term measures. In addition, it pointed out the climate change and severe weather conditions which impact the lagoon and the city; it encouraged the development of monitoring instruments for the vulnerability of the heritage and the execution of mitigation measure to reduce risk disasters. Despite the Italian government's efforts, the Committee noticed a lack of frequent communications with the World Heritage Centre and the Advisory Bodies.

Before to further discussed and better understand the nature of the threats and pressure surrounding the city Venice and its lagoon, it is interesting to studies the SWOT analysis of the cultural heritage sector in the Venetian area produced by stakeholders in the Management Plan 2012-2018. This instrument is of crucial importance when it comes to construct a management strategy.

³⁰ See point 7.B.52. of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage – Report of the Decisions adopted during the 40th session of the World Heritage Committee. WHC/16/40.COM/19. (Istanbul, July 10-17, 2016).

³¹ See point 7.B.48. of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage – Decisions adopted during the 41st session of the World Heritage Committee. WHC/17/41.COM/18. (Krakow, July 2-12, 2017).

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> • cultural and artistic heritage of the highest quality and value; • central position of Venice on the international scene as the place for the testing and appraisal of the progress made by conservation techniques and methods; • a system of administrative units with long experience of the defense and protection of heritage; • cultural centrality: the city of Venice remains an important hub of a global network; • expertise in operative sectors characterized by a high degree of professionalism with regards to the conservation and restoration of the cultural heritage, and involving specific artistic and crafts sectors; • cultural centers specifically designed and structured as research centers in the field of conservation and restoration; • structured cultural events of national and international appeal and relevance; • presence of a system of museums, libraries and archives of extremely high quality. 	<ul style="list-style-type: none"> • fragile artistic and architectural heritage, in many cases unattended and exposed to neglect due to lack of funding; • problems of physical and structural conservation of historical buildings; • urban buildings affected by high tides; • lack of general social awareness of the Site's heritage as assets to be safeguarded as an environmental and cultural whole; • loss of craft and restoration skills for the conservation and maintenance of the Site's heritage; • city maintenance that often does not comply with the techniques and materials of local traditions; • high costs of urban maintenance; • loss of urban cultural identity with the social changes of the resident population; • overlapping of responsibilities of bodies and institutions in charge of the protection and preservation of the city of Venice and lagoon settlements, often resulting in administrative deadlock; • application of rules and laws that are often not geared to the specific town-planning and architectural characteristics of the historical city and of the lagoon settlements, resulting in negative impacts on their effectiveness with regard to heritage conservation and enhancement; • poor appreciation and cataloguing of certain environmental and cultural heritage properties; • uses of historical buildings which are incompatible with their structural capability and typology. 	<ul style="list-style-type: none"> • an advanced museum and exhibition system in terms of quality and use, underexploited if compared to its potential; • enhancement of the social and cultural identity of the Site, through the recovery of local traditions; • development of training activities, research and operations for the implementation of new techniques, methods and materials for the conservation of the artistic and architectural heritage of the lagoon settlements and for the physical defense, protection and conservation. 	<ul style="list-style-type: none"> • unlimited and uncontrolled development of tourism causing damage to heritage properties due to the excessive use.

Table 3. SWOT Analysis “Cultural Heritage”.

Source: Municipality of Venice – Management Plan 2012-2018, p. 102.

Even though the SWOT Analysis established only one threat directly linked to venetian's cultural heritage, it identified many weaknesses. The difference between the two notions stems from the internal or external aspects of the case studied. While strengths and weaknesses focus on inner factors, opportunities and threats are established by external assessments. Thus, according to the SWOT Analysis above, mass tourism is the greatest threat of cultural heritage of the city of Venice and its lagoon. However, other issues have been identified: lack of funding, problem of conservation, lack of social awareness, increase frequency of the high tides' phenomenon, scarcity of efficient training, specificity and high cost of maintenance, loss of cultural identity, numerous levels of decision-making, and legislation complexity. This instrument is therefore very useful for setting up an initial strategy for the management and protection of the venetian cultural heritage, especially by also focusing on the opportunities and strengths that offer the sector.

In addition, the field of cultural heritage is strongly connected and related to many areas. The management plan has thus established many others SWOT Analysis linked to the system of regional and urban planning, the production activities, the tourist system, the settlement system and the environmental system³². It resulted the identification of other threats and weaknesses which may have consequences on the venetian cultural heritage, for example changes of the lagoon ecosystem, the transformed usage of historic buildings to satisfy the tourist demand, decline of traditional practices (fishing), the reduction of the resident population in the historic city, etc. The summary of the SWOT Analysis is presented in Annex I of this thesis.

Following this, the Management Plan 2012-2018 identified eight macro-emergencies³³. An ensemble of common recommendations has been defined for each emergency; managers and people or organizations in charge of the Site are required to implement them when planning and transforming the site.

Hydraulic risk – acqua alta

³² *Supra* n. 10, p. 100-105.

³³ *Ibid.*, p. 106-111.

The tide level or “*acqua alta*” refers to a particularly pronounced peak tidal phenomenon; it leads to the submersion of a more or less important part of the island’s urban space and is particularly frequent in autumn and spring. The phenomenon of hydraulic risk is determined by two elements: the astronomical tide and the meteorological contribution (wind direction and intensity, atmospheric pressure, precipitation, etc.). The major risk is not the phenomenon itself, which the city has known since its beginnings, but the increase in its frequency. The rise of greenhouse gases in the atmosphere and the subsequent impacts of climate change may intensify the danger of flooding due to intensified rainfall and rising sea levels. Sea level rise increases the risk of flooding and erosion due to coastal hazards and therefore threatens the preservation of the lagoon and the conservation of the whole system. Indeed, Venice has become the World Heritage site most threatened by flooding and coastal erosion; for example, a flood of 2 meters will inundate 91% of the city and its lagoon³⁴. To address this issue, the Management Plan proposed, among others, to continue the installation of a system of mobile barriers at sea entrances to control the water level in the lagoon, raise awareness and exchange information between public and private bodies in order to secure cultural and environmental heritage, and use the natural environment and maintain the protection of coastlines from storm surges.

Wave motion

In the Venetian lagoon, wave movement is a phenomenon due to the increase in motorboat and cruise ship traffic. It has destructive impacts on the Venetian environment, the morphological structure of the lagoon and on the particular and unique foundation of the city and its buildings. It is important to note that recently, there is a colossal growth in cruise tourism; with more than 1.5 million of passengers every year, the port of Venice became the second most used cruise port in Italy, and the fourth one in European continent³⁵. Despite the numerous positive impacts of cruise ship activity on the local economy, the fact remains that the industry is endangering the lagoon bed and there have been many calls to change the pace and the navigational route of the cruise ships—currently crossing the historical center of the city through St. Mark Channel and the

³⁴ See Reimann, L., Vafeidis, A. T., Brown, S., Hinkel, J., & Tol, R. S. (2018). Mediterranean UNESCO World Heritage at risk from coastal flooding and erosion due to sea-level rise. *Nature Communications*, 9, p. 7.

