MATERIAL ISSUES OF POLICY: COMMUNITIES AND CULTURAL HERITAGE

Baseline report

2024

RES-POL

Contents

RES-POL

1. Introduction

This policy brief has been developed within the **RES-POL** (Rapid Expert Support for Culture and Media Policies in Ukraine) project implemented by the **"Center for Regional Development"**, a public union of the **Economic Development Agency PPV**, funded by the **European Union**.

The RES-POL project aims to enhance the functional capacity of the **Ministry of Culture and Strategic Communications** and its agencies (Ukrainian Book Institute, Ukrainian Cultural Fund, State Agency of Ukraine for Arts and Art Education, as well as the Ukrainian Institute of National Memory)

The RES-POL project duration: January 2024 – June 2025.

The RES-POL project focuses on four sectors (**Art and Culture, Cultural Heritage, Creative Industries, and Media**) and more than 20 subsectors (industries and types of artistic activity). RES-POL separately considers **10 essential cultural development issues** (competitive salary, efficiency of state-owned enterprises in the field of culture, funding for creative industries, funding models for cultural services, communities and cultural heritage, EU integration and cultural policy, etc.).

The project methodology aims:

- To identify material issues of policy in sectors and subsectors and describe them in policy briefs and baseline reports;

- To analyze 10 essential issues of cultural development the project focuses on and describe them in baseline reports;

- To develop and describe policy proposals on the essential sectoral issues and 10 essential issues of cultural development in strategic briefs;

- To develop sectoral strategies and operational programs for the sectors the project focuses on and roadmaps for their implementation;

- To develop amendments to several legal acts and / or concepts of pilot projects to implement the policies elaborated within the project;

RES·POL

- To analyze European experience in policy planning and implementation, evaluate some cultural policies in Ukraine, and assess the institutional capacity of the agencies within the Ministry of Culture and Information Policy.

The RES-POL project actively engages stakeholders at all policy development stages. The information on project achievements can be found on the **RES-POL Facebook** page.

> **The goal of this Baseline Report** is to outline the essential issues of the "Communities and Cultural Heritage" policy. Material issues of policy are the challenges and problems faced by stakeholders, that hinder the development of the sector. Government intervention may be required to address these issues.

The methodology of the Baseline Report preparation aims:

- To develop material issues of policy in subsectors based on the policy briefs (available on the RES-POL materials page);

- To conduct desk research of analytical materials on the status and dynamics of the sector development;

- To conduct in-depth interviews with stakeholders (market participants, representatives of ecosystems and environments, relevant government agencies and organizations);

- To develop lists of essential sectoral policy issues together with the RES-POL expert team;

- To verify with stakeholders and describe material issues of policy;

- To prepare recommendations for further policy development that will address the essential issues identified.

RES-POL

The Authors

Olha Sahaydak – key expert of the Cultural heritage sector;

Iryna Kats – intangible heritage expert;

Oleksandra Kovalchuk – movable heritage expert;

Pavlo Holdin – expert on the Cultural heritage not subordinated to the Ministry of Culture and Strategic communications (or MCSC);

Viktor Dvornikov – immovable heritage expert;

Baseline report reviewer – **Volodymyr Vorobey**;

Designer – **Olha Matskiv.**

RES-POL

2. Executive summary

Enhancement of the decentralization policy as one of the factors of Ukraine's integration to the European Union will significantly affect the preservation, management, and relevance of the "Cultural Heritage" sector.

Based on the analytical studies in five subsectors, the list of root problems characteristic of the "Cultural Heritage" sector at community level has been identified.

Root problems of the CH sector in communities

Impact of the war

Due to Russian aggression, there are no safe places in Ukraine so far since all categories of cultural heritage sites and elements are under threat. Only the levels of danger, the nature of the threats, and the ability to respond to the consequences differ. The destruction of people and communities, destruction, damaging, and looting of Ukrainian heritage constitute the evidence of the genocidal policy of the Russian Federation, a strategy of "erasing" Ukrainian identity.

Human capital

The war caused irreversible losses, people died. Human capital in the "Cultural Heritage" sector is reducing significantly as a result of people temporarily losing their ability to work, being mobilized, and being forced to be displaced within the country and go abroad. Unfortunately, there is no objective up-to-date data on the losses of cultural heritage professionals, nor is there any data on the country's overall losses. It can only be stated that all survey and public discussion participants mentioned the problem of shortage of human capital as one of the most essential.

Perception of CH by communities

For Ukrainian communities of relevance is who inherited local cultural heritage and who is responsible for it. The main barrier on the way to unleashing the potential of cultural heritage at community level is the refusal to inherit it.

RES·POL

Basic

Basic education does not ensure knowledge of cultural heritage, understanding of its significance, and skills for its conservation and use for all citizens. The insufficient quality of education in the humanities forms prerequisites that make it impossible to interpret cultural heritage with high quality.

Professional

Professional education in the field of cultural heritage does not meet the needs of the sector in terms of the number of respective specialists, special knowledge and skills relevant to the modern context (knowledge of a foreign language, mastery of digital tech-nologies, etc.). Educational institutions develop their curricula based on the com-position of their faculty, not on market demands. Professional internship during the training period is formal, does not provide for the development of professional skills, and does not form sustainable connections with cultural heritage operators.

State policy

Cultural heritage is not included in the national security system. Culture is mostly per-ceived as a field of leisure and is at the bottom of the list of priorities for strategy de-velopment and funding.

State regulation policy

Laws and regulations are still often based on the "Soviet paradigm" and the pre-sumption of guilt, they are inconsistent with each other, thus creating "blind spots" and a space for corruption risks. The system is complex, involving branched subordination, blurred responsibility, and inappropriate tools for rewarding and punishing. The leg-islation is synchronized with the EU norms and international documents ratified by Ukraine only in a fragmentary way.

Institutions

Weak and not independent institutions, with vertical and horizontal subordination (to the line ministry and local authorities). The work is overbureaucratized, focused on passing inspections and the need to provide justifications. Managers are limited in making decisions on long-term planning, team building, and allocation of funds. There is a shortage of managers in the field. Low salaries and lack of public recognition of the prestige of CH professions deter young professionals and qualified staff.

RES-POL

Funding

The cultural sector in the country is funded on a residual basis. The salaries of employees in the sector are lower than the minimum wage set by the state.

The expenditures of budgetary institutions during martial law do not allow them to use funds at their discretion, even from special accounts that may receive donor assistance for the development of institutions.

Funding from communities is highly dependent on the human factor - community leaders, and one can rarely count on lobbying by local deputies or officials from line management bodies.

3. Root problems

The need for analyzing the current CH sector status became particularly relevant after the full-scale invasion due to Russia's aggressive war on Ukraine causing irreparable human, environmental, and economic losses to Ukraine, including losses to culture and cultural heritage.

Ukraine Facility Plan

The analytical part of the project was developed when Ukraine started its official negotiations on the accession to the European Union (June 25, 2024). That was done in the background of the Ukraine Facility implementation – the European Union's program of financial support for Ukraine for 2024-2027, that envisages 69 reforms the results of which are manifested through more than 150 quarterly indicators.

The reforms the Ukrainian State commits to undertake within the Ukraine Facility:

- **Basic reforms:** public administration reform, public finance management, judiciary, anti-corruption and anti-money laundering;

- **Economic reforms:** financial markets, state asset management, human capital, business environment, decentralization and regional policy;

- **Cross-cutting areas:** European integration, digital transformation, green transition, and environmental protection.

To a different extent, these reforms will also affect the cultural sector. The focus on culture in the program document is formulated in **Reform 9. Cultural development improvement**: *"Strengthening the national security of the state through social cohesion and resilience of the Ukrainian population will be the cornerstone of the new Ukrainian Culture Development Strategy"*. The Ministry of Culture and Information Policy has been designated as the responsible institution for implementing the reform. The implementation marker (the only marker in the field of culture) is the following document – **Ukrainian Culture Development Strategy** – till the end of the first quarter of 2025.

The Plan also pays special attention to the **promotion of decentralization and regional development**. The authorities have undertaken the commitment to reform local state administrations, to ensure better distribution of power between local self-government

bodies and executive authorities. The Plan presupposes allocation of at least 20% of irreversible financial support for the needs of recovery, reconstruction, and community modernization within Component I of Ukraine Facility.

> *"**Territorial communities are the key beneficiaries of the recovery process**, – under the Program for Ukraine, – therefore, they will be assigned the leading role in the respective processes. Territorial communities are responsible for the development of planning documents, establishing contacts with international partners and recovery project implementation in the respective territories, based on the inclusive approach that presupposes engagement of and consultations with civil society on the ground. In order to strengthen the capacity of territorial communities, together with international partners the Government will work on the development of mechanisms for raising competences in the field of strategic planning, public investment management, fighting corruption, project management, city planning, digitalization, investment activity management, and interaction with development partners among the representatives of local self-government bodies.*
>
> ***Efficiency and transparency of financing** recovery, reconstruction, and modernization activities on the ground will be secured through the implementation of measures aimed to retorm public investment management. These activities will include, among other things, formal approval of the planning procedures, priority setting, selection and monitoring of public investment locally following unified approaches set for all the funding sources and mechanisms. The mechanism of capital transfers from the state budget to local budgets will also be revised following such approaches".*

It should be noted, instead, that the list of sectors that may well expect recovery investment on the DREAM portal – the state digital ecosystem for accountable recovery management – does not include the cultural heritage sector or culture in general.

At the national level, the **State Regional Development Strategy for 2021-2027** should be revised. Regionally, there must be developed regional development strategies and action plans to ensure their implementation, programs for comprehensive recovery of regions. Locally – community development strategies, comprehensive spatial territorial community development plans, programs of comprehensive recovery of the areas of territorial communities as well as community recovery and development plans.

Changes in the local self-government regulation expected within the framework of the

Ukraine Facility Plan implementation and directly affecting the cultural heritage sector are as follows:

- 3rd quarter of 2024. The Resolution of the Cabinet of Ministers "On Amending the State Strategy for Regional Development for 2021-2027" approved by the Resolution of the Cabinet of Ministers of Ukraine of August 5, 2020, No. 695 was adopted. The Resolution of the Cabinet of Ministers is aimed at developing multi-level governance, bringing the regional development management system closer to the respective EU procedures and best practices; promoting partnerships, inter-municipal, interregional and cross-border cooperation; developing the institutional capacity of territorial communities and regions in terms of project management, digitalization, anti-corruption and strategic planning.

- 4th quarter of 2024. The Cabinet of Ministers adopted resolutions regarding approval of the Procedure for maintaining the state-level urban planning cadastre, the Unified State Address Register, the Unified State Register of Buildings and Edifices, the Unified State Register of Administrative and Territorial Units, amending the resolutions of the Cabinet of Ministers regulating the development of urban planning documentation in the form of electronic documents, maintaining the Unified State Electronic System in the field of construction, integration and information interaction of registers and cadastres of state, regional and local levels.

- 1st quarter of 2025. The Law of Ukraine "On Public Consultations" is adopted and enters into force 12 months after the date of termination or abolition of martial law in Ukraine. The Law of Ukraine will launch a legal mechanism for public consultations in the process of the development and implementation of the state policy, solving local problems, which will create preconditions for a coordinated, effective, and efficient policy as well as decision-making process.

- 1st quarter of 2026. Amendments to the Law of Ukraine "On Local Self-Government in Ukraine" and sectoral legislation will come into force. These legislative changes are aimed at the optimal distribution of powers between local governments and executive authorities based on the principles of subsidiarity and decentralization, as well as will help eliminate conflicts of mandate between village, urban village, town, city and district councils, ensure accessibility and proper quality of public services at the local level, and efficient use of budget funds.

A conclusion can be reached that under the Ukraine Facility Plan the opportunities and mandates of communities will not be decreased as compared with 2021 but, vice versa,

are going to expand and be enhanced. Thus, it is worth analyzing the root problems and material issues of policy related to the current situation with the use of cultural heritage by communities.

Under **Art. 140 of the Constitution**, a territorial community stands for the residents of a village, urban village, town, city, or voluntary amalgamation of the residents of several villages into a village community. In 2021, there were **1,469 communities in Ukraine**, established via amalgamation of inhabited settlements. Urban communities of Kyiv and Sevastopol as well as the Chernobyl Exclusion Zone have a special status and are not included in the composition of raions and regions. The Autonomous Republic of Crimea is not divided into communities due to the Russian occupation.

4. The challenges, opportunities, and needs of communities in the "cultural heritage" sector.

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Informing. Awareness and perception	Low level of awareness of community residents of the importance of ItCH and its capacity. The need for raising awareness of the ItCH value and its potential for food security, inclusive economic development, psychosocial rehabilitation as well as enhancing social cohesion and integration.	Of relevance is who inherited local cultural heritage and who is responsible for it. The main barrier on the way to unleashing the potential of cultural heritage at community level is the refusal to inherit it. Lack of understanding of the importance of heritage by different groups of users (different age groups, different social or occupational groups).	Lack of understanding of the role of scientific and natural heritage as a public domain achievement by communities. Unrealized potential of getting ecosystem services (in particular, tourism) from the activities of scientific and educational institutions in the territory of the community.	Lack of awareness of the potential of using ICH as a resource for community development. Poor level of public awareness of the preservation and adaptive use of ICH sites.
	Treatment of ItCH as something outdated and unnecessary. Inferiority and paternalism as a consequence of the colonial experience.	Inaccessibility of MCH for local communities due to evacuation, storage in closed museum depositoriess, theft, or stay in former metropolitan areas due to historical circumstances.	Lack of communication between national institutions – public institutions (higher educational institutions, science and research institutions, etc.) and local government. Communities are not aware of the needs and opportunities provided by an institution, while the institution is not aware of the opportunities (in particular, financial) for interacting with the community.	In the information and public space of communities, there is virtually no information on the value of historic sites, districts, habitats, no communication and promotion of immovable cultural heritage, no programs for the preservation and functional adaptation of monuments.
	Lack of understanding of the ItCH essence and potential by community leaders (focusing purely on the art or attraction component, which	The need for re-exposition of collections after evacuation due to the fact that displaced population returns, undergoes reintegration, and gets rooted.	Insufficient or absent accountability of the heads of institutions to the staff and community, insufficient impact of collective management bodies.	Indifference to cultural heritage sites. When the sites are old and are ruined, they become a burden for their owners, they are not attrac-

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Informing. Awareness and perception	may well threaten ItCH with simpli-fication, taking out of context, exhaustive tourism, and folklori-zation). The need to develop the capacity of staff working in the field of culture and other domains (education, tourism, economy, agri-culture, etc.) for them to under-stand the specificity of ItCH and the ethics of working with it.	tive and cause additional problems instead of profit, so that finally leads to the loss of sites.		
	The need for information support for practitioners on the protection of intellectual property right to products or services. The need to develop the capacity of commu-nities, groups, and individuals (prac-titioners) regarding their role in protecting and managing their ItCH.	The need to engage patrons and local communities to support and develop cultural institutions and projects.		Architectural sites that are valuable from the standpoint of culture and science not for their aesthetic qualities but for their historical indi-cators, are usually ignored "locally" and are not normally transformed into a category of cultural heritage monuments.
Competences. Education. Human capital	Insufficient level of education (knowledge of English, modern digital technologies) among the subsector's specialists.	The need for specialists: restorers, digitization specialists, conserva-tors, communicators.	Lack of professional competencies in external agencies - those who pass decisions on heritage do not have professional education and experience and do not follow the practice of engaging external experts.	The shortage of restoration archi-tects and archaeologists is acute in regional centers. General construc-tion specialists without the re-quired training are working on cultural heritage sites, which sig-nificantly affects the quality of the work.

