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Humanitarian cooperation within the BRICS

In general, humanitarian cooperation within the BRICS framework is an important tool for addressing global humanitarian challenges and creating sustainable development in the region and beyond. Within the framework of humanitarian co-operation in the field of education and science, BRICS is establishing exchanges of students, teachers and researchers. Projects in this area include initiatives such as the establishment of joint research centres, joint scientific conferences and publications. We should also mention the formation of permanent institutions for the preservation of historical heritage, the work of museums and libraries, and youth cultural co-operation. There are such platforms for cultural exchange as the Alliance of Museums, the Alliance of Art Museums and Galleries, the Alliance of Library Cooperation and the Association of Children's and Youth Theatres.

In May 2022, the Ministers of Culture of the five countries signed an action plan for the implementation of the Cultural Partnership Agreement for 2022-2026 aimed at deepening cooperation in preserving and promoting the cultural heritage of the BRICS countries, developing cooperation in the digital space and creative industries.

Cultural co-operation within the BRICS framework also provides an opportunity for exchange of experience and knowledge transfer between the member countries. It allows each country to learn from the experience of others and use it for its own development.

The deepening of Russia's partnership with other states in a multipolar world urgently requires the creation of a system of regional and universal international treaties in the humanitarian sphere, reflecting the specifics of

integration processes and promoting the social and cultural development of partner states.

The Russian Federation is a party to several conventions under which it has assumed obligations in the field of cultural heritage protection. These conventions are part of the UNESCO and Council of Europe systems of international legal instruments.

The Council of Europe conventions ratified by the Russian Federation (the Convention on the Architectural Heritage of Europe and the European Convention on the Protection of Archaeological Heritage) are more specific and contribute to the introduction at the national level of generally accepted international standards of attitude to cultural heritage. Unfortunately, such detailed documents have been adopted by UNESCO only in the form of recommendations.

At present, the Russian Federation and its strategic partners participate in a number of UN conventions and its bodies, but the provisions of these treaties need to be specified in order to ensure the best conditions for cooperation.

One example is the "UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property", under which Member States undertake, *inter alia*, to control archaeological excavations, to ensure the preservation "in situ" of certain cultural property, to promote the development or establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops, etc.) necessary for the preservation and promotion of cultural property, and to ensure the preservation of the cultural heritage. These provisions of the Convention have been concretised by UNESCO in a series of recommendations that have formed the basis of more extensive international treaties for the protection of archaeological heritage of a regional character. More recently, the UNESCO-UNIDROIT Legal Committee adopted a recommendation to enshrine in national

legislation a provision on State ownership of archaeological monuments and all archaeological finds, regardless of their location.

The Russian Federation, relying on the norms of ratified international legal acts, as well as taking into account the recommendations of UNESCO,

has created an advanced regulatory framework in the field of cultural heritage and, first and foremost, the protection of archaeological monuments. Provisions on the preventive protection of archaeological heritage, including archaeological prospecting on developed land plots, on state ownership of archaeological monuments and finds, on the strict regulation of archaeological research, on the criminalisation of the instrumental search for antiquities, and on the classification of all archaeological finds as part of the state museum fund are included in the federal law (73-FZ). For the first time in the world, a norm on state guarantees to citizens to ensure the preservation of heritage in the interests of present and future generations appeared in national legislation.

At the same time, the states of the "global south" are still not covered by an international treaty aimed at introducing generally accepted international standards for the treatment of archaeological heritage. Unfortunately, not all BRICS countries, with the exception of the Russian Federation, Egypt, the UAE and China (where, however, normative regulation has been replaced by active administration), have sufficiently developed legislation in this area. Poverty of the population, insufficient funding for scientific work and lack of personnel to protect archaeological and cultural sites allow, in particular, uncontrolled plundering of archaeological monuments for the purpose of illegal export, mainly to Western countries. Sometimes international groups of plunderers, taking advantage of gaps in legislation, after illegally exporting cultural property, for example, from Russia, India or China, legalise it on the territory of third countries of the Eurasian continent and then openly sell it on Internet auctions. At the same time, within the framework of, for example, the Shanghai Cooperation

Organisation, regular but inconclusive ministerial meetings are held on the problem of illegal trafficking of antiquities.

Based on the experience of the Russian Federation and neighbouring countries, Russian specialists have prepared theses for a draft international treaty aimed at ensuring the preservation of archaeological heritage and preventing its illicit trafficking. First of all, such a document is relevant for the Eurasian cultural space: the remote transmission of cultural and technological innovations, religions, migration of ancient and medieval peoples across the continent has created a unique picture of cultural diversity and unity. All states of the continent should be interested in establishing strict and reasonable national rules regarding antiquities, which is the key to curbing illegal international trafficking of these objects.

The Russian Federation's launching of such an initiative should help to strengthen the authority of our country in the international arena and initiate the creation of a system of Eurasian regional conventions in the field of humanitarian law.

MAIN MESSAGES FOR THE DRAFT INTERNATIONAL TREATY

Based on the need to prevent illegal excavations and spontaneous destruction of archaeological sites, to suppress illegal international trafficking of antiquities, taking into account the obligations undertaken by the States Parties to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the proposed draft international treaty for the protection of archaeological heritage should include the following provisions:

- Definition of the concept of archaeological heritage as well as its movable part, whether or not associated with certain immovable archaeological monuments;

- Enshrining the guarantees of States Parties to ensure the preservation of archaeological heritage in the interests of present and future generations of its citizens;

- enshrining the principle of preventive legal protection of movable and immovable parts of archaeological heritage;

- consolidation of the priority of the right of state ownership of movable and immovable archaeological objects buried in the ground, on the ground and under water, irrespective of the ownership rights to the relevant land (water) plots;

- norms on ensuring preliminary archaeological survey of territories subject to economic development (archaeological reconnaissance) in order to identify previously unknown archaeological heritage sites and to prepare a set of measures for the preservation or full scientific research of archaeological monuments;

- norms on ensuring rescue archaeological research in case it is impossible to ensure the preservation of an archaeological site during construction, excavation or other works:

- norms on limitation or complete prohibition of civil turnover of the movable part of the archaeological heritage;

- norms on the regulation of archaeological research, including the issuance of permission by the competent authority to investigate a certain monument (territory) within a reasonable period of time, the obligation to submit to the competent authority a full scientific report on the conducted research and transfer the finds for state storage, and the conduct of scientific expertise of the submitted reports;

- a norm on ensuring effective measures against illegal excavations, arbitrary use of metal detectors and other technical means to search for archaeological objects;

- Establishing guarantees for States parties to ensure proper storage of archaeological finds from archaeological excavations, as well as those seized by the State from illicit trafficking.