³⁵ Pesce, M., Terzi, S., Al-Jawasreh, R. I., Bommarito, C., Calgaro, L., Fogarin, S., . . . Linkov, I. (2018). Selecting sustainable alternatives for cruise ships in Venice using multi-criteria decision analysis. *Science of the Total Environment*, 642, p. 669.

Giudecca Channel. For the protection of the city and its lagoon, the municipality needs to find a sustainable solution such as modify the terminal location and the routes used to reach the ports³⁶. In addition, the Management Plan support the studies on the effects of cruise ships and powerful motorboats on environmental, health, socio-economic, employment and lagoon morphology. To reduce the ship traffic, it proposes to reorganize the supply of goods in the city, develop a scheme for leisure boating and water traffic in the lagoon and promote educational campaigns on this issue.

Pollution

The lagoon is easily accessible, and its major source of water pollution comes from industrial discharges, both civil and agricultural. Industrial areas, such as Porto Marghera and its petrochemical industry, have been for long one of the principal causes of the pollution in the area. However, it is not the only one and it comes also from domestic discharge, i.e. houses which does not have appropriate water purification system. In addition, the agricultural field is also using chemical products to fertilize the land, which then goes in the lagoon through the drainage system. Thus, the consortium of stakeholders recommended to increase the quality of the watercourses in the Drainage Basin, finish the identification of polluted areas in Marghera, prevent the all kinds of pollution, and execute removal works of contaminated sediments and create more wetland zone with bio-filtering aspects.

Depopulation

The historic city, and other cities in the lagoon such as Burano or Sant'Erasmus, are facing a historic decline of their resident population. Since 1966, more than half of the inhabitants have gone to live on the mainland. The causes are numerous: relocation and downsizing of central management and administrative services, loss of traditional activities, and reduction in the supply of basic services to residents. Many public utility stores and popular housing are replacing for tourist shops, attractions, restaurants and accommodation. Thus, the general structure of the city is weakened and may lead to the marginalization of certain zones. To counteract the depopulation, the Management Plan has supported the creation of new activities, the improvement of the quality of life of the

³⁶ Ibid., p. 670.

inhabitants of Venice, and the renovation of the historic center. It also alarmed and prevented a tourist monoculture by promoting local economic activities and supporting new businesses in order to create jobs.

Pressure of tourism

While tourist activities are a considerable economic resource, it is having at the same time negative impacts on the city and its lagoon. Particularly in the past years, the number of tourists and the industry of tourism have grown exponentially and precipitously. For example, in 2017, Venice received around 60,000 visitors on average per day; in a medium-sized city such as Venice, it represents a huge pressure³⁷. The over-tourism is shifting the social tissue of the city and having effects on the conservation of cultural and natural heritage. It modified the habits of residents by a loss of a local sense of belonging of the site, an expansion of privatization of public areas and places, a decrease of the local resident's purchasing power parity, and damage the urban, rural and coastal places³⁸. Here, the panel of stakeholders proposed first to better manage the tourist flows and decrease the pressure on the city. It also supported the creation of alternative activities to traditional tourism: cultural, rural, environmental, and sports.

Major works

Major works are described as "all the operations, be they public, private and/or mixed, whose infrastructural characteristics give them the capacity to change the morphological, landscape, geo-sedimentary and environmental structure of the Site"³⁹. It is naturally closely related to the protection of cultural heritage. The recommendations of the Management Plan are to mitigate the environmental and landscape consequences of large-scale infrastructure projects, involve different actors in the decision-making processes, and develop the exchange of information in order to protect cultural and environmental heritage.

³⁷ Seraphin, H., Sheeran, P., & Pilato, M. (2018). Over-tourism and the fall of Venice as a destination. *Journal of Destination Marketing & Management*, 9, p. 375.

³⁸ Ibid.

³⁹ Ibid., p. 110.

Illegal fishing

Due to deterioration of the lagoon bed, this illegal activity is one of the principal sources of the destruction of the lagoon environment. To prevent it and limit it, control must be strengthened, and the lagoon must be regenerated.

Building and urban decay

The degradation of historic heritage can be caused by many natural and environmental elements that affect structures and buildings; it can also be the result of human transformations that are not compatible with the building material. Moreover, in the environment, the decay can be due to the rise of sea level, frequency of the high tides, and the wave motion due to the motorboats traffic. All this permeates the masonry of the constructions with salt-laden humidity, which seriously compromises their conservation. These phenomena must be limited and maintenance programme should be implemented. A database and information systems on the state of heritage conservation should be created in order to monitor effectively the restoration. Furthermore, the renovation programme should respect the traditional techniques and materials should be developed and implemented.

To conclude, it is easily observable that over time, more concerns and threats are observed by the international and national institutions. From the earlier concerns of over-tourism to the erosion of the lagoon and the foundation of the city, the marine transport and water infrastructure, the governance of the city, depopulation, and recently, the effects of climate change, the city has a lot of challenge to address. But the responsibilities over the city of Venice and its lagoon lies to national, regional and local institutions and authorities. Indeed, to manage efficiently all kind of threats, it is extremely necessary to establish a strong coordination between all stakeholders involved. However, international organizations play also an important role in identifying threats and financing projects. For example, UNESCO has participated in the funding of over 1,500 projects for the preservation of Venice and its lagoon since 1966; it has been provided by the UNESCO extra-budgetary funds to the tune of €50 million. This is therefore the way in which the EU and its institutions has a role to play too in the protection and preservation of the city of Venice and its lagoon. Thus, the next session of the thesis will be dedicated to the various projects and funds allocated for this purpose.

2. THE IMPLEMENTATION OF EUROPEAN SUSTAINABLE PROJECTS RELATED TO CULTURAL AND NATURAL HERITAGE

Many factors are at the root of economic development and urban and rural progress. Among these, cultural and natural heritage have always occupied a central position in Italy because of its exceptional quantity and quality. Therefore, the Italian heritage is highly valued and appreciated by the whole society, which not only increases the well-being of the population, but also contributes to improve the quality of the environment in which it is situated.

Since the 2000s, the municipality of Venice, the Veneto Region and others private and public stakeholders have strengthened their relations with the European Union through the development of special offices in charge of the implementation of the Union's policies. Thus, the territory of the city of Venice and its lagoon have been granted complementary resources to support shared and innovative solutions to respond to European common challenges, including in the field of cultural heritage. The involvement in EU programmes provides a significant opportunity to encourage the implementation of local projects and investments supporting economic development, environmental sustainability, innovation and social inclusion.