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Competences. Education. Human capital	Lack of recommendations, methodological materials, explanations on working with ItCH at the community level. The need to find ways to integrate intangible heritage into tourism and sustainable development policies that encourage / support the responsible and ethical use of ItCH as a living asset and diverse forms of expression.	The need to develop educational programs aimed at developing art education and supporting young talents, non-formal education, residencies, incubators as a development area to ensure that the area of movable cultural heritage is staffed by specialists in the future.	Some of the institutions, in particular, biosphere reserves, national nature parks (namely, those not subordinated to the National Academy of Sciences, State Agency of Ukraine on Exclusion Zone Management, or National Academy of Agrarian Sciences), do not have sufficient scientific staff, specialists in cultural heritage protection.	A significant number of ICH sites are located in areas remote from large regional centers, where the shortage of personnel is more pronounced. Such communities or institutions do not have the resources to attract and retain high-level specialists.
	ItCH as "additional" load for cultural workers. There are no ItCH specialists in communities.	The challenge of making specialists return to the deoccupied territories. The need to return specialists from abroad, from places of temporary stay within Ukraine.	Mismatch of the list of staff members with modern requirements and realities. In particular, there are often no positions for specialists in digitization, restoration, communication, etc.	The general perception of the real estate heritage sector as secondary marginalizes the industry's employees, depriving them of the prestige of related specialties.
	Absence of respective specialists and technical equipment for ItCH digitization.	The need for specialists capable of rethinking collections, working with memory and identity following the principles of decolonization, deimperialization, and decommunization.		
Regulation and management	Lack of clear legal "rules of the game" regarding the principles/ ethics and criteria for ItCH protection. The need to develop and implement standards / methodolo-	Public-private partnership mechanisms at the community level are not working.	Multiple subordination of an institution, its collections and buildings to different agencies means that access, movement, security measures, and use are subject to different	There is no de facto participation of cultural heritage protection bodies in the development and approval of local urban planning documentation.

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Regulation and management	gies for the protection of ItCH (documentation, inventory, digitization, etc.)).		levels of approval between unrelated parties. Double subordination means the need to comply with the requirements of the Ministry of Culture and Strategic Communications and the body of direct subordination, and double auditing. At the same time, funding comes from only one source - the body of direct subordination.	
	Absence of effective ItCH protection mechanisms.	The need to develop a strategy for coordinating MCH evacuation. Under the Resolution of the CMU No. 841, regional military administrations shall be responsible for organizing the process of cultural values evacuation. Instead, the process of cultural values evacuation was not worked out either before or after February 24. In particular, most communities still do not have action algorithms, a plan for transport provision, deadlines, or a system of interaction at the local level.	There is no policy to curb bioinvasions at the community level, no scientific and methodological materials, educational activities, or official instructions.	Reserves are located on the territory of several communities and should coordinate their activities with them.
	The complexity and incomprehensibility of bureaucratic proces-	Lack of common rules on accountability of institutions to commu-	Outdated approaches to the interaction between institutions and	Lack of specialized bodies for the protection of cultural heritage in

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Regulation and management	ses for ordinary citizens, communities, groups, and individuals regarding submissions to the National List.	nities. Official reports of institutions are purely formal and cannot be used to assess the impact on the community.	their owners. Institutions beyond Kyiv are still faced with the need to bring paper documents for signature and attend meetings in the capital.	communities. The existing system of ICH monitoring is not effective and remains a formal tool for regular reporting.
	Top-down approach - formalized approaches. In most cases, the inclusion of ItCH elements in the National List is initiated not by communities but by the Ministry of Culture and Strategic Communications.	Post-war recovery with due account of the "build back better" and "green recovery" principles.		The complicated process of obtaining a protected status and getting into the Register in several stages creates blind spots. Parallel lists and lack of public information about local lists create chaos in the accounting of ICH monuments.
	Lack of effective coordination between different institutions, agencies, and authorities.	Excessive overregulation of institutions operating MCH deprives them of their agency and institutional capacity, resulting in lack of transparency, absence of supervisory / trustee boards of trustees and public reporting.		The ICH protection management system does not create favorable conditions for registering objects, applying only punitive tools for violations of the law, without offering incentives. It is more profitable not to detect new objects, leaving them in the shadows.
				Complicated procedures for initiating archaeological research. Lack of awareness of the rules and lack of local competence to regulate archaeological processes contribute to unconscious or illegal "black archaeology".

RES-POL

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Regulation and management				The absence of regulations for different types of ICH makes it difficult and sometimes impossible to develop documentation and, accordingly, to conclude protection agreements, restrict new construction development or economic activity around monuments.
				Lack of mechanisms that allow to legally deprive the irresponsible owner of the ICH facility of ownership through redemption or seizure of property.
Funding	Lack of financial support programs for communities and practitioners at community level. The need for support through subsidies, grants, and awards for practitioners and their students both for knowledge transfer and for establishing and managing relevant businesses with a focus on ItCH practices.	Underfunding of the institutions that operate MCH by the state and communities. Limited and regulated opportunities to attract additional funding and earnings. Fear of audits and penalties for showing initiative.	The need for predictability of funding and systematic provision of resources for the development of institutions operating CH.	Reserves do not have defined sources of funding for the maintenance of ICH sites, and funding for repair or restoration work falls on the management, which creates a risk for sites within the jurisdiction of reserves.
	Lack of state targeted programs in the field of ItCH.	City councils cannot invest in museums of regional subordination that are geographically located in the city and are part of the urban ecosystem.	National institutions lack the capacity to raise funds from the communities in which they are located.	In the public procurement system, the development of scientific and design documentation for the restoration of architectural and urban

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Funding				urban monuments is neither classified as work nor as a service, which makes it impossible for communities to order such documentation legally and makes it impossible to determine the threshold procurement amounts.
		The mechanism of interbudgetary transfers is not used in the CH sector. There is no practice of allocating funds from the regional budget to support CH of the city (regional center).	The department of depository funds and positions of depository fund keepers are not envisaged by central executive authorities, while financial provision does not envisage any costs spent on the depository funds and working with them.	Due to low salaries, specialists are leaving the monument protection field, getting their retraining as designers, and even fulfilling orders that contradict monument protection restrictions.
Infrastructure	Absence of effective platforms/platforms for sharing experience in the field of ItCH.	Remoteness of institutions and museums from settlements.	Limited access of communities to institutions located on their territory. National institutions (university museums, etc.) are often closed or poorly accessible for the community.	Use of ICH sites as an economic resource. Hospitals and sanatoriums in palaces, warehouses in fortifications, etc.
	Absence of specialists and technical equipment for ItCH digitization.	The needs for infrastructure, equipment, software, and competent personnel to support digitalization.	Most institutions that contain scientific collections, archives, and scientific equipment are located in the premises that are not specifically designed for this purpose. Lack of space is especially relevant	The inaccuracies in all types of data about the monument are exacerbated by the lack of coordinates and geolocations of objects in the Register and List. In case of controversial elements, this may pose a

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Infrastructure			for archives, which have to be replenished their stock even when there is no room for that.	threat to the preservation of sites, their protection, and risks of corruption.
	Opportunities to engage communities, groups, and individuals in recovery, to incorporate the potential of traditional knowledge and skills into recovery / reconstruction programs (e.g., ecotechnologies of traditional construction).	The need for inclusivity and accessibility of cultural events and spaces for all citizens.	Almost everywhere there are no centralized forced ventilation and air conditioning systems, there can be traced lack of climate control systems, not enough air conditioning devices, and not all of the depositories have heating.	There are no effective protocols for documenting and emergency repair of damages. Local communities are left to deal with these problems on their own. The SES and municipal utility services carry out the response work at the ICH sites according to the same protocol as for ordinary buildings.
		The need for regional centers of competence for heritage: restoration, digitalization, accessibility of stock.	A challenge caused by the war is unstable power supply, which is dangerous, in particular, for collections stored in freezers.	Conducting public monitoring, which is entrusted to communities, once every 5 years does not contribute to a prompt response to and counteraction to damages, but only allows for the statement and recording of the loss of objects.
		Implementation of the strategy of transition to independence from external energy systems at the level of the institutions operating MCH. Transition of the institutions operating MCH to climate neutrality.	Living collections, including collections of genetic resources of farm animals and cultivated plants, as well as zoos, are under threat as a result of the war. There can be traced the lack of resources for	Negative impact of religious communities on cultural heritage sites under their jurisdiction. Carrying out repairs and restoration at their own discretion, often without the involvement of monument protec-

	Intangible CH (ItCH)	Movable CH (MCH)	Heritage not subordinated to the MCSC	Immovable CH (ICH)
Infrastructure			reproduction, duplicate storage facilities in safe locations, and emergency support systems.	tion authorities and competent contractors.
				Historical and architectural reference plans have not been approved for more than half of the historic inhabited settlements, which may adversely affect the condition of cultural heritage sites, including those that have not been identified.

RES-POL

5. Intangible cultural heritage and communities

ItCH potential for community resilience in times of war and sustainable development in post-war periods

- [**Policy brief**](#)

Living heritage is not just the legacy of the past but also an active and dynamic process that is constantly evolving and adapting to modern conditions, reflecting changes in society and responding to new challenges. Living heritage stays alive because it is the basis for the identity and well-being of communities, groups, and individual bearers.

The core barriers communities are faced with on their way to effective engagement of the ItCH potential in supporting community resilience in wartime and sustainable development in post-war period include the following:

1. **Social:**

   - low level of awareness among community members about the importance of ItCH and its potential;

   - treatment of ItCH as something outdated and unnecessary;

   - inferiority and paternalism as a result of the colonial experience;

   - lack of understanding of the ItCH essence and potential by community leaders (focusing solely on the artistic or attraction component, which can threaten the ItCH with simplification, being torn out of the context, exhausting tourism, folklorization);

   - insufficient knowledge of modern technologies among residents.

2. **Legal:**

   - lack of clear legal norms of "rules of the game" regarding the principles / ethics and criteria for ItCH protection;

   - lack of recommendations, methodological materials, explanations on working with ItCH at community level.

3. **Bureaucratic:**

- complexity and incomprehensibility of bureaucratic processes for ordinary citizens, communities, groups, and individuals regarding submissions to the National List;

- top-down approach - formalized approaches.

4. **Institutional:**

- lack of staff and specialists in the field of ItCH;

- ItCH as an "additional" burden for cultural workers;

- lack of effective platforms / platforms for experience exchange in the field of ItCH;

- lack of relevant specialists and technical equipment for the digitalization of ItCH;

- lack of effective coordination between different institutions and authorities.

5. **Financial:**

- absence of established and effective mechanisms for protecting ItCH and supporting communities and practitioners at community level (loans, grants, etc.);

- absence of state targeted programs in the ItCH domain.

The resilience of ItCH elements in wartime.

According to local authorities, 12 out of 82 elements of the National List (about 14.6%) have changed their resilience / viabilty status during the period of full-scale invasion (01.12.2023 vs. 01.01.2022).

79%, or 59 of the national ItCH elements have been affected by the full-scale invasion.

In terms of physical impact (destruction of buildings, equipment, lack of resources), 67%, or 50 items were not affected; 9%, or 7 items were slightly affected; 12%, or 9 items were moderately affected; 12%, or 9 items were severely affected.

The impact on human resources (life and health of bearers, displacement of people) is as follows: 27%, or 20 items, were not affected; 27%, or 20 items, were slightly affected; 31%, or 23 items, were moderately affected; 16%, or 12 items, were severely affected.

RES-POL

The respondents characterized the impact on logistics (access to resources, inability to transfer or distribute the ItCH items) as follows: 35%, or 26 items, were not affected; 27%, or 20 items, were slightly affected; 29%, or 22 items, were moderately affected; 9%, or 7 items, were severely affected.

Thus, the results show that the physical ItCH aspect is affected relatively less, while human resources are under threat. **47 % of elements were moderately or severely affected in what concerns human resources.**

According to o ne third of the representatives of the communities of practice (155 responses), their element was affected by the Russian aggression, another 40 percent (184 responses) reported no direct impact on the importance and functioning of the elements, while 27 percent (128 responses) were unsure.

The ItCH practitioners also compared the viability of the elements before and during the full-scale invasion.

Compared to 01.01.2022, the number of responses indicating that some elements are no longer practiced (from 24 to 32). On the eve of the great war, 95%, or 445 respondents reported practicing ItCH elements, while on 01.11.2023, this share decreased to 93%, or 437 respondents. The share of active elements includes elements that are practiced without changes, elements that have started to be practiced elsewhere due to a change in the place of residence of the bearers, as well as elements that have been resumed after being suspended.

43 ItCH elements changed their status from "actively practiced" to another status, such as "not practiced", "relocated" or "temporarily suspended but resumed".

Community data is important because, unlike the authorities, which list the elements of ItCH based on administrative reporting, **the bearers primarily inform about the elements that they do practice and consider to be important for them.**

Comparing data from local authorities and communities, we can see that **some 11-14 % of all ItCH elements of different levels changed their status during the war (were either terminated, or relocated, or resumed their practice after a break).**

…Regarding the needs of ItCH bearers (several options could be selected), **322** respondents informed about the **need for financial support, 265 – for information, 78 – for psychological support**. 53 respondents indicated that they were not in need of support.

RES-POL

At the same time, only 4 %, or 18 respondents, indicated that internally displaced ItCH bearers addressed them asking for support.

Despite the vulnerability and irreparable losses due to the Russian Federation's war of aggression against Ukraine, living heritage helps communities maintain resilience and life, opening up significant potential and opportunities for post-war recovery.

Food security and ItCH. As mentioned in the study "Ukrainian agriculture in wartime: resilience, reforms, and markets", family farmers and individual peasant farms proved to be more resilient during the war, as confirmed by the research conducted by the National Academy of Sciences of Ukraine and FAO report "Impact of the war on agriculture and rural livelihoods in Ukraine".

Local food producers are less dependent on external inputs and international trade, they have their own equipment, machinery, and storage facilities, they often use organic fertilizers and local seed varieties, they process and sell their food on local markets and through informal networks, and they are dependent on households / local labor. These qualities, as well as mutual support and solidarity, have allowed Ukrainian small producers to adapt to the most difficult circumstances and produce food for their families, communities, the Ukrainian army, and internally displaced persons.

The authors of the study point out that private peasant households / farms in Ukraine by their nature are full-fledged family farms, according to the criteria recognized by the United Nations Organization. Family farming is not only about production but about the peasants' way of living, since a family and a farm are interrelated, develop jointly, and combine performance of economic, environmental, social, and cultural functions.

Private peasant households produce 37.4% of domestic agricultural output, cultivating 30% of the country's agricultural land. Together, farms and private households produce 95% of potato produced in Ukraine, 85% of vegetables, 80% of fruits and berries, about 75% of milk, and more than 35% of meat. Their production methods are more socially and environmentally sustainable than those of large agricultural ibusinesses and are largely in line with local traditions and practices.

Let's consider initiatives that rely on the ItCH potential which is not limited to the artistic component.

- **All-Ukrainian Initiative "Sady Peremohy" ("Victory Gardens")** was largely inspired by the Victory Garden movement in Western countries during the First and Second World Wars.

The Ukrainian initiative, the same as in the past, aims to meet the nutritional needs of war-affected communities and boost social morale. This is the SURGe (Support to Ukraine's Reforms for Governance) project funded by the Government of Canada, which, before the full-scale invasion, helped the Ukrainian government implement key reforms, and since February 24, 2022, has been focusing on humanitarian issues, including providing people with food. In cooperation with the Ministry of Communities, Territories and Infrastructure Development (Minrehion) and the Ministry of Agrarian Policy, they launched a nationwide campaign aimed at efficient utilization of available land for food production to ensure a decent harvest in Ukraine in the fall. The initiative relies heavily on the traditional knowledge and skills of Ukrainians in gardening and horticulture.

The project aims to mobilize communities to access all available land, including wastelands, parks and lawns, yards, or apartment rooftops, as potential food-growing places. Seeds, seedlings, relevant resources and knowledge are provided to anyone who wants to plant a "Victory Garden" in their backyard, balcony, or summer house. Many communities join the initiative on a grant basis.

- **One more all-Ukrainian initiative** – **Seeds for Ukraine** – helps Ukrainians affected by the war to grow more crops in their gardens. "Seeds for Ukraine is about humanity, solidarity, and respect for the traditional way of rural life. Agricultural companies, farms, communities and businesses are invited to collect food seeds and send them to Ukrainian families. The initiative operates in cooperation with the aforementioned "Sady Peremohy".

- **"Green road of eco-settlements" project** is an initiative of two public organizations, NGO "Global Network of Eco-Settlements" and Public Union "Permaculture in Ukraine", and it was launched already on the second day of the full-scale invasion, February 25, 2022. These organizations joined forces, mobilized their networks (eco-settlements and permaculture centers) and created a map of locations in rural areas that are ready to host people seeking short-term or long-term shelter.

To ensure sustainability and food security, knowledge about sustainable agriculture is disseminated in the community so that people can grow their own food, scale up their activities, and attract new people to join them.

This initiative emphasizes the crucial role of knowledge transfer for living heritage and raises the issue of training qualified agricultural professionals in the post-war recovery conditions.

The customary and cultural aspects of agriculture are important because they define specific requirements and approaches to working with different types of cultivated plants and animals. Professionals need to understand the traditions and needs of the rural communities they work with. Knowledge of local plant varieties and animal breeds is a valuable source of genetic resources that can be used to improve the varieties and hybrids currently grown.

Classical farming methods are often based on environmentally sustainable approaches that help to conserve natural resources and reduce negative environmental impact. This knowledge is important for combating climate change and ensuring sustainable development of the agricultural sector. The transmission of traditional knowledge from generation to generation is an important aspect of preserving the cultural identity of rural communities and developing national heritage.

Traditional knowledge does not exclude the use of modern technologies and innovations. On the contrary, it can serve as a basis for developing [advanced approaches to agriculture, like the use of drones, modern information support systems, and biotechnologies](.).

These initiatives are extremely important from the point of view of national security against the background of catastrophic losses of households, including genetic resources (seeds) that were collected traditionally by many families, as well as losses that occurred due to the shelling and destruction of the V.Ya. Yuriev Plant Production Institute, on the basis of which the National Center for Plant Genetic Resources of Ukraine was established. The situation with the animal genetic stock is no less critical.

The potential of ItCH for psychosocial support, rehabilitation as well as enhancing social cohesion and integration. One of the examples here is the activities of the rehabilitation center "Zelenyi Hay".

- [**Rehabilitation center "Zelenyi Hay"**](.). "Zelenyi Hay" is more than a farm, a cheese factory, and a campsite… It is a place full of love for nature, animals, and real cheeses." On February 24, 2022, "Zelenyi Hai" opened its doors to people and animals. The center received 311 people with animals who were leaving the war zone and seeking shelter. It helped over 1,500 animals in need of evacuation,

treatment, and rehabilitation. It also conducted 160 free animal-assisted therapy sessions for IDPs, people with disabilities, large families, families of fallen heroes, and volunteers. The center's goal is to preserve animals and the psychological health of Ukrainians.

According to the information provided by the State Agency for Tourism Development, the village of Zelenyi Hay may be included in the UN Tourism network "The Best Tourism Villages":

> *The UN Tourism launched the initiative "**The Best Tourism Villages**" in 2021. This global initiative distinguishes the villages that are the leaders in rural area development and preservation of landscapes, cultural diversity, local values, and culinary traditions.*
>
> *While 190 villages from all over the world have been included in the UN Tourism network of the best tourism villages, there are no Ukrainian villages in it as yet.*
>
> *In 2024 the State Agency for Tourism Development submitted to the United Nations World Tourism Organization (UNWTO) a package of documents for five Ukrainian villages which may be included in the list "The Best Tourism Villages" in the future.*
>
> *The inclusion of Ukrainian villages in this global network will ensure not just the attention of travelers from all over the world but will also enable those villages to expect some mentorship from the UN Tourism as well as prospective financial sup-port from foreign donors dealing with the promotion of tourism as a driving engine of rural area development.*

Communities can benefit from tourism activities related to intangible cultural heritage.

But ethical and ItCH-sensitive tourism must avoid any potential negative impact on living heritage by managing the behavior of those involved in tourism activities, including tourists themselves.

Practitioners and bearers are best placed to ensure that cultural practices are respected or to decide how they should be offered to travellers, promoted, or branded to ensure their preservation for future generations. Without proper participation of communities in tourism planning, misappropriation and violations of their rights may occur.

RES·POL

> As a positive example of ethical approach to working with a community in the study of traditional cuisine as the aspect of ItCH particularly attractive for the hospitality industry, one can mention the book "Tasty Kropyvnytskyi area" ("Smachna Kropyvnychchyna") from the [*"Baba Yelka" project («Баба Єлька»*]() (p. 34).
>
> Besides that, of interest is the project's initiative regarding production of the [*documentary series "Baba Yelka" («Баба Єлька»*]()). The team is creating a series about old-timers of the villages of Dolynska, Ustynivka, Onufriyivka, Holovanivsk, and Novi Petrivtsi communities of Kirovohrad region. It is important that filming in the communities takes place without prior preparation of respondents, a script, scenery, or anything like that. Each series is a kind of story about a certain community, its inhabitants, and cultural features, presented through the stories of the people themselves. The series is also valuable from the point of view of documenting ItCH of communities.

Considering the fact that we have difficulties in understanding what ItCH is and identifying its elements at community level, this approach is important because, on the one hand, researchers provide an opportunity for community residents to look at themselves from the outside and understand their ItCH, history, see its potential, and on the other hand, by creating a high-quality promotional product, they attract the attention of potential travelers and create the prerequisites for the development of slow, sustainable tourism in communities whose tourism potential is not that obvious.

Strategic hypothesis: Slow *(Slow tourism (as translated from English) is a phenomenon opposite to mass tourism; its main features are identified and characterized as follows: sustainability, obtaining smaller but more meaningful experiences and impressions, and less attention to schedules and routes)* and sustainable tourism may be a promising direction, particularly for small rural communities. It should be developed in an insightful way, respecting living heritage and its practices, reducing the negative impact and preserving the benefits for ItCH.

This should include the use of intellectual property rights, marketing, and digitization. Innovative ideas and approaches are required to combine tourism and ItCH conservation, taking into account the ethics of the communities involved.

It is important to find ways to integrate intangible heritage into tourism and development policies while encouraging the responsible and ethical use of these living assets and forms of expression. One important issue in this is the need for professionals who understand the specifics of ItCH and the ethics of working with it.

The [website of the ICH NGO Forum](#) offers a web dossier on intangible cultural heritage and sustainable tourism – a resource with useful tools for the development of tourist projects at the crossroads with ItCH, discussion of core issues and examples of successful initiatives in sustainable tourism.

It is intended for anyone working in the field of cultural heritage or tourism, non-governmental organizations and government officials, as well as communities or groups that protect their living heritage..

Inclusive economic development. Sustainable development depends on sustainable, equitable, and inclusive economic growth based on sustainable patterns of production and consumption.

Local knowledge, skills, and practices, preserved and strengthened over generations, provide livelihoods for many people.

Intangible cultural heritage can generate income and decent work for a wide range of people and individuals, including the poor and vulnerable.

Traditional crafts, for example, are often the main source of cash or barter income for groups, communities, and individuals who would otherwise be on the periphery of the economic system. They generate income not only for the artisans and their families but also for those involved in transporting and selling the craft products and collecting or producing raw materials.

Special attention should be paid to the participation of communities, groups, and individuals in the recovery process. Only the communities that are the bearers of knowledge about the traditional way of living in the community may point to the spaces important for cultural practices.

Oleksandra Kovalchuk, participant of the international UNESCO conference "Cultural Heritage and Peace":

> *"During the conference, analytical data was presented on countries in conflict and with experience of post-conflict reconstruction. Interestingly, local communities show more interest in the restoration of religious buildings and markets than museums... And decisions on the reconstruction of heritage sites that were almost completely destroyed there were made solely based on the decision of local communities. The percentage of destruction was fixed by regulation, below which reconstruction was questionable and depended on the decision of communities.*

RES-POL

Spaces associated with social practices may not have artistic value (not a museum, not a gallery), but have value precisely for practicing and / or be associated with local traditions, customs, lifestyle (a religious building, market, park with eco-trails, etc.).

The priority reconstruction of such spaces can contribute to social cohesion, restoration of cultural practices, and support the identity of certain groups and communities. Therefore, the participation of communities, practitioners, knowledge and tradition bearers in reconstruction planning is extremely important!

The directions for support that will, on the one hand, promote protection of living heritage, and, on the other hand, resilience of communities and sustainable development of communities:

- raising awareness of the value of ItCH and its potential for food security, inclusive economic development, psychosocial support, rehabilitation, and strengthening social cohesion and integration;

- developing capacity among responsible representatives of executive committees, cultural workers, educators and others to plan, organize and support community-based ItCH conservation activities;

- developing the capacity of communities, groups, and individuals (practitioners) regarding their role in the conservation and management of their ItCH;

- developing the capacity of cultural workers and professionals from other fields (education, tourism, economics, agriculture, etc.) to understand the specifics of ItCH and the ethics of working with it;

- finding ways to integrate intangible heritage into tourism and sustainable development policies that encourage / support the responsible and ethical use of ItCH as a living asset and diverse forms of expression;

- engaging communities, groups, and individuals in reconstruction matters, incorporating the potential of traditional knowledge and skills into recovery / reconstruction programs (e.g., ecological traditional construction technologies);

- subsidies, grants, and prizes for craftsmen and their apprentices both for knowledge transfer and for creating and managing relevant businesses with a focus on ItCH practices;

- organizing events that popularize traditional skills, and workshops, including festivals, master classes, etc.;

- providing information support for craftsmen regarding protection of intellectual property for products or services;

- strengthening and expanding cooperation with the media and implementing targeted strategies to increase the visibility of ItCH and accessibility of communities to ItCH.

6. Movable cultural heritage and communities

Assessment of barriers on the way to effective use of movable cultural heritage

- [Policy brief]

Key barriers to the effective use of movable cultural heritage at community level include insufficient funding, lack of qualified personnel, outdated infrastructure and equipment, low public awareness, and the impact of war and instability. Chronic underfunding from the local budget, the outflow of specialists due to low salaries and lack of prospects, dilapidated premises, and lack of modern equipment create serious obstacles.

The study described in the [Policy brief on movable cultural heritage](#) suggests considering the following material issues of policy to unleash the potential of movable cultural heritage at community level.

6.1 The request for accessibility and transparency of movable cultural heritage management at community level. Accountability tools

6.1.1. Lack of understanding of the importance of heritage for different categories of users at community level

For local communities in Ukraine, the question of who inherited the local cultural heritage and who is responsible for it is a pressing issue. The main barrier to unlocking the potential of movable cultural heritage at community level is the refusal to inherit it.

One of the important barriers is lack of common rules on the accountability of institutions to communities. Official reports of institutions are purely formal, and it is impossible to assess the impact on the community based on them. To change the perception of cultural institutions, it is extremely important to be able to explain what benefits communities receive from them.