Before proceeding further, the different method of the attribution of the EU budget should be fully clarified and understood. The Union bodies use two types of programs: those managed directly by the European Commission through the different DG or Executive Agencies and those managed indirectly by the EU Member States and their national, regional or local governments. Firstly, the aim of the direct funds is to implement EU policies in various thematic areas, through cooperation between actors and stakeholders from the different EU countries (and also from third countries). The DGs or Executive Agencies are in charge of publishing policy lines and calls for proposals, selecting projects and monitoring them, and providing funds to beneficiaries without further intermediate steps. For instance, in the period 2014-2020, the programmes in the field of Education *Erasmus+*, culture *Europa Creative*, research and development *Horizon 2020*, environment *LIFE*, civil participation and democracy *Europe for citizens* are some of the EU's programmes.

Indirect programmes, also known as the Structural Funds, enable cohesion policy to be implemented. The European Union represents a vast territory with around 503 million inhabitants. Such variety means that there is an important geographical, cultural and historical diversity, as well as economic and social development; these diversities are present not only between Member States, but also within states themselves. Hence the necessity to implement a cohesion policy aimed at reducing the gap between European States and regions in order to achieve a balanced economic, social and territorial development. Thus, the Structural Funds are divided in five categories: European Regional Development Fund⁴⁰, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund. These funds will then be managed by government authorities under the various operational programmes; in the period 2007-2013, the managing authorities were the Regions (Regional Operational Programmes ROP), while in the current 2014-2020 period, the responsible authorities are at national level (National Operational Programmes NOP).

It is therefore this framework that will enable the analysis of the different funds and projects allocated to Venice and its lagoon in the following section. There are many categories of actors involved in Venetian cultural heritage: from public bodies such as the Municipality of Venice, Veneto Region, the North Adriatic Sea Port Authority, universities, to private bodies including foundations, consortia and universities. Due to the multiplicity of stakeholders acting in the field, the various programmes and funds and other areas related to heritage (environment, tourism, social inclusion...), the lists contained in this section and in Annex II and III represent a sample of the projects available on the territory in the field of cultural and natural heritage. Thus, the first part will present the funds and projects directly dedicated to heritage (Annex II), while the second part will present the funds and projects indirectly related to this field (Annex III).

⁴⁰ It should be noted that the European territorial cooperation is one of the two objective of the Cohesion Policy of the European Union and is implemented through the Structural Funds under the ERDF and is also known as “Interreg” programme. There are three components of European territorial cooperation: Cross-border cooperation (Interreg V A) (exemple: Italia-Franice Marittimo, Italia-Francia Alcotra, Italia-Svizzera...); transnational cooperation (Interreg V B) (Centrale Europe, Med, Alpine Space, Adriatic-Ionian); and interregional cooperation (Interreg V C) (Urbact III, Interreg Europe, Espon, Interact).

a. Funds and projects directly dedicated to Venetian heritage

Since the responsibility over cultural and heritage policies remains resolutely on behalf of the Member States, the European Union is called only to support and complement the action of Member States; therefore, the competences of States remained exclusive. Concretely, it has a supportive role which did not extend beyond the cooperation sphere. So, the European funds and projects directly devoted to cultural heritage are therefore intended to support its protection, promotion, development and safeguard or to work in favor of European territorial cooperation. This section is intended to provide some examples of projects that have directly supported cultural heritage, and in particular the Venetian heritage through the project partners (see also the table in Annex II).

One of the more direct funds linked to cultural heritage is definitely the European Culture programmes: Culture 2000, Culture 2007-2013 and Creative Europe. For example, on the Venetian territory, it enabled to finance ESLAND projects and EGE project. However, it is not the only one; the Horizon 2020 the European framework for research and innovation funded the APACHE projects, IPA Adriatic Cross-Border Cooperation carry out ADRIFORT, Sud Est Europa Programme supported SUSTCULT, JPI Cultural Heritage funded EMERIDA, and last but not least the different programme of Interreg financed AT FORT, CHRISTA, SLOW FOOD-CE, USEFALL, S.LI.DES, UNDERWATERMUSE and REMEMBER.

First of all, heritage can be directly supported through the revitalization and rehabilitation of cultural and natural heritage. Thus, not only restoration is necessary, but also awareness raising in the public sphere. For example, on the city of Venice and its lagoon, the European funds have supported local craft such as the art of glassmaking, helped Venetian intangible heritage by promoting local foods and gastronomy, as well as fostered the rediscovery of neglected heritage such as island landscapes, underwater heritage and fortresses.

SECOND CHANCE – From Industrial Use to Creative Impulse⁴¹

⁴¹ Available at: https://ec.europa.eu/regional_policy/en/projects/germany/a-second-chance-for-disused-industrial-sites

The SECOND CHANCE project, coordinated by the City of Nuremberg, has promoted the recovery and revitalization of abandoned industrial areas through the development of cultural activities aimed at citizens and the promotion of partnerships with private investors. In Venice, activities were organized in the area of the Arsenal and, specifically, in the Torre di Porta Nuova, to transform it into a centre of production of culture and knowledge.

ESLAND – European Culture expressed in island landscapes⁴²

The IUAV University of Venice, as coordinator, launch in 2011 the research projects. The aim was to recognize the part that played European island landscape in the European cultural heritage in order to reflect their distinctive identity and the value that the islands represent for Europeans. Moreover, the pilot project helped to better understand the evolution and the current conditions of European island landscapes such as Venice, Korcula (Croatia), Cyprus, Sardinia (Italia), Isles of Scilly (England), Bornholm (Denmark) and Saaremaa (Estonia). The ultimate goal of the project was to support an interdisciplinary approach in order to raise awareness about this specific cultural and natural heritage and identity. Moreover, it empowered local communities to interact with each other in order to protect and preserve their landscapes.

EGE – European Glass Experience⁴³

The EGE project, coordinated by the Municipality of Venice, has promoted recognition of artistic glass as an intangible asset of the European cultural heritage. Thanks to the participation of young artists and a travelling exhibition, the project has encouraged the revival of this important intangible heritage, fostered intercultural dialogue, developed a glass art network and supported the circulation glass artworks.

In addition, the restoration of the Murano Glass Museum, financed under the POR FESR Veneto 2007-2013, is also part of this initiative to support art glassware developed by the Municipality of Venice and the Fondazione Musei Civici.

ADRIFORT – Adriatic Fortresses and Military Areas⁴⁴

⁴² Available at: <http://www.eslandproject.eu/index.php>

⁴³ Available at: <http://egeglass.eu/ege-project-design-contest/>

⁴⁴ Available at: <https://www.adrifort.eu/>

The project has developed a strategy to enhance the cultural and natural heritage of the Adriatic coastal areas with historic military fortresses. It is above all thanks to the involvement of private investors and a network of public authorities that the project intended to build a new model of governance for heritage, in particular fortified heritage; the aim was to transform this type of heritage into an instrument of economic and social development for the nearby territories. In Venice, the project enabled an investment in the revitalization of Forte Marghera, transforming it into a center for the study of military architecture.