Strategic recommendations

A key element of successful cultural heritage management is ongoing interaction with

RES-POL

local communities. This can be achieved through the following practices:

- community involvement in developing a strategy for the adaptive use of movable cultural heritage, where local stakeholders are considered from the perspective of groups of heirs;

- public disclosure of strategies of communities and individual institutions;

- regular narrative public reports and publication of presentations and records of reports on the website of the institution and community;

- open and transparent appointment of leadership, which will contribute to increasing trust in institutions;

- creation of supervisory boards with the involvement of key local stakeholders.

How do museums provide high-quality, accessible, and decentralized cultural services?

The experience of France may come in handy in the context of decentralization of cultural services and accessibility of the cultural product both at the level of the capital and the regions and at the level of city districts.

The case of France! Established in 1982 on the initiative of the Ministry of Culture based on public-regional partnership, FRACs (regional contemporary art funds) are an original and important tool for supporting creativity, cultural planning of territories, and raising public awareness, in particular thanks to the mobility of collections characteristic of them. Every year FRACs organize over 600 exhibitions of contemporary art, their collections represent 35,000 works by 6,000 artists. French regional contemporary art funds (FRACs) make art accessible to a wide audience. Their collections actively travel to the regions. Every year, about a third of the works are exhibited to the public, making FRACs the most accessible public collections in France. This mobile approach makes it possible to reduce cultural and social inequalities by introducing contemporary art to as many people as possible. FRAC work formats include:

- *loans and deposits for works of art;*

- *exhibitions in educational institutions, museums, and cultural centers;*

- *traveling exhibitions;*

- *projects in hospitals, prisons, and social institutions;*

- *residencies for artists.*

RES·POL

Diversification of services, including events, conferences, and workshops, not only increases revenue but also broadens the museum's audience. Partnerships and collaboration with other museums, organizations, and brands allow for joint projects, additional resources, and exchange of experiences. Organization of own special events attracts a new audience and contributes to the preservation and promotion of cultural heritage. Excessive regulation or lack of clear written instructions constitutes a barrier to implementing this activity. Institutions could be more financially independent if existing laws were deregulated.

The case of Ukraine! The experience of Odesa National Fine Arts Museum demonstrates the efficiency of a flexible pricing policy that takes into account different categories of visitors and ensures accessibility of cultural heritage via the system of benefits. The development of souvenir products related to the exhibits and history of the museum can become an additional source of income and contribute to the popularization of cultural heritage. From 2018 to 2022, the museum doubled its income from ticket sales and paid services from year to year. In addition, up to 100% of the funds provided from the budget of Odesa Regional Council were annually used through a charitable foundation and a public organization.

6.2 The need for predictable funding and systematic resourcing

The financial support of cultural institutions is almost entirely dependent on the budgets of the relevant level and is provided in inadequate amounts. For many years, culture was financed by the "residual principle". Due to the military aggression of the Russian Federation, both at the state and local government levels, defense spending has increased, so other areas, including culture, are not a priority.

Experts point out the overregulation and underfunding of institutions operating movable cultural heritage. Low salaries lead to the situation when talented people leave for other economic sectors and cause low interest of applicants for studentship in humanitarian education. There is a noticeable potential to increase incomes if deregulation is carried out by governing bodies and owners.

Decentralization allows communities to operate resources in accordance with their own priorities. This creates excellent prerequisites for the protection, restoration, and adaptive

use of cultural heritage sites. However, without effective management - processes, priorities, strategies - a larger amount of resources may not be converted into outputs.

The needs of cultural operators should be identified at community level and the results should be incorporated into the development of grassroot local strategies and funding plans, as they may differ from the national vision.

6.2.1. Budget Code limitations

City councils cannot invest in regional museums that are territorially located in the city and are part of the city ecosystem. City councils are deprived of leverage to influence the development and improvement of the quality of cultural services for city residents. At the same time, cities are deprived of any influence on the development of museums as a component of tourism infrastructure.

Municipal museums and cultural centers are financed from the respective-level budgets. Regional municipal museums, founded by regional councils, are financed from the budgets of regional councils. City municipal museums are financed from the budgets of city councils. After Ukraine gained independence, the vast majority of large museums in cities became subordinated to regional councils and administrations..

The case of Odesa! All major museums in the city are subordinate to Odesa Regional Military Administration (ORMA) and are financed from the budget of Odesa Regional Council. Museums in Odesa are financed from the regional budget, although their main visitors and beneficiaries are city residents and tourists, not residents of the region. This creates a conflict of interest, as the regional authorities are more interested in financing projects in the raions of the region rather than in the regional center. At the same time, museums play an important role in shaping the cultural environment and image of Odesa, influencing the quality of life of citizens and tourist attractiveness. They also perform important educational and awareness-raising functions. Therefore, the current system does not allow for the effective development of the city museum sector following the needs of its residents and visitors.

Case! In Germany there is a practice of contractual budgeting: when a cultural institution and the government of the state (Land) sign an agreement on a guaranteed budget for the next few years. The state also allocates funds for the work of private cultural institutions on a competitive basis. As a result, the system of governing bodies, the list of powers and guaranteed diversified funding create the basis for the management of public cultural institutions to be flexible, autonomous, and operationally independent in terms of decision-making. This allows cultural institutions to operate more effectively and provide a higher-quality cultural product.

RES·POL

Recommendations on updating the approaches to local financial support

Excise taxes and tourist tax can be used to provide additional funding for MCH operators. Support can be provided through preferential rental of premises and free promotion. It is important to include cultural heritage, art education, and creative industries in the Community Recovery Plan in the section "Human Capital Development" or "Humanitarian Sphere", as they affect the quality of life. Budget subventions can be used to finance institutions that are not managed by the community. It is recommended to direct at least 20% of the funding of cultural institutions to capital expenditures for the upgrading of the material and technical base.

There is also a mechanism for inter-budgetary transfers - funds that are transferred from one budget to another free of charge and irrevocably between city, regional, and state budgets.

Opportunities for effective work with cultural heritage at the level of communities and their administrations are increasing due to prospective reboot of the Ukrainian Cultural Fund, the stable interest of partners in cooperation within the European programs Creative Europe, Digital Europe, Horizon Europe, the potential recovery and growth of funding for the State Regional Development Fund, European programs supporting Ukraine like Ukraine Facility, EU4, USAID groups of programs, activity of European institutes of culture and House of Europe, updating the Law of Ukraine "On Public-Private Partnership".

6.3 The request for the development of public / public-private partnership practices at community level

Of principal importance here is the Law of Ukraine "On Public-Private Partnership" of 2010. The law defines the scope of PPP, forms of implementation, procedure for initiating and implementing projects. In 2022, important changes were made that allow for long-term commitments within the framework of PPP and give priority to payments under concession agreements in state expenditures.

The case of France! French law allows for various forms of PPP in tcultural heritage management, including concession agreements, partnership contracts, sponsorship, joint management agreements. France has developed a complex legal framework that enables public-private partnerships in the cultural sector, with the FRAC system as a notable example. This approach demonstrates France's commitment to using PPPs to support cultural development and increase access to art, particularly at the regional level. The combination of the PPP Code and the Heritage Code provides a comprehensive framework for the management and safeguarding of cultural heritage, allowing for innovative partnerships and distribution models.

The case of Ukraine! One of the brightest examples is "Tustan" project where the archaeological complex actively involves the local community in the process of preservation and development. This involves the organization of cultural events, educational programs, and tourist routes, which contributes not only to the preservation of the heritage but also to the economic development of the region.

The State Historical and Cultural Reserve "Tustan" in the village of Urych, Lviv region, demonstrates a successful model for archaeological site development. Thanks to the cooperation of the state reserve, public organization "Tustan" and the local community, a visitor center was created, excursion routes were arranged and the annual festival "Tu Stan!" ("Stay Here") was launched, and it has become one of the largest medieval festivals in Ukraine. Introduction of 3D reconstructions, development of educational programs and the involvement of local residents as guides contributed to the increase in attendance from 50,000 in 2012 to over 200,000 in 2021.

Partnership between communities, state and city institutions is a key factor in the successful adaptive use of movable heritage. This allows not only to preserve cultural heritage but also to use it as a resource for the economic and social development of regions.

6.4 The need for an MCH protection strategy at community level

6.4.1. The need for developing MCH evacuation coordination strategy

Movable cultural heritage is particularly vulnerable to looting during wartime, with artifacts becoming objects of illicit trafficking. This applies to both state and municipal museums and private collections. Russia has authorized the "evacuation" of artifacts from occupied territories, which is contrary to international law. Archaeological sites are also at risk of destruction due to unauthorized excavations for financial gain.

The case of Ukraine! From February 24, 2022 to July 2024, according to MCSC, the Russian Federation destroyed or damaged 1,085 cultural heritage sites in 18 regions of Ukraine. In addition, 1,987 cultural institutions were damaged (including cultural institutions subordinate to the MCSC and other central government bodies). Among them, 324 were completely destroyed (16.3%). The cultural sector also suffered a significant outflow of human capital (almost 165,000 employees). About 4,000 cultural institutions ceased operations, and 162 cultural institutions were relocated to other regions.

At community level, there should be an understanding that in the event of occupation of the territory, movable cultural heritage will be looted or evacuated in a centralized way, as was the case in the temporarily occupied territories. Part of the strategy should be the practice of assessing risks for MCH in cooperation between the defense forces, regional military administrations, city, village, settlement councils, and ATCs. And based on risk assessment, specific response plans can be developed.

For the communities of temporarily occupied territories, after deoccupation, the important issue of returning the removed cultural values will arise as an integral part of the process of retuning people to these territories. At the level of the state and heads of institutions operating MCH, the public sector and local governments can take leadership positions in the efforts aimed to return stolen collections.

At community level, there is a need to develop a strategy for the protection of cultural heritage, which will provide for the coordination and procedure for evacuations, protection, and return of collections of institutions operating movable cultural heritage.

6.4.2. The impact on the development of emergency response plans of cultural institutions

In Ukrainian museums, there are a number of documents that each employee signs, and each has a role to play in a certain chain of response. However, in many cases, these documents are not taken seriously, and training is not carried out due to various reasons. In addition, response plans are standard for all institutions and do not take into account the individual characteristics of each institution.

The issue of evacuating museum collections in wartime is complex and requires co-ordinated interaction between three responsible parties – the director of the institution, the local government, and the MCSC. Under the Resolution of the CMU No. 841, regional military administrations are responsible for organizing the evacuation of cultural values that are important for the local community. However, in practice, the process of evacuating cultural values has not been worked out either before or after February 24. In particular, most communities still do not have action algorithms, a plan for providing transport, defining deadlines, or a system of interaction at the local level.

The US case! An example of interaction within the program "Finding common ground" that was implemented in the state of Massachusetts, USA. The program consists of five webinars and five offline seminars conducted jointly by specialists in cultural heritage and instructors from the Fire Safety Academy of the state of Massachusetts. The website Finding Common Ground contains all webinars, as well as all seminar materials. The seminars provide a full-day training on risk assessment, emergency preparedness, response, and rescue in emergency situations.

Strategic recommendations

Effective protection of movable cultural heritage (MCH) at community level requires a comprehensive strategy and ongoing coordination between MCH operators, emergency services, law-enforcement agencies, and defense forces. Emergency preparedness measures are critical, including creation of digital inventories, planning for the evacuation or in-situ protection of cultural property, development of risk management plans, and integration of the cultural component into overall emergency response systems.

Education and training for local response services, designing and construction of specialized storage facilities for collections are required. The key factor is the involvement of local communities in the protection of cultural heritage is as follows: the more a community is aware of the value of its heritage and is ready to act, the less vulnerable it will be during a crisis.

RES-POL

6.5 Climate change and Green Deal. Post-war recovery with due account of the "build back better" and "green recovery" principles

In Ukraine, the Green Transition Plan aims to become one of the elements of post-war economic recovery and will help Ukraine to join the EU Green Deal. Cultural heritage operators, with community support, may meet their needs for energy independence and implementation of modern collection conservation systems (ambient air and temperature control in buildings).

6.5.1. Transition to independence from external systems

In the context of systemic attacks by the Russian Federation on critical infrastructure facilities, we can assess the risk of losing access to electricity, water, and heat supply systems as high. To ensure the physical preservation and maintenance of collections, it is critically important to implement a strategy for transitioning to independence from external systems. The issue of climate neutrality for Ukrainian museums is primarily a question of survival in the short term, while for the global community, it is a question of long-term strategy.

The case of Ukraine! The Ministry of Energy of Ukraine and the Ministry of Health have launched the project "The Ray of Hope" ("Promin Nadiyi") to equip Ukrainian hospitals with solar panels and energy storage systems provided by the Italian company Enel. This project is already working in practice: three policlinics in Khmelnytskyi have already installed solar power stations with an overall capacity of 90 kW and have started selling excessive power to the grid.

A similar initiative could be useful for Ukrainian museums, providing them with uninterrupted power supply, energy independence, environmental friendliness, and cost savings, and helping with the problem of blackouts due to Russian shelling.

6.5.2. Protection of museum collections against climate change and surface water rise

Ukrainian museums have a certain advantage over museums in the world due to the absence of infrastructure. Ukrainian museums will not have to redo ventilation systems because there are almost none. It is important to systematically take into account the experience and knowledge base in the field of cultural heritage in partner countries for

planning post-conflict reconstruction. It is also good practice to conduct research and develop local strategies adapted to local needs at an early stage of designing. This means that it is appropriate to invest in developing plans that can be implemented step by step now.

The US case! Getty Museum in its recommendations on managing the environment for collections recommends to apply the so-called "systemic thinking". Museum systems in museology are considered not only as heating, ventilation, and air conditioning systems, but also in a broader context, including climate change, organizational structure, mechanisms of deterioration of exhibits, and decision-making processes. All these factors form interrelated systems of influences, flows, and feedback. The use of a systemic approach allows for a comprehensive analysis of environmental management in museums, taking into account aspects such as the building envelope, the condition of collections, the activities of the institution, visitor experiences, and funding.

The US case! The Discovery Museum of Science in Nevada has become a bright example of optimizing energy consumption and reducing its carbon footprint by developing a five-year Sustainable Development Action Plan. Key elements of the plan include installing a 326 kW solar power plant that provides for 100% of the museum's electricity needs and reduces CO_2 emissions by 286 tons annually, implementing a Carbon Neutral Visiting initiative to offset road emissions, optimize heating and air conditioning systems, and switch to energy-efficient appliances.