*AT FORT – Atelier European Fortresses: powering local sustainable development*⁴⁵

The Regional Initiative project was financed by Interreg IV C and aimed at facilitating the rehabilitation of fortified heritage sites; it examined more appropriate approaches and methods that created favorable conditions for the exploitation of this cultural heritage. In addition to the ADRIFORT project, the Municipality of Venice involved Forte Marghera in this interregional cooperation project.

*SLOW FOOD-CE – Culture, Heritage, Identity and Food*⁴⁶

The transnational cooperation project financed by Interreg Central Europe is aimed at promoting the intangible cultural heritage, and more exactly the cultural heritage of food—considered as an underestimated resource. The project promotes environmental sustainability and social inclusion thanks to the involvement of local stakeholders. Gastronomy is often used to promote tourism in cities and regions, but the project proposed a multidisciplinary approach to food which enhance models and various instruments for the valorization of typical and traditional local food. In the case of Venice and its lagoon, the encounter of sea and land has given rise to an outstanding local gastronomy: fishes from the lagoon and the Adriatic Sea, *Moeche* crabs, vegetables such as the violet artichokes growing on Sant’Erasmus island, the local *Dorona* white grape, etc. It represents a huge potential for an integrated economic, environmental and social sustainability.

*REMEMBER – Restoring the Memory of Adriatic port sites. Maritime Culture to foster Balanced territorial growth*⁴⁷

⁴⁵ Available at: <http://www.atfort.eu/>

⁴⁶ Available at: <https://www.interreg-central.eu/Content.Node/SlowFood-CE.html>

⁴⁷ Available at: <https://www.italy-croatia.eu/web/remember>

The project intends to enhance the maritime cultural heritage of the Adriatic Sea by creating a network of 8 virtual museums spread over the coastal areas of Italy and Croatia and establishing a permanent "Cultural Network of Adriatic Ports". The virtual museums will be used to preserve and develop knowledge of the traditions, crafts, arts and maritime culture of the port cities of the Adriatic. Thus, it promotes a sustainable blue growth and tourism thanks to the promotion of the rich maritime tangible and intangible cultural heritage of eight sites: Ancona, Venice, Trieste, Ravenna, Rijaka, Zadar, Dubrovnik and Split.

UNDERWATERMUSE – Immersive Underwater Museum Experience for a wider inclusion⁴⁸

The Adriatic Sea has been enriched with historical and archaeological dimensions thanks to the rich commercial exchanges occurring for centuries; these maritime and trade routes have left many unexplored and undiscovered heritages on the seabed. Thus, this project is aimed at reducing the loss of this important cultural heritage and developing economic perspectives and opportunities related to this sector—for example, create underwater archaeological park or eco-museum. This development also passes through the inclusion of local communities, promotion of creative partnership between tourism and cultural stakeholders, public institutions and associations of citizens. The ERPAC, as coordinator, and the Ca' Foscari University of Venice, as partner, are developing methodological and technological approach of underwater archeological site—particularly in the site of Caorle situated in the venetian lagoon.

Another method to directly financed cultural heritage is through the support of its effective conservation. The adequate maintenance will prevent natural and temporal deterioration of cultural heritage. In the case of the city of Venice and its lagoon, the protection of cultural, natural and architectural heritage is particularly difficult due to the high level of humidity and environmental conditions. In the long run, there is a high risk of deterioration and destruction. European funds can support the local stakeholders to tackle and manage these risks. Thus, European funds have been allocated to projects preventing rising damp and assisting the adequate storage of cultural heritage assets.

⁴⁸ Available at : <https://www.italy-croatia.eu/web/underwatermuseum>

*EMERISDA – Effectiveness of methods against rising damp in buildings*⁴⁹

The project was created to combat the phenomenon of rising damp, which is widespread in old building and is a major cause of deterioration—due to salt crystallization, frost, development of molds and fungi. The Ca' Foscari University of Venice has been involved in this project because of the situation of the Venetian architectural heritage, which is particularly affected by the problems of intense humidity and repeated flooding. It was therefore essential for this project to reach a scientific assessment of the effectiveness of the various techniques for controlling rising damp and develop effective methods in conservation practices.

*APACHE – Active & intelligent packaging materials and display cases as a tool for preventive conservation of Cultural Heritage*⁵⁰

In museums, most cultural heritage objects are frequently stored in inadequate conditions. The projects funding under the Horizon 2020 research and innovation programme is aimed at developing cutting-edge technologies for the control and prevention of the degradation of cultural heritage. The final purpose of the project is to offer a decision support system to museums, foundations, collections and others in order to help them in conserving and protecting works of art. On the Venetian territory, the on-going project involved the Ca' Foscari University of Venice and the private Collection Peggy Guggenheim.

Finally, heritage can be supported through the development of innovative and integrative approach and of sustainable cultural and natural heritage. Generally due to economic pressures, heritage is rarely used to culturally enhance a territory or its population. It is then necessary to initiate the implementation of the European recommendations toward a more sustainable and integrative approach to cultural heritage. In this perspective, the European funds enable heritage stakeholders to develop projects aimed at creating innovative, inclusive and sustainable management strategy of cultural heritage.

⁴⁹ Available at: <https://www.emerisda.eu/>

⁵⁰ Available at: <https://www.apacheproject.eu/>

*SUSTCULT – Achieving Sustainability through an integrated approach to the management of cultural heritage*⁵¹

Cultural heritage is often intended to satisfy economic interest such as tourism industry, more rarely to enhance the cultural value of a territory, its inhabitants, its customs and traditions, and its origins. The SUSTCULT project has had an innovative approach to cultural heritage through a social and ecological strategy; cultural heritage should be safeguard as a source of sustainable development. Thus, the aim of the project is to develop transnational synergies for sustainable growth in cultural heritage field and effective heritage sites management; in fact, leading by the Municipality of Venice, the project involved 12 partners belonging to 7 countries (Italy, Slovenia, Greece, Romania, Hungary, Macedonia and Albania).

*CHRISTA – Culture and heritage for responsible, innovative and sustainable tourism actions*⁵²

Funded under the interregional cooperation programme Interreg Europe, the CHRISTA project is aimed at protecting and preserving natural and cultural heritage, both tangible and intangible, and supporting innovative, sustainable and responsible tourism system. In the framework of the ROP, the Veneto Region was particularly in charge of supporting entrepreneurship in order to facilitate the economic performance of new ideas and firms. The Region also focused on the involvement of all stakeholders in the preservation and protection of cultural heritage in order to revitalize the environment of the lagoon and cultural heritage.

*USEFALL – UNESCO Site experiences for all*⁵³

The project aimed at enlarging accessibility of the UNESCO sites of the area of the Interreg Italy-Croatia programme in order to ensure that cultural heritage becomes a factor of balance and sustainable territorial management. This social inclusion will be reinforced by facilitating access to cultural heritage sites, educational programmes for people with special needs, and employees in touristic field.

*S.LI.DES – Smart strategies for sustainable tourism in lively cultural destinations*⁵⁴

⁵¹ Available at : http://www.southeast-europe.net/en/projects/approved_projects/?id=146

⁵² Available at: <https://www.interregeurope.eu/christa/>

⁵³ Available at: <https://www.italy-croatia.eu/web/usefall>

⁵⁴ Available at: <https://www.italy-croatia.eu/web/slides>

The cross-border cooperation project financed by Interreg Italy-Croatia, coordinated by the Ca' Foscari University of Venice and in partnership with the Municipality of Venice and Ciset, aims at promoting tangible and intangible cultural heritage which shape the identity of touristic destinations. It supports a sustainable and balanced territorial development which focus on “living heritage”—i.e. crafts and creative industries. The final objectives are to assess competitive and sustainable characteristics of tourist destinations, to contribute to the strengthening of activities aimed at diversifying the tourism offer (thanks to financial support in the cultural heritage field) and to conceive an Italy-Croatia cross-border cooperation strategy transferable at EU level.

To conclude, the sample of projects selected enabled to distinct three categories of primary European funding to cultural heritage: revitalization and rehabilitation; effective conservation; and innovative, inclusive and sustainable approaches. It also highlighted cooperation at transnational level and the exchange of information as an extremely important source in the protection, conservation and development of cultural heritage. But these are not the only resource available; indeed, as already mentioned, the field of cultural and natural heritage affects many other sectors of activity. It is therefore expected that these will play a role in the safeguarding of the heritage and the next section will concretely present this through further illustrative projects.

b. Funds and projects indirectly related to Venetian heritage

The many policies and competences of the European Union are interdependent. For example, actions in many EU policy sectors influence the field of cultural heritage, such as projects in the field of education and training, digital technologies, research and innovation, the internal market for tourism and entrepreneurship, agriculture, the maritime field, the environment and transnational cooperation. Thus, it can be considered as a fund indirectly related to cultural heritage (more detailed in Annex III).

The Veneto region and in particular the city of Venice, as one of the most visited regions in Italy and one of the most significant places for tourism, has a strong requirement to manage this tourist flow efficiently. In 2017, the city has received around

60.000 visitors on average per day, a huge number given the medium-sized of the city. Thus, it is considered as over-tourism which is negatively affecting the social tissue of the city and the conservation of cultural and natural heritage.

For example, in 2017, Venice received around 60,000 visitors on average per day; in a medium-sized city such as Venice with 54.700 inhabitants in the historic center in 2017, it represents a huge pression⁵⁵. The over-tourism is shifting the social tissue of the city and having effects on the conservation of cultural and natural heritage.

Concretely, the city of Venice needs to reduce over-tourism in the hotspots, diversify tourist offers through new destinations and innovative tourist services such as in the programmes VeRo Tour, APPRODI, CULT-CREATE, ARTVISION+, ARCA ADRIATICA, improve local governance like in ERNEST project, involve private stakeholders and all local entities related to tourism such as in INNOCULTOUR and VALUE, and inform local population about their own cultural and natural heritage.

*ERNEST – European Research Network on Sustainable Tourism*⁵⁶

In the framework of the 7thFP (ERA-NET, Coordination of national and regional activities), the project launch in 2008 has focused on the sustainable development in the tourism sector through collaboration between regional research programmes. Within this project, the regions have shared and developed research activities, already carried out at regional level, making them more effective and relevant thanks to the exchange of information, planning and development of joint activities. The Veneto Region, as partner, has particularly emphasized on the valorisation of its natural and cultural heritage.

VeRo Tour – Venetian Routes: Enhancing a shared European multi-cultural sustainable tourism

The project, funded under COSME, aimed to develop and implement a transnational cultural itinerary based on the system of routes, settlements, fortifications and, in general, on the immense cultural heritage left by the Republic of Venice since 1300 in the Mediterranean. Lead by the Veneto Region, the main objective was to diversify the European tourist and cultural offer.

⁵⁵ Seraphin, H., Sheeran, P., & Pilato, M. (2018). Over-tourism and the fall of Venice as a destination. *Journal of Destination Marketing & Management*, 9, p. 375.

⁵⁶ Available at: <http://www.ernestproject.eu/coalap/pages-ernest/home.jsf>

*APPRODI – From Ancient Maritime Routes to eco-touristic destinations*⁵⁷

The Approdi project aims to propose integrated eco-touristic itineraries linked to the ports of the Adriatic-Ionian region which are ports that are not well known to the large public, but which are characterized by an outstanding significance in terms of archaeology and cultural identity and heritage. Thus, the project develops new sustainable approach of cultural tourism, highlighting historical aspects and the local significance of key sites; in the case of the Venice Lagoon, the early medieval port of Torcello was highlighted by the Ca' Foscari University of Venice.

*CULT-CREATE – Cultural and Creative Industries contribution to Cultural and Creative Tourism in Europe*⁵⁸

Financed by Interreg Europe, the project highlights the potential and opportunities of cultural and creative industries in the development of new cultural and creative tourism products and services in order to generate growth and employment. It will contribute to broadening and diversifying the range of tourism activities through the creation of new tourism services. The main challenge of the project is to reduce the high intensity of tourist flows to Venice and Verona so that these destinations do not exceed their carrying capacity. At the same time, the project aims to enhance Padua, a lesser known city but with an equal potential for tourism.

*ARTVISION+ - Enhancing touristic development and promotion through prism of culture*⁵⁹

This project has provided an opportunity to showcase less popular destinations, to make their cultural heritage known to tourists and to achieve quality cooperation between artists and tour operators. In particular, this has helped to revitalise and promote the culture of certain regions and preserve them from being forgotten and neglected. It has raised awareness in the public sphere and promoted artists.

*INNOCULTOUR – Innovation and Promotion of Adriatic Cultural Heritage as a Tourism Industry Driver*⁶⁰

The project aims to raise the visibility and accessibility of 8 lesser-known cultural heritage locations and to combine traditional cultural offerings with information and

⁵⁷ Available at: <https://approdi.adrioninterreg.eu/>

⁵⁸ Available at: <https://www.interregeurope.eu/cultcreate/>

⁵⁹ Available at: <https://www.italy-croatia.eu/web/artvisionplus>

⁶⁰ Available at: <https://www.italy-croatia.eu/web/innocultour>

communication technologies. The project has contributed to a more balanced and sustainable territorial development through the involvement of creative industries, local population and stakeholders of the sector. Within the Venetian territory, an agreement has been signed to support cultural and touristic services on the territory between the lagoon and Polesine such as in the city of Chioggia; it has notably connected well known museums with less known museums allowing to increase their visibility and their recognition.