Recommendations on the introduction of changes to achieve climate neutrality:

- to simplify permitting procedures for renewable energy investment in line with EU rules and facilitate their uptake.

- to improve energy efficiency in public buildings.

- to comply with minimum energy efficiency levels for buildings and products covered by EU ecodesign legislation.

- to label energy consumption and ecodesign as mandatory minimum criteria in public procurement.

- to measure own carbon emissions as a first step towards reducing them.

- to implement climate policies and procedures that minimise emissions, such as supporting remote working. (Hybrid workers who work from home two to four days a week reduce emissions by 11-29 percent compared to employees who work full-time in the office).

- to reduce the amount of data stored online. Given the huge carbon footprint associated with computing and cloud storage, museums should assess the impact of their digital practices.

- to use collections and community impact to advocate for climate action by individuals, businesses, and governments.

- to motivate members of the public to take action by changing their lifestyles and supporting change at the local, state, and federal levels.

- to make climate change part of the programming to help people think critically about these issues.

- to help individuals and communities cope with stress and grief through access to exhibits and the program.

RES-POL

6.6 Digitalization for the sake of accessibility and effective protection of movable heritage at community level.

Movable cultural heritage may be inaccessible to local communities due to being stored in closed museum depositories, theft, being in former metropolises due to historical circumstances, or due to the threat of physical destruction or damage from war or natural disasters caused by climate change. Digitalization should be considered as a set of interrelated methods and technologies that can provide high-quality documentation, confirm ownership rights, ensure accessibility and the possibility of use for scientific research while preserving local and national memory. It is necessary to distinguish between technologies for examination, post-processing, creation of meta-descriptions, preservation, and ensuring accessibility and interactive experiences. One of the priorities at both national and community levels should be the digitalization of movable cultural heritage.

Creation of immersive environments and detailed digital copies will allow for deeper exploration and interaction with cultural values and educational content, and in some cases may serve as the only preserved image of the object. Such digital ghosts can become objects of memorialization and support of community identity, promote the return and rooting of the population.

6.6.1. The need for regional competence centers for heritage: depository, restoration, digitalization, stock fund accessibility

Initiatives aimed to digitaize cultural heritage and use digital production methods for restoration and conservation in Ukraine have been actively developing since 2016 thanks to the efforts of various organizations and institutions. The leaders in this process are Kyiv, Lviv, and Odesa regions, with the largest museum collections and active public organizations specializing in digitalization concentrated there. In particular, about 27,865 objects have been digitized in Kyiv region, 5,769 - in Lviv, and 6,665 - in Odesa. It is important to note that smaller communities face difficulties in implementing such projects due to lack of resources and the need to attract external experts, which requires additional costs.

The case of Lviv! Communities can support the creation of cross-sectoral digitization centers by providing them with premises and helping them with equipment. Such centers can also be established on the basis of educational institutions and maker spaces, in restoration workshops and in cooperation with various institutions of the region. An example of such an initiative is the project of the Hemo organization, which established the Museum Digitization Center in Lviv.

RES-POL

Local communities can accelerate the pace of heritage digitization by creating conditions for the development of local community initiatives, regularly announcing competitions or tenders for digitization, supporting travel expenses, and consistently implementing a long-term digitization strategy. They may consider creating digital laboratories through providing space on preferential rent terms, creating public-private partnerships, municipal institutions, investing in laboratories at educational institutions

6.6.2. The need for infrastructure, equipment, software, and competent staff to support digitization

Quite typical is the example of digitalization and electronic document management, equipment to support the digitalization of Odesa community: despite the declared importance of digitization, very little attention was paid to software for editing models and to digital production. This may point to the lack of understanding of culture and these technologies by stakeholders, even at the level of project managers and initiators, and the need for comprehensive popularization of both the results and the processes behind the technologies. It is important to improve the digital literacy of officials, managers, and employees, encourage best practices in digital preservation, integrate 3D and XR technologies into the educational environment and the field of cultural education and tourism, as well as to establish cross-sectoral laboratories at community level.

Recommendations on digital storage promotion

- Adapting to new digital frameworks. Local communities can seek advice on the use of new tools and processes regarding the application of 2D and 3D digitization technologies.

- Increasing the digital literacy of employees of institutions that operate MCH.

- Promoting best practices in digital preservation. Holding specialized events designed to promote the implementation of best practices in digitization, management, and presentation of MCH.

- Providing systematic and predictable funding, subventions, announcing tenders, etc. for digitization and opening online access to local collections.

- Ensuring data preservation through the creation and maintenance of local servers or payment for cloud storage for digital collections.

- Investing in infrastructure (purchase of equipment, support of regular payments for software and maintenance of technical staff to support local institutions).

6.6.3. Digitization with repeat use

Even two years after the full-scale invasion of the Russian Federation into the territory of Ukraine, not all institutions operating MCH have photographed or scanned the accession registers. In the event of the destruction of a museum due to missile or drone strikes, it becomes almost impossible to establish what has been lost.

On the one hand, there are various standards for digitizing collections, compliance with which may require time and resources. On the other hand, there is a need for basic fixation of the appearances of objects, with only the inventory number in the title of the photo of the object with some minimal quality requirements. Long discussions on the strategy and features of digitization during the war lead to the inhibition of these processes as a component of the MCH protection strategy.

The case of Odesa! Within the framework of supporting Odesa cultural development strategy, a digital catalog of Cossack crosses in Kuyalnyk cemetery has been developed. Besides, that project has digitized 32 specific crosses with inscriptions using photogrammetry and photofixation as well as has made abstracts for all grave stones. During the decoding of the inscriptions, the names and letters on at least two crosses were clarified thanks to the depth map creation and analysis of various textures. This shows that even basic photogrammetry allows for high-quality studies of objects and preservation of information about them for scientific purposes.

The EU case! Recommendation of the Commission 2011/711/EC as of October 27, 2011, on digitization, online accessibility of cultural values and digital preservation urges the Member States to make digitization of cultural materials their priority and to secure respective budget assignments; promote public access to digital cultural materials via Europeana and other platforms. The European Commission in its recommendation on the Common Data Space for Cultural Heritage strives to accelerate digitization of monuments and cultural heritage sites. For this, there exist different targeted grant programs within the framework of HORIZON, Creative Europe, and Digital Europe. Ukrainian institutions operating MCH should be getting ready for future compatibility and data integration with Europeana, 4CH Cloud, the Collaborative Cloud for Europe's Cultural Heritage and the European Competence Center for Cultural Heritage.

Recommendations on repeat use and cross-sectoral uptake

Adaptation to new digital frameworks. Local communities can seek advice on the use of new tools and processes regarding the application of 2D and 3D digitization technologies. To prepare for the future, reliable solutions for data storage and management,

support of open file formats, metadata capture tools, and semantic annotation are required. The integration of XR data and 3D technologies opens up new dimensions of interaction and learning, enriching educational content and methodologies, increasing the value and accessibility of cultural heritage.

Advanced methods of examination, such as infrared, ultraviolet photography, chemical analysis, X-rays, etc., have been the basic methods of restoration in Europe for over 20 years and should be introduced in Ukraine as soon as possible. It is recommended to store such data in the format of a single object card, which will store information about all studies, changes, restoration, and re-exposition of movable heritage, as in a patient's medical history. An example of such a system is in operation in Italy, where the final data in the form of a digital database is stored by the Ministry of Cultural Heritage in co-operation with restorers.

RES-POL

6.7 Re-exposition of collections after evacuation due to return, re-integration and rooting of displaced population

Museums and other cultural heritage institutions must be prepared for the complex and emotionally charged processes associated with the return of collections. It is important to approach this issue with respect for different views and perspectives, striving for transparency and accountability in actions. This process can be an opportunity to rethink the role and responsibility of museums to society. A comprehensive approach will allow the return of museum collections to be used as a tool for rebuilding the social fabric of communities affected by war and will contribute to the processes of reintegration and rooting of displaced population.

6.7.1. Working with complex heritage within the decolonization of expositions

Rethinking collections is another important aspect. The period of evacuation can be used to explore the potential of collections and interpret them in a new way, taking into account the experiences of war and displacement, the demands of the Law "On Decolonization" and the recommendations on decommunization, rehabilitation and overcoming the consequences of russification, delivered by the Ukrainian Institute of National Memory.

The case of Lviv! The Museum "Territory of Terror" in Lviv actively works on decolonization and decommunization, preserving and interpreting Soviet monuments, busts, stars, memorial plaques, hammers and sickles that were dismantled from the city's public spaces. The museum is located on the territory of the former ghetto and transit prison, so visitors can gain a deeper understanding of the tragic pages of the mid-20th century history. Through exhibitions and educational programs, the museum contributes to a critical rethinking of the totalitarian past and the development of a new national identity, integrating the experience of European colleagues into its practices.

A comprehensive approach will enable the return of museum collections to be used as a tool to rebuild the social fabric of war-torn communities and will facilitate the reintegration and re-establishment of displaced populations. Creating exhibitions that reflect the experience of displacement, both of people and of cultural assets, can be an important element of this process. Communities should consider sites of terror and contemporary practices of memorialization as potential locations for pre-colonial museums. Having such a museum in a city does not mean that other museums should not undergo a process of decolonization and re-exhibition.

RES-POL

6.7.2. **When shall the evacuated collection be returned? Adaptive use of cultural heritage for post-war reconstruction**

At some point, each community will experience the return of museum exhibits from conservation and evacuation. This process is complicated by the unknown further course of the Russian Federation's military aggression against Ukraine, mass population displacement, the adoption of laws on decommunization and decolonization, and the differences in the expectations of community residents (some seek the return of familiar exhibits as an element of rooting, others urge for the deimperialization of these exhibits). The return of collections and re-exhibition cannot be considered without focusing on working with the memory of the conflict and ensuring various forms of justice.

The UN case! The return of museum collections from evacuation can be considered in close connection with the processes of return, reintegration, and rooting of the displaced population. Such an approach allows for the development of a comprehensive strategy for the restoration of cultural life of communities after the war. It is important to apply common principles and approaches, using, for example, a check-list on migrant return as a model for developing a plan for the return of museum collections. This will help to take into account all important aspects of the process. The principles of equality of rights, access to services, and participation in community life should also be applied to both displaced persons and returned cultural property.

The case of Ukraine! The Narrow Gauge Railway Heritage Center, which demonstrates successful cross-sectoral cooperation for the development of local tourism. This project involves local residents, businesses, and government agencies in working together to preserve and promote the history of the community.

The Museum "Vyhoda Narrow Gauge Railway Heritage" in the village of Vyhoda, Ivano-Frankivsk region, is an example of the successful transformation of a historical railway into a tourist attraction. Thanks to the cooperation of the Ministry of Infrastructure, Ukrzaliznytsia, local authorities, and public organization "Carpathian Narrow Gauge Railways", 50 km of railway track have been restored, an interactive museum has been created, and various excursion programs have been developed. The museum has specially adapted the space and exposition for families with children. This has contributed to the creation of new jobs for local residents and a significant increase in tourist flow – from 5,014 visitors in 2016 to 16,368 in 2023, despite the difficult conditions of the pandemic and military aggression.

Community engagement is a key aspect of this process. Local communities should be consulted on the priorities for the return of collections and their display, and the needs

of different population groups, including displaced persons, should be taken into account in the planning of new exhibitions. The experience of projects such as the Vyhoda Narrow Gauge Railway Center, where the community is actively involved in the development of the cultural site and its associated movable heritage, can be useful in this context.

A comprehensive approach to the return of museum collections can be a powerful tool for restoring the social fabric of communities affected by war. Adaptive use of museum spaces, creation of thematic exhibitions, and development of intersectoral cooperation will allow museums to be transformed into educational and discussion platforms, as well as cultural hubs. This will contribute to the processes of reintegration and rooting of displaced populations, strengthen local identity, support inclusiveness and diversity, and stimulate the economic recovery of communities. This involves delegating greater authority to local communities to manage returned collections and supporting grassroot cultural initiatives that can help integrate displaced people.

RES-POL

7. Heritage not subordinated to the Ministry of Culture and Strategic Communications and communities

- **Policy brief**

In in-depth interviews and expert discussions of the RES-POL project, most stakeholders expressed the opinion that society at community level does not perceive scientifically significant, in particular natural, objects as important for themselves, as a public value, and therefore, communities do not see the need to maintain and preserve this heritage. Heritage is perceived as no one's resource or an object of private interest if it has some commercial value ("natural resources"), or is not perceived as a value at all (in the case of scientific heritage). In the worst cases, the community perceives heritage objects in a negative or hostile way due to traditional prejudices. The natural consequence of such perception is the populism of representative authorities and local political forces. Among the reasons for such misunderstanding may be the lack of communication with institutions, expert, and professional communities.

As far as interaction with communities is concerned, the following essential issues have been singled out:

1. Lack of communication between national institutions – public institutions (higher education institutions, scientific state institutions, etc.) and local government bodies. There are frequent situations when the community (regional council, regional administration, etc.) is not informed about the needs and capabilities of the institution, while the latter, accordingly, is not aware of the possibilities (in particular, financial) presented by the interaction with the community.

2. Destruction of heritage sites from the activities of unconscious or unscrupulous business entities: construction, plowing, destruction of settlements, arson, extraction of natural materials, excavation, and other actions.

3. National institutions (university museums, etc.) are often closed or not very accessible to the community.

4. Unrealized potential for obtaining ecosystem services (in particular, tourism) from the activities of scientific and scientific-educational institutions on the territory of the community.

5. Lack of tools and opportunities for national institutions to receive funding from the communities where they are located.

6. There is no policy on the containment of bioinvasions at community level, there can be traced lack of scientific and methodological materials, educational activities, and official instructions.

All the essential issues outlined are related to such **root problems as lack of communication in society, poverty, lack of institutional and political synchronization.**

Strategic hypothesis. A heritage site can be a driver of community development and regional development in general, in particular through the development of ecosystem services – tourism, research, etc. However, the impetus for development should be an initiative supported by external donors, reinforced by **communication activities** with the community.

Examples of successful interaction with communities demonstrate community initiatives supported by external donors.

> For example, the project implemented in the Bilohorodka community (Kyiv region) by the Ukrainian Nature Conservation Group includes such measures as the use of trees in landscaping, solving the problems of soil degradation, basic steps towards the implementation of integrated management of surface water resources, arrangement of biodiversity spaces, land renaturalization, and creation of lawns with mixed grasses.

In general, the Ukrainian Nature Conservation Group, based on the experience of existing initiatives, puts forward a number of priorities for communities in the area of nature restoration: conservation of damaged lands through reforestation measures; land reclamation – active actions, for example, through the absorption of toxins by specially planted plants; rewilding – leaving areas for natural regeneration (under the condition of constant monitoring); cleaning of water bodies and settlements from pollution; recycling and disposal of waste.

Thus, against the war background, several horizontal environmental initiatives are successfully developing, sometimes with sustainable partnerships between ATCs and the public sector, supported by basic scientific institutions, thus creating synergy at the local level. Let us assume that the development of funding for such projects and partner-

ships can be scaled up at the national level. In particular, the authors of the analytical study "Popularization of science during crises and wars: challenges and opportunities" recommend the government "to create diversified programs to support science popularization activities at the state, regional and local levels; to provide for the possibility of inclusion of science popularization projects in public budgets; to include in local and national budgets a line item to support public science popularization projects, and to attract funds from international donors for this purpose".

Examples of successful communication with communities by the civil society sector:

- Ukrainian Nature Conservation Group: awareness-raising, implementation of small projects in communities;

- ICO "Environment-People-Law": analytics, legal assistance in nature protection;

- NGO "Tustan": a number of regional development projects.

RES-POL

8. Immovable cultural heritage and communities

- **Policy brief**

Assessment of barriers on the way to effective use of movable cultural heritage

The effective use of immovable cultural heritage is significantly limited by communities' failure to recognize the value of their own immovable cultural heritage, which underlies other problems and, in particular, creates problems for the preservation of ICH objects, their integration into the social, economic and political processes of community life, and significantly limits the use of potential of and involvement in the processes of sustainable development of community territories.

The study described in the Policy brief on immovable cultural heritage outlines the following essential issues:

1. The existing management system in the field of ICH is called the Department of Cultural Heritage Protection. Its priority task is to protect ICH, the respective legislation has been developed accordingly. However, at the strategic level, there are no tasks for its effective use, involvement in political, as well as state and local economic and social processes. Because of this, the potential of ICH is largely unused.

2. Lack of communication work to convey the value of heritage leaves ICH incomprehensible to society, which fact leads to indifferent attitude towards objects, the domain and its employees.

3. Ineffectiveness of the management model: monitoring of the condition of objects, control over the compilation of monument protection documentation, accounting system, system of punishment, lack of exclusive right to control works on ICH sites.

4. Insufficient level of financing of the ICH subsector, lack of sustainable sources of financing for the maintenance of ICH sites, underdeveloped additional financing instruments.

5. Lack of qualified personnel in the management of the ICH protection at all management levels, lack of specialists to work with ICH sites.

6. Lack or absence (depending on the direction) of effective specialized educational institutions, educational programs that overcome modern challenges in the ICH field.

7. Lack of legal regulation of the field, conflicting legislation on monument protection, urban planning, international legislation and other areas of legislation (land legislation, legislation on tourism, museum affairs, etc.), lack of detailing of norms at the level of by-laws; Lack of regulation of activities at various types of sites and individual types of work

8. Lack of opportunities and tools for archaeological supervision and control over urban planning (including development of local documents), construction, economic and agricultural activities.

9. Lack of attractiveness of the sector for investors.

10. Lack of institutional authority of the cultural heritage protection bodies leads to a limited impact on the ICH protection.

11. The issuance of permits for scientific research activities, any work on archaeological sites is characterized by high centralization and is concentrated in a single body (the Institute of Archaeology), which fact, according to archaeologists who are not part of the Institute of Archaeology, creates the risks of corruption, "nepotism", and affects the research capacity in the regions.

12. Construction and economic activities (including agricultural) related to the ICH sites, due to the lack of regulation in the regulatory framework, are often accompanied by corrupt actions aimed at granting illegal permits for the possibility of violating protection legislation and are accompanied by damages to ICH sites.

13. Lack of unpreparedness of the cultural heritage protection bodies to emergency situations, lack of preventive measures and prompt response lead to the loss of ICH sites during emergencies and, in particular, war.

14. Lack of a system for countering colonial and foreign cultural influences on ICH - in the field of architecture, urban planning, archaeological activities, and the field of monumental art - makes it impossible to control such cases and prevent and stop their impact.

RES-POL

8.1 Lack of perception of the value of own heritage by society

The category of social problems was identified by the study as one of the highest priorities, because public rejection of immovable cultural heritage as part of its own values affects other problems directly and indirectly. These problems directly affect the way of managing in the field of immovable heritage. Users and balance holders of various forms of ownership are the subjects that exert the greatest influence on ICH objects, and they do not perceive the cultural value of the objects since all business entities are simultaneously part of society and are inseparable from public opinion.

In the information and public space of communities, there is virtually no information about the value of historical objects, districts, and areas. There is lack of communication and promotion of immovable cultural heritage, there is no program for the safeguarding and functional adaptation of monuments, this causing an inert attitude of residents towards their material history.

It is worth considering that public opinion significantly influences legislation and the adoption of managerial decisions. Ukraine is a democratic civil society, despite the high level of corruption and problems associated with the electoral process, so the opinion of voters significantly affects the behavior of central and local authorities. Elected central and local authorities are interested in performing public requests and working with public sentiment. Therefore, in the absence of a request for the preservation and development of heritage sites from citizens, authorities at all levels do not prioritize this task, and this domain remains secondary.

The perception of the immovable heritage field as secondary in general marginalizes workers in the sector, depriving them of the prestige of related specialties, and therefore affects the status of the domain.

Modern mass culture only increases marginalization, spreading the culture of consumption, prioritizing innovative achievements of developed countries, and not paying attention to own cultural values, this leading to low awareness of their own heritage. The roots of the problem lie in the colonial and genocidal processes of the 20th century, which Ukrainian society went through. In modern Ukrainian society, due to the long-term influence of the communist regime of the Soviet Union and the colonial influence of the Russian Federation, historical memory has been blurred and historical ties with previous generations and own heritage have been destroyed, while indifference to local history and the state of the environment has grown.

RES-POL

The direct negative impact of society's isolation from its own heritage lies in the following widespread practices.

- **Predominant use of ICH sites as an economic resource.** For example, in post-Soviet Ukraine, it was common to use estates and palaces as health care facilities or municipal institutions, where the walls and roof become economic resources. For example, the Maliyivtsi Museum-Reserve "The Palace of the Orlowski Princes" in Khmelnytskyi region has been used as a hospital and children's sanatorium since Soviet times, and Sharivka garden and park complex in Kharkiv region has been used as a tuberculosis dispensary, this leading to the loss of authentic elements, fragments of interiors, and partial reconstruction of the facilities.

  Another common direction of using the territories of cultural heritage sites concerns ar-cheology, where the land on which the archaeological site is located is used as a resource for the construction of new buildings, which is especially common in recreational areas. For example, on the territory of the archaeological monument of national significance "Verkhniy Saltiv archaeological complex" in the village of Verkhniy Saltiv, Chuhuyiv district, Kharkiv region, since the 1990s, the process of privatization of lands and their alienation for private development has been ongoing, this being accompanied by the destruction of the monument and making it impossible to study it. Another illustrative example is the world heritage monument "Tauric Chersonese", on the territory of which the economic activity of the Volodymyr Cathedral is carried out, as a result of which fact it is damaged.

- **Indifference to the condition in which ICH sites are kept.** Most experts emphasize the indifferent attitude of society towards cultural heritage sites, examples of which can be found in every settlement in Ukraine. When sites are old, they become a burden for their owners, they become unattractive and create unnecessary burden instead of profit. So, ultimately, this leads to the loss of sites. An example of indifference to the entire ICH direction is illustrated by Roman Malenkov: "We are the only organization in Ukraine ("Ukraine Incognita") that is engaged in the registration of ancient Ukrainian cemeteries. Jewish cemeteries are being registered, there is a European foundation for the preservation of Jewish cemeteries. They finance the United Jewish Community so that it can register and restore these cemeteries. Poles are engaged in the registration and restoration of Polish cemeteries, Germans are engaged in the preservation of German ones, but no one is engaged in the preservation of Ukrainian ones because the state is absolutely indifferent to them. In most cases, they are in poor condition, and no one even knows about their existence". This example illustrates the indifferent attitude not only to specific ICH sites but to one's own history and the history of one's ancestors, testifying to the disconnection from the history of entire generations.

- **The impact of religious communities on cultural heritage sites subordinated to them** constitutes a separate problem of negative social impact. Since the most common religious denominations have their own management vertical, as well as their own ethical principles regarding heritage in particular, it is not uncommon to see the reconstruction or change of the appearance of sacred objects. One such case occurred in Khmelnytskyi region in 2023 in the village of Pidlisnyi Mukariv, Kamyanets-Podilskyi raion, where the monument of the 19th century – St. Joseph the Betrothed Cathedral – is located. "During the renovation works, the church community simply ruined the church. At its own discretion, without a design project, they decided to waterproof the foundation, violated the technology, and used modern materials for waterproofing natural stone, and also destroyted the authentic paving. And this is not due to a desire to harm, but due to ignorance", – says Anastasiya Donets, expert-monument conservator, activist for heritage protection, director of the Maliyivtsi Museum of History and Culture. Great political influence of the church, high authority of the church in the community, combined with the lack of expertise in the protection and management of ICH sites, puts the sites subordinated to the church at risk and limits the ability of monument conservators and cultural heritage protection bodies to effectively influence the site protection. A large number of monuments, including archaeological ones, are at risk.

The isolation of society from its own heritage, in particular, immovable, leads to the fact that heritage must be protected from society itself. The entire system of cultural heritage protection management, all laws and by-laws adopted in the field, are aimed at protecting cultural heritage primarily from the society whose heritage it is.

For example, the project implemented in the Bilohorodka community (Kyiv region) by the Ukrainian Nature Conservation Group includes such measures as the use of trees in landscaping, solving the problems of soil degradation, basic steps towards the implementation of integrated management of surface water resources, arrangement of biodiversity spaces, land renaturalization, and creation of lawns with mixed grasses.

Strategic hypothesis: Changing the perception of the historical environment and CH towards perceiving it as their own achievement, establishing a strong emotional connection between communities and ICH sites, and fostering pride in their own heritage will significantly change the attitude of communities towards it and create more favorable conditions for its preservation. Education of clergy and communication with church communities explaining the value of CH can have a wide impact on church communities which constitute a significant part of society.

8.2   Limited use of immovable heritage by communities

In the global practice, immovable heritage has a large number of influences and is involved in a significant number of political, economic, cultural, social, and other processes. The level of development of Ukrainian society and the Ukrainian state system does not allow to take into account the full potential of immovable heritage. Most of the possible influences of heritage in Ukraine remain only declarative.

The main dominant supersystem of the immovable cultural heritage of Ukraine is the real estate system; in other words, ICH sites mostly become a spatial resource for modern economic purposes - conducting economic activities, building housing, placing administrative institutions, and quite often – dealing with agricultural activities. At the same time, their artistic, architectural, urban planning, cultural, historical, and other values are not taken into account. This does not contribute to the untapping of the potential of such sites, but, on the contrary, leads to their degradation, damage, and destruction.

Most countries of the world, including Ukraine, have recognized the important role of heritage in the development of communities at the level of the UN resolution *(Resolution of the UN General Assembly as of September 25, 2015 70/1. Transforming our world:*

The case of Ukraine! The Tustan Museum-Reserve, located in the village of Urych, Lviv region, has been developing for over 30 years. The central reserve site is a medieval rock fortress-castle and customs house of the 12th-16th centuries - an Old Russian rock defense complex. However, the monument is represented mainly by a rock, on which there remain traces of cultural heritage sites present at this place. That is, at the time of the museum's foundation, there was practically no object that could be understood by the broad masses of tourists or by local residents. The work of the museum team consisted in developing the territory, its arrangement, interpretation using street and museum exposition tools, building a museum, and developing tourist and rural infrastructure. This work had a significant impact on the development of the territory and the community. The village of Urych turned from a remote and depressed settlement difficult to access into a convenient, inclusive tourist center, and the capitalization of the territory has increased by more than 10 times during this period, and the capitalization of other nearby villages has also increased. Thanks to the development of the ICH site, most of the village residents have become involved in the site development processes, directly working, selling goods, or providing services there.

the 2030 agenda for sustainable development). The resolution approved 17 Sustainable Development Goals and 169 targets. Among other things, the eleventh Sustainable Development Goal among those approved runs as follows: "ensure sustainable development of cities and communities, sustainable planning and management of inhabited settlements with broad public involvement, and the protection and pre-servation of cultural heritage". However, in reality, Ukraine has not developed programs that would effectively involve heritage in sustainable development processes. The involvement of heritage in development processes remains declarative and limited. However, this toolkit is quite large, as it significantly affects the attrac-tiveness of the territory where ICH sites are located.

Strategic hypothesis:

Effective management of ICH sites and their inclusion in local development strategies have high potential for community development and create an additional guarantee for their preservation, as communities become shareholders of the heritage in this case.

Lack of attractiveness of ICH for investors

Poor awareness of the potential for adaptive use of ICH facilities limits effective re-sponsible engagement by businesses, makes ICH sites unattractive for investment, and often leads to the destruction of these sites. A significant factor influencing the state of affairs is an extremely low level of communication of positive practices in the development of ICH sites, the positive impacts of such cases on communities. Together with corruption problems and bureaucratic procedures, this does not allow considering the sector as a development tool. The study of the ReHERIT team on cultural heritage management also outlines this problem at the local management level:

> *"Often, those responsible for this area (management of ICH sites) in local authorities have their own strong beliefs about how these processes should be organized, but at the same time forget or lack the competence to evaluate other, alternative ap-proaches, and do not hold open discussion meetings with stakeholders to find the best possible solution…. (Article 7)".* Ultimately, such limited understanding of possible usage scenarios leads to negative consequences and prevents them from being used effectively.

Besides that, at the level of legal regulation in Ukraine, **official management bodies don't have any methodologies for estimating economic effects and determining the optimal scope of investment into ICH. That raises the issue of expediency of such**

RES·POL

investment in general, does not enable to objectively assess the direction of investment as well as causes the risks of abuse and corruption in the elaboration of national and local programs.