ARCA ADRIATICA – Protection, promotion and touristic valorisation of Adriatic maritime heritage

Based on principles of social and ecological sustainability, the main objective of the project is the elaboration of a common tourism offering that enhances, preserves, protects and fosters the unique maritime heritage of the Northern Adriatic region. Financed by Interreg Italy-Croatia, the project involved 9 partners including the Veneto Region.

VALUE – Environmental and cultural heritage development

The Interreg Italy-Croatia project consists of actions to promote the heritage already present, to develop innovative solutions and to design tourist products based on cultural characteristics. Thus, the objectives of the project are to enhance the archaeological and cultural heritage in an innovative way, to diversify tourist stays away from the traditional seasonal flows and to transmit traditional knowledge to larger and more diversified groups of people.

The Venice lagoon is one of the oldest and most remarkable models of the relationship between human activities and natural resources. The site is also regarded as a cultural landscape, witnessing the joint work of man and nature over time, and shaped environmental, social, economic and cultural opportunities but also pressures. Indeed, projects on the Venetian territory face multiple challenge: the issue of the lagoon erosion due to natural causes or human activities is addressed in the LIFE VIMINE project, climate change and severe disasters are studied in projects such as THESEUS and HYPERION, and repeated floods in the I-STORMS project.

*LIFE VIMINE – Venice integrated management of intertidal environments*⁶¹

The project has experimented a new integrated approach to protect from erosion the inner sandbanks and marches of the Venice Lagoon—site included in the Natura 2000 network. In this perspective, naturalistic engineering works with a low environmental impact have been carried out, using materials from the lagoon area and mostly handmade. Moreover, the project has been achieved through the close collaboration of local communities in order to contribute to the sustainable socio-economic development, i.e. local workers, sustainable tourism, fishing techniques.

THESEUS – Innovative technologies for safer European coasts in a changing climate

To address the effects of sea-level rise and climate change, the project aimed to ensure a safe (or low risk) coastline for human activities, as well as healthy living conditions in coastal environments. Considering technical, social, economic and environmental aspects, the main goal of the project was to provide a planning of sustainable defence strategies for coastal erosion and flood management.

*HYPERION – Development of a Decision Support System for Improved Resilience & Sustainable Reconstruction of historic areas*⁶²

The project of research and innovation, supported by Horizon 2020, aims at creating a system to improve the resilience and reconstruction of historic areas and cultural heritage, with a sustainable approach, to cope with climate change and severe natural disasters. The purpose is also to develop methodologies to monitor and assess the impact of climatic conditions and meteorological events on historical monuments; the final result is to carry out restoration and conservation activities more effectively.

*I-STORMS – Integrated Sea Storm Management Strategies*⁶³

The European project, coordinated by the City of Venice and funded by the Interreg ADRION Programme, aims to develop common strategies for the protection of the Adriatic-Ionian region from storm surges. The project partners will deal with issues related to climate problems that have a direct impact on the quality of life of citizens; it causes damage to important cultural heritage, to businesses (aquaculture, fishing,

⁶¹ Available at: <http://www.lifevimine.eu/lifevimine.eu/index.html>

⁶² Available at: <https://www.hyperion-project.eu/>

⁶³ Available at: <https://istorms.adrioninterreg.eu/>

tourism, bathing establishments) and to the environment in general (coastal erosion, flooding). In particular, the City of Venice participates in the project with the Tide Forecasting and Signalling Centre Service, the Operations Centre for the Management of Forecasts and Alerts and the Community Policies Service.

Another way to indirectly protect and promote heritage is through social inclusion and participatory governance. The participatory governance is an innovative, people-centred and forward-looking approach on the management and valuation of cultural heritage. Thus, it is a way to reconnect local actors and stakeholders with their own heritage and has a positive impact on social and economic inclusion. It is all the more important for the city of Venice as it is facing a progressive but significant depopulation. It is therefore essential to involve people in heritage related activities, for example by organizing sports events in the framework of the ZERO WASTE BLUE programme or by reconciling them with the tourism industry in the framework of TOURISM4ALL.

*ZERO WASTE BLUE – Sports events for territorial development*⁶⁴

The project aims to foster the value of the cultural and natural heritage of the places involved in major sporting activities by increasing the sustainability of the events, reducing CO₂ and waste emissions and at the same time lengthening the seasonality of the destinations. Concretely, it involved local actors to reduce their environmental impact, as well as to increase their social and economic benefits of major sporting events taking place in attractive and sensitive areas—the Veneto Region as partner of the project supported the Venicemarathon.

*TOURISM4ALL – Development of a cross-border network for the promotion of the accessible tourism destinations*⁶⁵

Financed by the regional cooperation programme Interreg Italy-Croatia, the objective of the TOURISM4ALL project is to develop a cross-border network sharing approach and methods of accessible tourist destinations, enhancing natural and cultural heritage by promoting social inclusion, as well as by promoting tourist services for people with specific accessibility requirements.

⁶⁴ Available at: <https://www.italy-croatia.eu/web/zerowastebblue>

⁶⁵ Available at: <https://www.italy-croatia.eu/web/tourismforall>

Innovative technologies may be also one of the solutions of the issues facing by the city of Venice and the Lagoon. In the case of over-tourism, it can help to promote lesser-known tourist city on the regions and decrease the number of arrivals in the high season such as in the project ISPEED.

*ISPEED – Information Society Policies for Sustainable European Economic Development*⁶⁶

The project, led by the city of Venice, aimed at improving competitiveness and sustainable tourism thanks to the use of Information and Communication Technologies. The project arose from the need to promote its territory as a tourist destination and, at the same time, from the need to improve flow management by overcoming seasonality and working to enhance lesser-known tourist attractions.

To conclude, it is easily observable that the international community has become aware of the vulnerability of the cultural, natural and historical heritage of the city of Venice and its lagoon. Since the dramatic flood of 1966, the fragility of the city has been widely recognized and, as a result, many international instruments have been made available for its protection and the preservation and promotion of the city's rich heritage: from the World Heritage List of the UNESCO to the European funds dedicated to the venetian heritage. Since the European institutions can only encourage the international cooperation and support Member States activities in the conservation and safeguarding of cultural heritage, the actions of the European bodies are limited. But the European funds for cultural heritage projects are available and this part showed that several actions in many different fields are possible to protect cultural heritage. However, they are not really targeted and remain fragmented. While culture and cultural heritage have great potential for European citizens, and in general for the European Union as a whole, it is still relatively little exploited and promoted at local level. It is therefore an upcoming challenge that must be overcome by the institutions of the European Union, provided that they change their perspective and take advantage of the opportunity offered by cultural heritage.