Analysts and investors in the sector resort to foreign valuation practices. One of the methods is the hedonic method of assessing the value of historical and other real estate. It demonstrates how much users are willing to pay for the opportunity to live near, own a monument or an adjacent territory.

Lack of widespread domestic methods for calculating the economic impact of ICH makes it impossible to visualize it, which causes limited spread of the instrument of investment in ICH sites and is one of the reasons for the lack of resources in the sector. Almost complete lack of investment generated by this, together with the insufficient level of financing of the sector, significantly affects the state of the sector: its attractiveness for employees, availability and quality of educational institutions and lecturerswho could train them, availability of resources to maintain sites in proper condition.

If we consider the existing ICH system, the main actors of investment in immovable cultural heritage are the following:

1. Local self-government bodies – those that involve heritage in territorial development strategies, use heritage as an asset.

2. Communities – those that are shaped up and united around individual sites or their complexes in order to safeguard them and preserve local history.

3. Business – organizations and individuals that consider heritage as a tool for generating profit.

4. Experts – specialists in the field of cultural heritage who understand the value of individual sites.

All 4 groups of investors are represented in Ukraine, they apply different approaches and work methods.

ICH sites may provide advantages at the early stages of project implementation. In the opinion of the expert from the ICH development and management sector Taras Doronin:

> *"The biggest advantage that immovable cultural heritage creates for an investor is its marketing history. In the construction industry, significant budgets are spent on*

developing a marketing strategy for an object, making a story about it, and creating a unique offer. Examples of this are Dubai or other large cities in the East, which invest huge amounts of money in creating unique sites. In the case of Ukraine, we have this uniqueness and we don't need to invent anything. When we restore and adapt a historical building, this issue is already closed for us, this building has a history and is unique".

However, high corruption risks, a significant number of legal conflicting elements between monument protection and urban planning legislation, and lack of regulation for a significant number of approval procedures prevent investors from working with ICH sites. Thus, according to BRDO's analytical report: *"the customer for the construction of any facility located in the territory of cultural heritage sites must address cultural heritage protection bodies [from 4 to 10 times](#)".*

These factors, together with the lack of analysis of the dynamics of the value of historical real estate, lead to the fact that investing in ICH by businesses in Ukraine remains not very popular. On the other hand, investing in ICH sites has high potential both for the preservation of the sites and for investors, because the history of the sites themselves, with the right marketing positioning, attracts the attention of tenants, buyers and users/visitors to ICH sites.

Strategic hypothesis.

Creating comfortable conditions and tools to encourage investors, in parallel with the development of clear mechanisms for regulating activities at ICH sites, will lead to an increase in the number of projects and attention to ICH sites, which, in turn, will create a demand for qualified specialists and experts, significantly affect the increase in the level of wages, increase the attractiveness of the sector for ambitious and successful specialists, create a demand for the training of such specialists, and the development of specialized educational and technological institutions.

8.3 An imperfect system of ICH site registration and accounting creates the risks of damaging or loss

One of the main tools for protecting ICH sites is their registration and accounting as well as the availability of clear verified data. Without no site identified, its protection cannot be implemented. The existing accounting system is imperfect and complicated by form.

Considering the process of registration of ICH sites, described in the Law "On Protection of Cultural Heritage", there arises the need for having two lists – a separate List of Cultural Heritage Sites (hereinafter referred to as the List), and a separate State Register of Immovable Monuments (hereinafter referred to as the Register), and such collision causes major complexities for the stakeholders. The sites from the List and the sites from the Register shall be protected by the state, however, the absence of a unified list generates problems related to the site identification as a monument, and experts single it out as a separate issue.

The process of entering a site into the Register and designating it as a monument presupposes several stages, and therefore the same site is first off the register, then gets into the List, and then – into the Register. Parallel lists and the lack of public information about local lists create chaos in the registration of ICH monuments. Stakeholders who are unaware of the mechanism behind this process, upon noticing the absence of the site in one of the lists, may conclude that the site does not have a protected status, which may cause damage to these sites even by conscious actors. The problem is most acute at the level of small communities, which do not have the resources to actively work and advocate for the inclusion of sites from the List to the Register. The problem is further made even more aggravated due to the **absence of local cultural heritage protection bodies and adequate control**, therefore the sites that are not registered or have been newly identified may be damaged or lost even with no malicious intention.

Information about the sites identified and included in local lists or the State Register often does not contain verified data: about the condition of the site; its exact name (the name may be outdated / interim, such as the one given in Soviet times, or differ from the actual one); address (due to renaming of streets / inhabited settlements or due to inaccurate numbering of building addresses or other reasons; sites are not tied to geolocations). For example, site No. 147 of Kharkiv Region Register at 13 Zhon Myronosyts St. (13 Radnarkomivska St.), built in 1893, was registered as a monument of urban planning and architecture by order of the MCSC No. 1883 7088-Xa dated June 4, 2020

under the name "BK named after Lenin". In fact, this is the former [Alchevsky](#) mansion, and during the period of independence, it used to be the house of culture of the Ministry of Internal Affairs. This example shows that the initial filling of the lists was based on Soviet registration lists, without in-kind monitoring, this leading to the transfer of existing inaccuracies, so the risk of multiplying errors in the system [ePamyatka](#) (eMonument) is still there. **Inaccuracies in all types of data about a monument are enhanced by the absence of the coordinates and geolocations of sites in the Register and the List, since in case any controversial issues arise, there may well be a threat in terms of the site preservation, protection, and corruption risks.**

Availability of the List, the Register and the list of newly discovered CH sites does not yet mean that they are exhaustive and that all ICH sites are included in one of them. The search and detection of sites is a separate complex process that requires resources. With a sufficiently wide range of subjects involved in the process of detecting new ICH sites, its speed remains low for several reasons:

- the works do not provide for sustainable sources of finance;

- there are no tools to encourage the public and experts to participate in the process;

- lack of qualified personnel capable of carrying out such work;

- the status of the monument imposes significant restrictions on its operation and the possibility of repair, which is why balance holders resist.

Experts-practitioners note that the availability of monument status creates difficulties for all owners, even for those who have good intentions to protect and preserve the site. **It is more profitable for a significant and influential part of ICH subjects not to reveal new sites, leaving them in the shadows**. The cultural heritage protection management system does not create favorable conditions for registering objects, offering only tools for punishing for the infringement of the legislation on the protection of monuments and giving nothing in return.

There are 401 historical inhabited settlements in Ukraine. New historical inhabited settlements can be added by the decision of the Cabinet of Ministers of Ukraine. In order to preserve their historical environment, all these settlements should have approved historical and architectural reference plans.(HARPs). Instead, only 190 locations out of 401 have HARPs, which is 47%, as of April 2024, when the Ministry of Culture and Information Policy published draft Resolution ["On approval of the Procedure for determining the boundaries and regimes of use of historical areas of settlements, restricting economic](#)

activity on the territory of historical areas of settlements". **Thus, more than half of the historical settlements do not have approved HARPs, therefore potential urban planning, architectural and landscape changes, construction, excavation and other works within their boundaries may negatively affect the condition of cultural heritage sites, in particular those that have not been identified. This may lead to the destruction, damage, or fragmentation of the historical environment.** The process is slow due to the lack of funding and decisions of local governments. Despite the mandatory nature of this document, the law does not specify clear deadlines for its development.

The historical and architectural reference plan is part of the general or comprehensive plan, i.e. urban planning documentation, which is approved by the relevant procedures and is a document of the local level. **The discovery of a new site or the registration of a new monument on the territory of a historical area requires amendments to HARPs, and therefore amendments to the general or comprehensive plan of the territory.**

A specific registration and accounting problem inherent in the archaeology subsector, unlike other immovable cultural heritage sites, is that archaeological sites are mostly hidden. Their detection requires a complex of research activities and associated costs, significantly higher than visual inspection, as is the case with other types of heritage. However, archaeological site detection studies require an archaeological permit. **The permit and the "open letter" are there to preserve archaeological sites from unqualified interference. On the other hand, monuments are subject to protection. However, for a site to become a monument, it must be discovered and appropriate documentation must be developed for it, which is impossible without a permit and an "open letter"**. However, the downside of publishing the data on new archaeological sites and pub-lishing open data on the location of such sites in the absence of effective control and protection may pose the risk of activating "black archaeology". Therefore, the issue of the form of data storage and accounting for archaeological sites needs to be considered separately from other ICH sites.

Strategic hypothesis. The formation of a Single End-to-End List of Cultural Heritage Sites, including monuments and sites that do not have a protected status, will allow us to understand the potential of communities, manage ICH sites more effectively, safeguard them, and prevent illegal actions more promptly. The list of archaeological sites should be separated from other types of ICH.

8.4 Management crisis

The cultural heritage sector management model is characterized by the presence of a management vertical and the duplication of some functions by its various elements. It creates an opportunity to resolve issues at a level that meets the interests of the interested party in various types of work or transactions regarding ICH, makes it possible to obtain approvals related to cultural heritage sites at a level where it is easier to get an agreement. However, this may contradict the interests of the community or local heritage protection bodies and be the basis for corrupt actions. In other words, if there is a principled stance of the CH protection bodies at community level, the issue of deregistration, obtaining a permit to operate on ICH sites, or changing data in accounting documentation can be obtained at a higher instance and vice versa.

At the local level of communities and inhabited settlements, despite the legal obligations, specific cultural heritage protection bodies are almost absent, only a few settlements can boast of the development of cultural protection units. In practice, this means lack of integrated management and a single system team that implements the policy determined by the central authorities on the ground, lack of institutional capacity to exercise control and functions for the protection of the National Monuments and Sites on the ground and to provide the necessary services and consultations.

One of the important instruments for ensuring the preservation of monuments is a protection agreement, which fixes the mode of use of the site. It is mandatory to conclude protection agreements regardless of who owns the monument. However, according to the MCSC, nowadays such protection agreements have been concluded for less than half of the monuments of national significance *(MCSC, letter from the NSDC as of March 31, 2024)*. The above problem is further aggravated due to the **absence of a regulatory framework on the composition and content of scientific and design documentation, on determining the boundaries and modes of use of protection zones for monuments of archaeology, history, monumental art, landscape art, science and technology, it is only for architectural and urban planning sites.** There is the state standard - DSTU (DSTU B B.2.2-10:2016. Composition and content of scientific and design documentation for determining the boundaries and modes of use of protection zones for architectural monuments and urban planning). **Lack of standards for various types of ICH complicates, and sometimes makes it impossible to develop documentation and, accordingly, conclude protection agreements, restrict new development, or perform any economic activity around monuments.**

Many functions related to the management of architectural monument protection and city planning are performed by the Ministry of Communities, Territories and Infrastructure of Ukraine. The mandate of the Ministry includes the development and implementation of policy in areas related to immovable cultural heritage.

Urban planning activities related to immovable cultural heritage presuppose the development and approval of historical reference plans for historical settlements, however, such a document is developed under the leadership of the chief architect of the project. This poses risks to the preservation of heritage sites in the territory of historical cities, as chief architects of the project do not have professional training in working with cultural heritage sites.

To control the city planning and construction activity, the State Inspection for Architecture and City Planning (DIAM) was established. DIAM's activities should hinder and prevent unprofessional and illegal construction and urban development activities related to ICH sites, **but DIAM is not an expert body in the field of cultural heritage and applies unified control methods to both ordinary construction sites and cultural heritage sites. The methodology and procedures are not exhaustive and lead to poor quality of work.** Experts point out the need for *"determining a separate permitting procedure for restoration works, determination of a single inspection body for permitting procedures (approval of scientific and design documentation, granting permission for restoration works, control measures, supervision of the activities of small business entities subject to state supervision)"*.

The overlapping spheres of influence between ministries and the absence of mandatory, legally defined qualifications in the field of cultural heritage in case decisions are made at the state and local levels by urban planning authorities regarding the norms of cultural heritage protection create significant conflicts in the management of cultural heritage sites. Therefore, urban planning legislation, as well as current **state construction norms (DBN) allow to legally ignore the "spirit of the law" "On Protection of Cultural Heritage" regarding approaches to work with both individual sites, their complexes, and historical areas.** Protection zones and other restrictions established by building codes do not take into account the individual value and characteristics of sites, do not encourage the search for optimal solutions, and integrate monuments and objects deprived of protected status into the modern city. At the urban planning level and the level of territorial planning, **uncontrolled development of inhabited settlements, placing infrastructural facilities threaten to destroy landscapes. This category of sites is one of the least researched, the boundaries of such sites are normally not outlined, and hence they cannot be effectively protected.**

To control the state of preservation of ICH sites, monitoring that consists in systematic observation of the state of such sites shall be ensured. Since there are no heritage protection bodies at the level of communities, even historical settlements, there are almost no resources for its implementation outside the regional centers. The monitoring interval of 5 years does not contribute to a prompt response to the facts of ICH damages and helps just to state the damage and record the site loss. **The existing ICH monitoring system is not effective and remains a formal tool of regular reporting.**

The limited ability to prevent and detect damages is complemented by the lack of effective tools to influence balance holders, developers, farmers, and other entities that cause damage to ICH sites and violate legislation on protection. There are almost **no mechanisms for punishment for violating the Law "On Protection of Cultural Heritage", in particular, for bringing monuments to a state of emergency or destruction, for uncontrolled construction in protected areas**, etc. Penalties are not effective, as violators of the law can be charged just a small fine amounting to one thousand tax-free minimums, or UAH 17,000, for individuals and up to UAH 170,000 for legal entities (Article 44 of the Law "On Protection of Cultural Heritage"). Such amounts, given the total amount of finances involved in the construction, as well as the amount of expected profits, do not act as a deterrent. In addition to the limited impact on offenders who directly cause damage to ICH sites, regardless of the reasons, **there is no adequate control over compliance with the legislation on the conclusion of protection agreements, approval of historical areas, and establishment of local heritage protection bodies.**

The combination of ineffective management tools for ICH site protection naturally leads to the general degradation of the sector. Local governments, in the context of limited funding, mostly become mute observers of the loss of heritage and at the same time their own potential. **After all, it is impossible to legally deprive the irresponsible holder of the ICH site of ownership rights and to withdraw or buy out the site.**

Financial problems also affect management in the sector; they are not the critical factor but are becoming one of the reinforcing factors behind ICH degradation. For example, **reserves do not have specific sources of funding for ICH maintenance, thus the burden of financing repairs or restoration works falls on the management, this putting the sites under the control of reserves at risk.**

Financial issues affecting ICH site management are getting even more complicated due to unregulated allocation of funds for restoration works on architectural and urban planning monuments:

RES-POL

> *"In the public procurement system, the development of scientific and design documentation for the restoration of architectural monuments and urban planning is not classified as either works or services, which makes it difficult for the state and cities to order such documentation legally and makes it impossible to determine the threshold amounts of purchases".* (Proposals for improving the legislative framework in the field of cultural heritage protection. Prepared by Anatol Karminskyi, Hanna Bondar, Anatol Izotov, 15.09.2019.)