⁶⁶ Available at: <http://www.interreg4c.eu/projects/project-details/index-project=87-information-society-policies-for-sustainable-european-economic-development&.html>

CONCLUSION

Cultural heritage has a considerable cultural, social, environmental and economic value for the 21st century. Ever since the end of the Second World War, it has been widely considered and deepened in terms of conventions, treaties and measures by the international community, notably through UNESCO, the CoE, ICOMOS and of course the EU. Within the sphere of the European Union, the cultural field has attained a formal supporting competence in the Maastricht Treaty through the introduction of Article 128 TEC specifically named "Culture". It asserted that the European institutions only have the capacity to encourage international and transnational cooperation and promote the conservation of cultural heritage; these two objectives are concretely implemented through European funds. In fact, with regards to culture, a series of financial instruments has been established: the first-generation programmes (*Kaleidoscope*, *Ariane*, and *Raphael*), *Culture 2000* and *Culture 2007-2013*, and finally *Creative Europe*. However, as this thesis demonstrated, the fields of culture and cultural heritage are related to many other European policies: education and training, digital technologies, research and innovation, internal tourism market and entrepreneurship, agriculture, maritime field, environment and external relations. All these sectors influence actions and projects in the cultural heritage domain and are indirectly participating in its financing. Thus, the funds are considerably important but truly fragmented. Without a strong and unique European policy on culture, achieved only through exclusive competence, it is difficult for European institutions to follow an effective guideline for the appropriate management, preservation and enhancement of cultural heritage.

This task is especially becoming more complex as a result of the rapid changes in our society; in the midst of economic, social and democracy crisis, climate change and rapid development of new information and communication technologies, all the policies have to be adjusted rapidly. Thus, this thesis highlighted the European process leading to a shift of guideline founded on three key principles: an integrative and participatory approach, a sustainable vision to manage cultural heritage and a deep cooperation among all cultural stakeholders. As it has been observed, these principles are implemented through actions and measures at the local level, such as in the specific case of the city of Venice and its lagoon.

In this whole perspective, cultural heritage has many benefits and opportunities for the society and must not be left behind. Indeed, following the major communication and awareness-raising campaign during the *European Year of Cultural Heritage 2018*, the reconfiguration of public cultural heritage spaces is now considered a necessity. In fact, in the Communication on a European agenda for culture in a globalizing world, the European Commission highlighted the words of Gao Xingjian, laureate of the Nobel Prize for Literature, “Culture is not a luxury, but a necessity”⁶⁷. Thus, it joined another famous and much-quoted phrase lent to Jean Monnet, a pioneer of the European Union, “Si c’était à refaire, je commencerais par la culture”⁶⁸. This sentence has probably never been uttered; however, it underlined an obvious fact: the European Union area is defined not only by its political-geographical boundaries, but also by the community of culture that unites its peoples. In a long-term perspective, it is in the general interest of the European Union to secure and anchor cultural heritage as an instrument of European democratic legitimacy. The field has a strong power to foster a common European identity, stimulate the engagement of European citizens and raise a mutual trust and stability within the European peoples. It is therefore the duty of the European institutions to continue to encourage actions and measures in the field and grant further European funds in order to push for a genuine European political commitment.

⁶⁷ See the conclusion of the European Commission Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European agenda for culture in a globalizing world. COM(2007) 242 Final. (Brussels, May 10, 2007).

⁶⁸ “If I had to start again, I’d start with culture”. See Grémion, P. (2001). State, European and Republic. In A. Menon, & V. Wright (Eds.), *From the Nation State to Europe?* New York: Oxford University Press. p. 46.

ANNEX I – SWOT Analysis

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> • environmental system of considerable biodiversity and exceptional landscape values; • cultural, artistic and environmental heritage of highly prestigious quality and value; • balanced integration between the environmental system and historical settlements; High value system of museums, libraries and archives; • prestigious cultural centres, universities and research centres; • regular national and international cultural events; • traditional cultural and popular events; • still viable social and economic fabric in many parts of the historic city and of the other lagoon settlements; • good infrastructures and efficient part and airport system, which connects the city with the main Italian and international urban centres; • important tourist attractions with diversified and well-equipped facilities, and services; • action to ensure the physical and environmental safeguard of Venice against <i>acque alte</i> and the environmental rehabilitation of the lagoon, as provided for by Special Laws. 	<ul style="list-style-type: none"> • polluted sites and risk of water pollution caused by agricultural, animal husbandry and city related activities; • erosion of salt marshes and depletion of the native vegetation of the lagoonbed; • fragile urban, architectural and artistic heritage; • shortage of funding for restoration and urban maintenance; • reduction of the resident population in the historic city and in the other lagoon historical settlements; • reduction of activities and services in the historic city and lagoon historical settlements in favor of the tourist monoculture; • concentration of tourist flows on a few areas with poor integration among different forms of tourism; • insufficient accessibility and mobility within the Site for its entire recreation; • poor integration of traditional transport systems with minor and new transport modalities; • inadequate awareness of the universal values of the Site and central role played in the collective imagination. 	<ul style="list-style-type: none"> • enhancement of natural beauty areas and ecological networks and corridors; • enhancement and revitalization of the historic city and historical settlements on islands; • development of training activities and research into new methods, technologies and materials for the preservation of the artistic and architectural heritage of lagoon settlements and protection and conservation of the lagoon environmental system; • enhancement of the museum and exhibition system and local cultural traditions; • promotion and development of high quality, sustainable tourism; • review of the Special Law for Venice; • greater integration of production processes with the research and training activities for new professionals; • development of agritourism operations, innovative cultural activities (eco-museum) and creation of new waterborne, cycling and pedestrian excursion routes; • development of innovative activities and integration of production processes with the activity of research and training for new professional figures in the field of environment engineering and techniques for the adaptation to climate change. 	<ul style="list-style-type: none"> • irreversible change of morphological characteristics of the lagoon ecosystem, of its hydraulic dynamics, and tide levels; • loss of biodiversity in the lagoon ecosystem and of environmental quality; • unlimited and uncontrolled tourist development causing damage to heritage properties due to excessive use; • depletion and physical deterioration of historic centres, functional changes and transformed usage of the building heritage and the increased urbanization for tourism purposes; • decline of fishing activities in the lagoon and at sea, especially as practiced with traditional systems and methods; • failure to depollute contaminated sites and to convert polluting businesses with environment-friendly industrial activities; • uncertain funding for previously programmed actions, with consequent delays in the safeguard programme and related management activities.

Table. SWOT Analysis - Summary.

Source: Municipality of Venice – Management Plan 2012-2018, p. 105.