In general, the envisaged mechanisms for managing ICH are rather well-balanced and comprehensive, but in practice, they do not work, most of the listed management problems are related to the institutional failure of the cultural protection system. The impact on related state administrative sectors, law-enforcement agencies, judiciary, state funding is significantly limited, and the entire cultural protection sector is secondary on the list of the state's priorities, while cultural protection bodies and institutions related to the ICH sector are characterized by a low level of authority. This is **illustrated by systemic losses and damages to ICH sites of all types as well as inability to counteract illegal actions.**

Strategic hypothesis. The implementation of ICH policies should be based on reliable and effective management mechanisms capable of counteracting lobbying and illegal actions and of protecting ICH sites. The existing management system can be improved through strengthening the role of ICH in state-level processes, in particular, defining its role in the national security strategy, introducing a reputational institute of the city's chief archivist.

RES·POL

8.5 Regulatory and legal collisions leave some issues related to cultural heritage protection unregulated

The regulatory and legal regulation of the immovable heritage sector is outdated and based on Soviet laws. During the period of independence, many attempts were made to reform the sector and improve the norms, as well as integrate it into the European regulatory space in accordance with the implemented international conventions. The result was the dispersion of legislative norms in dozens of laws, many amendments to them and approximately 220 resolutions, of which 73 directly are related to ICH.

It is worth noting that among such a large number of by-laws, there are 17 regulations that are important for the subsector and are applied both in practice and through cross-references. That is, only 4% of the regulations are used almost out of all those that are in effect for the sector. Regulatory **outdatedness is also manifested in the terminology that creates collisions with international law and causes misapplication of the methodologies for working with ICH sites.**

Immovable cultural heritage constitutes a special part of cultural heritage, which is closely integrated into the space of public life. Objects of architecture and urban planning, history, landscape art, science and technology often shape up inhabited settlements, they are used as infrastructure or recreational facilities. Archeological sites are widely present in the layers of the earth surface, including underwater surfaces, landscape sites are inseparable from the surface of the earth, monumental art is either a part of other sites or shapes up some space of its own. Human activity continuously deals with cultural heritage sites and is a part of everyday life and activities, therefore ICH constantly needs adaptation and adjustment to the needs and conditions of life. And ICH site preservation depends on how comprehensively thought-over the mechanisms of interaction of economic activity with the specifics of the sites are. The norms provide for the regulation of works done with sites of architecture and urban development, for the remaining types of cultural heritage sites – history, archeology, monumental art, garden and park art, landscape monuments, science-and-technology site - there are no separate regulatory legal acts that would regulate work on them.

The main type of **ICH site safeguarding is restoration, which, at the same time, is a type of construction. But both restoration and construction have their specific design documents. The absence of any combined regulatory framework causes numerous collisions, court disputes, and corruption.** At the highest level, this conflict is further exacerbated by the lack of regulation in urban planning and monument protection activities, in particular, no participation of cultural heritage protection bodies and archaeologists is envisaged for the development and approval of urban planning documentation

at the local level, which leads to the legalization of possible damages done to sites and the areas around them at the level of urban planning documents.

There are also many disagreements in the archeological site regulation: this concerns unregulated cooperation between archaeologists, designers, and developers at the design and planning stages, as well as the mechanism for conducting archaeological research that precedes construction works. **The sector of archaeology is simultaneously regulated by two laws – "On Protection of Cultural Heritage" and "On Protection of Archaeological Heritage", which creates duplication and difference in the interpretations of individual articles and management mechanisms as well as makes the regulatory framework more complicated.** One of the collisions arises in the new version of the Law "On Protection of Cultural Heritage", where the term "monument" is used for archaeological sites instead of the term "cultural heritage site". This is a significantly narrower concept that does not allow protection of unregistered archaeological sites that may have the same level of value as monuments. In addition, problems arise due to the lack of any classification of archaeological sites.

Experts point to the **legal inconsistency of the immovable archaeological heritage subsector laws with international law. It arose as a result of legislative changes introduced in 2010-2012; according to these changes, preventive archaeological research of land plots on which construction or economic works are planned was not guaranteed. A serious gap in the regulation is the absence of specific certification for restoration architects, which leads to a sharp decline in the quality of scientific and design documentation** since the skills and professional abilities of an architect-restorer differ from the competencies of an urban planner and a spatial architect. The current legislation combines the concepts and responsibilities for both project development and development of scientific and design documentation. This responsibility is assigned to the chief architect of the project. However, the expert circles state that the activities of the scientific supervisor of a restoration project differ significantly from the **activities of the chief architect of the project. Given his role in the projects, he also requires mandatory certification.**

Strategic hypothesis. Codification of the domain could consolidate the fragmentation of the regulatory and legal framework for ICH. The norms collected in a single code would mean to ensure a balance between different areas of the sphere and the legislation of other spheres, unify and harmonize terminology within the domestic legal system and with international law, synchronize and combine internal subsectoral norms, adapt world experience, create a clear unified system for managing the sphere without duplication of functions and blurring of responsibilities, as well as outline new opportunities for financing the sector.

8.6 **Shortage of human capital in the ICH subsector makes it impossible for it to be viable and resilient**

This study surveyed all categories of specialists in the ICH field. Experts note the acute problem of shortage of qualified personnel at all levels – from the managerial level up to direct performance of works at the sites.

Personnel shortage significantly affects the efficiency and comprehensiveness of the management structure. That is one of the reasons why protection bodies cannot be formed on the ground and organize effective work on controlling the sites. The staffing of cultural protection bodies with profile specialists, especially in small communities, is a significant barrier to site protection.

A significant number of ICH sites are located in areas remote from large regional centers, where personnel shortage is more pronounced. Such communities or institutions do not have the resources to attract and retain high-level specialists. In the site management system, particularly in nature reserves and museums, at the level of local communities, employees have low qualifications and often do not have specialized education for working and managing the sites, so even nature reserves cannot be a guarantee of careful treatment of ICH sites.

The absence of qualified staff is a much more significant barrier for the development and effective use of ICH sites. This direction is not well-developed in Ukraine since there is almost no profile staff training and even available professionals mainly do not use effective tools due to their poor level of training and no opportunities for getting advanced qualifications. Not only management but also the development of a strategy for the development of ICH in the field depends on the work of such specialists, the absence of which negatively affects the sector. Local communities are mostly unaware of individual areas of ICH management and respective experts, therefore, problems related to the effective management of ICH remain unresolved, and relevant specialists are not in demand. The problem of training specialists rests on the limited number of teachers with relevant scientific and practical experience. Effective and sustainable development of ICH is studied only by an extremely limited group of scientists, mainly abroad. Domestic higher education institutions do not have the resources to encourage high-level scientists, and often, due to conservatism, do not try to even find them.

Low level of staff efficiency and poor quality of managerial decisions can be largely accounted for by the marginalization of the sector. In Ukraine, the professions of a

monument conservator, archaeologist, restorer, or other workers in the cultural heritage sector are perceived as secondary, they are not respected, in particular, due to low level of salaries and the fact that ICH is perceived as something of no value for the majority:

> *"It is almost impossible to feed a family in the sector. A lot of educated people with a professional education in monument conservation or restoration, due to the marginalization of the industry, get retrained as ordinary designers and do not influence the processes of heritage preservation or, on the contrary, even carry out orders that contradict certain monument conservation restrictions. Most of my peers who graduated from the restoration department in the late 2000s - 90% of them are not engaged in monument conservation activities. For you to receive a stable salary every month and not live from grant to grant, you automatically choose to become an ordinary designer, an architect who designs private estates, factories, or fulfills design orders" (An in-depth interview with Andriy Kotliarchuk, an expert on ICH site management (balance holder) and development of ICH sites, director of Tustan Historical and Cultural Reserve as part of the RES-POL study).* Potential employees who want to be successful, have a decent level of income and life, just choose other, more popular specialties.

Shortage of specialists in archeology on the ground at the stages of territory planning, design documents elaboration, and implementation of investments leads to the loss of archaeological sites during construction works. New sites are mostly built with no prior archaeological research.

It is worth noting that, in addition to internal processes, personnel shortage is significantly influenced by external global processes. The demographic crisis, which has only been deepening since the early 2000s and has significantly accelerated as a result of the full-scale invasion of the Russian Federation, displacement, and mass exodus of the population, presents an extremely serious challenge for the sector, making the prospects even worse.

Strategic hypothesis. Raising the status of specialists and increasing the level of wages can make the sector attractive for more effective and purposeful staff. This process should be based on natural economic factors: increasing demand for ownership of ICH sites, desire of communities to compete due to the uniqueness and peculiarity of ICH sites.

8.7 Lack of readiness of communities to emergency challenges in the ICH domain

Many of the challenges affecting the ICH subsector have increased dramatically since the start of the war, the annexation of Crimea and parts of Donetsk and Luhansk regions, and later - the full-scale invasion of Ukraine by the Russian Federation. The main challenge has been the physical destruction or damages to ICH sites brought by the Russian Federation, often intentionally, and the inability of communities to effectively respond to such facts. The ineffectiveness of the activities of protective bodies in detecting damages to sites does not create the conditions for sustainable work on proving crimes in the field of violation of international humanitarian law. Such investigative actions have not yet begun for a significant number of sites.

Having problems with the system of accounting for cultural heritage sites and personnel issues, the existing system of cultural heritage protection cannot provide objective data in the frontline regions that are most affected by the war; the problem of staff shortage is compounded by the problem of departure or temporary relocation of existing staff, which makes work impossible.

Official monitoring remains partly formal, as it only records damages to cultural heritage sites that have the status of a monument or a newly discovered site. Similar sites that do not have a protected status are ignored, as this issue is not regulated by law. The specialists who carry out this monitoring do not have such a task and are not sufficiently qualified to detect such sites.

Among the problems that emerged during the war is the lack of an established procedure for actions at cultural heritage sites during an emergency or while eliminating the consequences of emergencies. Work on the elimination of the consequences of emergencies at cultural heritage sites, in particular, monuments, is carried out by the State Emergency Service and municipal services according to the same protocol. In such situations, movable objects that are part of immovable cultural heritage are also affected.

The role of ICH is recognized by many countries as a powerful instrument of national security, therefore all possible instruments of influence, including non-linear ones, are directed against it. Cultural heritage sites as reliable evidence of history and evidence of specific historical events become guarantors of historical truth regarding the presence of cultures and peoples in a certain territory. The latest events in the Autonomous Republic of Crimea prove that the Russian Federation is working to destroy such instruments: this

includes, in particular, the "restoration" of the Bakhchysarai Palace, "archaeological research" and the construction of new facilities on the territory of the UNESCO World Heritage Site - Chersonesos Tavriya.

Throughout the entire period of Ukraine's independence, foreign influence, namely the marking of the Ukrainian territory by other countries by constructing sites representing foreign culture, was not perceived as a separate threat to ICH. No tools were created to counter colonial influences through architecture and monumental art. The most striking example of this was the construction of churches by the Ukrainian Orthodox Church (Moscow Patriarchate) throughout Ukraine. In particular, in Donetsk and Kharkiv regions, the All Hallows Hermitage and the St. George Hermitage of the Svyatogorsk Lavra were built, which copied the famous churches of Russia in their forms; in this way, they influenced the marking of the territory and the consciousness of believers, erasing cultural boundaries. Another example is the cultural and political influence on the appearance of cultural heritage sites. The prominent sites of the Ukrainian Orthodox Church – carriers of local traditional Ukrainian culture – are under threat as a result of such influence. Monuments of local sacral architecture were rebuilt or "restored", this leading to a change in their style and acquisition of forms characteristic of Russian architecture.

ICH sites can be subject to various influences, in addition to time and illegal actions of local law subjects. Natural disasters, wars, and political threats can pose considerable danger and cause significant losses. The existing ICH system is not ready for such challenges. **Summing up the impact of the war on the ICH subsector, we should note that during the 10 years of war, the state ICH protection system has still not developed any effective mechanisms for protecting heritage sites – from both direct and non-linear impact. There are no effective protocols for documentation and emergency elimination of consequences. Local communities are left alone with these problems.**

Strategic recommendation. The needs for emergency response are met through the activities of international monument protection organizations and local public organizations. The experience of such work should be analyzed and implemented by the state system, coordinated at the level of communities and individual municipal services. To counteract existential political challenges, it is necessary to elaborate a separate threat recognition protocol and develop a mechanism for cooperation with the SSU in this regard.

RES-POL

Conclusions

Communities will play an increasingly critical role in the preservation and development of cultural heritage. Currently, the greatest challenge is to raise citizens' awareness of the role and value of local cultural heritage, its responsible inheritance, and use of its potential.

This should be facilitated both through general basic education, which informs and connects future successors with their heritage, allows them to understand it as a source of social and material benefits, and through professional education, which provides communities with specialists in the preservation, research, and popularization of cultural heritage.

State regulation should provide communities with simple, synchronized and transparent heritage preservation tools that minimize the possibility of corruption. It should create fair mechanisms for punishing violators and encouraging responsible owners and users.

The knowledge and skills of cultural heritage experts should be adequately assessed by communities. Decent remuneration for qualified managers and professionals will make it possible to attract the best specialists, rationally spend money on the maintenance of sites and institutions, attract funding from other sources, and integrate heritage into community development and improved well-being.

The experience of the ongoing war has made awareness of the losses at the level of people, cities, communities, and monuments more conspicuous. This painful experience has also revealed the lack of systemic preparedness for prompt response, decision-making, and coordination of actions by authorities, institutions, and professionals. Instead, it has highlighted the role of civil society and leaders willing to take responsibility. At this stage, it is already quite obvious that at the state level, we must emphasize the preservation of cultural heritage in security strategies, and at community level, the need to have local plans for preventive preservation, response to extreme situations, and coordination of interactions with the center and other communities should be stressed.

RES-POL

Facebook RES-POL