ANNEX II – Funds and projects directly dedicated to Venetian heritage

PROJECT	DATE	EU PROGRAMME	VENETIAN'S INSTITUTIONS OR ORGANIZATIONS	PARTNER OR COORDINATOR	TOTAL EU FUNDING (€)	PROJECT'S TOTAL VALUE (€)
SECOND CHANCE – From Industrial Use to Creative Impulse	2009-2013	Central Europe	- Municipality of Venice - Arsenale of Venice S.P.A. Company	- Partner - Partner	2.269.080,00	2.814.854,97
ESLAND – European Culture expressed in island landscapes	2011-2013	Culture 2007-2013	- University IUAV of Venice	- Coordinator	360.700,00	400.700,00
SUSTCULT – Achieving SUSTainability through an integrated approach to the management of CULTural heritage	2011-2013	Sud Est Europa Programme	- Municipality of Venice	- Coordinator	1.450.624,00	1.707.080,00
ADRIFORT – Adriatic Fortresses and Military Areas	2012-2015	IPA Adriatic Cross Border Cooperation	- Municipality of Venice	- Partner	1.942.889,20	2.285.752,00
EGE - European Glass Experience	2013-2015	Culture 2007-2013	- Municipality of Venice - Consorzio Promovetro Murano Venice - Fondazione Musei Civici di Venezia - Murano Glass Museum Venice	- Coordinator - Partner - Partner		372.588,00
EMERISDA – Effectiveness of methods against rising damp in buildings	2014-2017	JPI Cultural Heritage	- Ca' Foscari University of Venice	- Partner	393.129,00	596.194,00
APACHE – Active & intelligent Packaging materials and display cases as a tool for preventive conservation of Cultural Heritage	2019-2022	Horizon 2020	- Ca' Foscari University of Venice - Peggy Guggenheim Collection	- Partner - Partner	6.837.732,75	7.861.890,90

STRUCTURAL FUNDS

AT FORT – Atelier European Fortresses: powering local sustainable development Murano Glass Museum	2012-2014	Interreg IVC	- Municipality of Venice	- Partner	1.687.719,85	2.170.753,80
	2013-2014	ROP FESR Veneto 2007-2013	- Municipality of Venice		1.346.308,23	1.923.297,47
CHRISTA – Culture and Heritage for Responsible, Innovative and Sustainable Tourism Actions	2016-2020	Interreg Europe	- Veneto Region	- Partner	1.506.008,75	1.771.775,00
Slow Food-CE – Culture, Heritage, Identity and Food	2016-2020	Interreg Central Europe	- Municipality of Venice	- Partner	2.024.924,83	2.444.106,80
USEFALL – Unesco Site Experience For ALL	2018-2019	Interreg Italy-Croatia	- Venetian Cluster	- Partner	969.471,000	1.140.000,00
REMEMBER – REstoring the Memory of Adriatic ports sites. Maritime culture to foster Balanced tErritorial growth	2019-2021	Interreg Italy-Croatia	- North Adriatic Sea Port Authority	- Partner	2.391.441,00	2.813.460,00
S.LI.DES – Smart strategies for sustainable tourism in Lively cultural DESTinations	2019-2021	Interreg Italy-Croatia	- Ca' Foscari University of Venice - Municipality of Venice - Ciset International Centre of Studies on Tourism Economics	- Coordinator - Partner - Partner	2.129.234,61	2.504.981,90
UNDERWATER MUSE – Immersive Underwater Museum Experience for a wider inclusion	2019-2021	Interreg Italy-Croatia	- ERPAC Regional Institute for the Cultural Heritage of Autonomous Region of Friuli Venezia Giulia - Ca' Foscari University of Venice	- Coordinator - Partner	1.348.890,71	1.586.930,25

ANNEX III – Funds and projects indirectly related to Venetian heritage

	Sustainable Tourism
	Environment
	Digital technologies
	Social Inclusion and participatory governance

PROJECT	DATE	EU PROGRAMME	VENETIAN'S INSTITUTIONS OR ORGANIZATIONS	PARTNER OR COORDINATOR	TOTAL EU FUNDING	PROJECT'S TOTAL VALUE
 ERNEST - European Research Network on Sustainable Tourism	2008-2012	7 th FP GA coordination of Non-Community Research programmes	- Veneto Region	- Partner	1.911.677,46	2.106.969,96
 THESEUS - Innovative technologies for safer European coasts in a changing climate	2009-2013	7 th FP Environment-Specific programme "Cooperation"	- Consorzio per il coordinamento delle ricerche inerenti al Sistema lagunare di Venezia	- Partner	6.530.000,00	8.534.149,87
 LIFE VIMINE – Venice integrated management of intertidal environments	2013-2017	LIFE +	- Municipality of Venice	- Partner	1.396.763,00	2.024.295,00
 VeRo Tour – Venetian Routes: Enhancing a shared European multi-cultural sustainable tourism	2013-2014	COSME	- Veneto Region - Venice International University	- Coordinator - Partner	209.998,75	279.998,33
 HYPERION - Development of a Decision Support System for Improved Resilience & Sustainable Reconstruction of historic areas	2019-2022	Horizon 2020	- Municipality of Venice - IUAV University of Venice	- Partner - Partner	5.997.728,75	5.997.728,75
STRUCTURAL FUNDS						
 ISPEED - Information Society Policies for Sustainable	2010-2012	INTERREG IV C	- Municipality of Venice	- Coordinator	971.902,22	1.402.130,84

European Economic Development							
I-STORMS – Integrated Sea sTORM Management Strategies	2017-2019	Interreg Adrion	- Municipality of Venice	- Coordinator	1.194.919,28	1.405.787,45	
ZERO WASTE BLUE – sports events for territorial development	2018-2019	Interreg Italy-Croatia	- Veneto Region - Veneto Innovazione	- Partner - Partner	732.000,00	861.500,00	
APPRODI - From Ancient Maritime Routes to eco-touristic destinations	2018-2019	Interreg Adrion	- Ca' Foscari University of Venice	- Partner	823.856,63	969.243,10	
CULT-CREATE – Cultural and Creative Industries contribution to Cultural and Creative Tourism in Europe	2018-2022	Interreg Europe	- Veneto Region	- Partner	1.798.270,00	1.510.120,50	
ARTVISION+ - Enhancing touristic development and promotion through prism of culture	2018-2019	Interreg Italia-Croatia	- Veneto Region - Ca' Foscari University of Venice	- Partner - Partner	855.400,00	1.000.000,00	
INNOCULTOUR – Innovation and Promotion of Adriatic Cultural Heritage as a Tourism Industry Driver	2018-2019	Interreg Italy-Croatia	- Veneto Region	- Partner	778.755,00	916.183,00	
ARCA ADRIATICA - Protection, promotion and touristic valorisation of Adriatic maritime heritage	2019-2021	Interreg Italy-Croatia	- Ca' Foscari University of Venice	- Partner	2.693.471,50	3.168.790,00	
TOURISM4ALL – Development of a crossborder network for the promotion of the accessible tourism destinations	2019-2021	Interreg Italy-Croatia	- Veneto Region	- Partner	2.207.287,22	2.596.808,50	
VALUE – EnVironmental And cultural hEritage development	2019-2021	Interreg Italy-Croatia	- Veneto Region - Po Delta Veneto Regional Park	- Partner - Partner	3.251.055,00	2.763.396,00	

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