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## EU LEGISLATIVE PRACTICE IN THE IMPLEMENTATION OF CULTURAL POLICY IN UKRAINE

### ЗАКОНОДАВЧА ПРАКТИКА ЄС У ЗДІЙСНЕННІ КУЛЬТУРНОЇ ПОЛІТИКИ В УКРАЇНІ

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**Abstract.** *This article examines the functions of the Council of Europe and the European Commission, focusing particularly on their legislative practices. It analyzes various aspects of EU cultural policy, as outlined in several key international founding documents initiated by these institutions. The aim is to achieve established objectives that promote cultural diversity, enhance the teaching and study of history across European countries, and implement measures that foster cultural policy. These efforts encourage interaction among EU member states, facilitate the exchange of artistic and organizational experiences, and support integration into a common cultural space. The challenges and potential of Ukraine in carrying out the objectives outlined in European documents are examined, considering the ongoing martial law in the country and the criminal actions of the russian aggressor. These actions include the destruction of civilian infrastructure, particularly cultural institutions such as museums, libraries, and community centers in cities, districts, and villages. Additionally, there is the issue of stolen national monuments from occupied territories, which are being exported to russia. By these actions, the aggressor breaches multiple international provisions outlined in cultural policy agreements and declarations, as well as Ukrainian laws regarding the protection of cultural heritage.*

*The conclusion drawn from the current situation is that despite the ongoing threats to cultural heritage sites in Ukraine – many of which are being destroyed or stolen by the russian aggressor – Ukrainians are dedicated to protecting their national achievements. They actively counter-historical falsifications, promote information literacy, and exhibit a natural tolerance for cultural diversity. Additionally, they adeptly utilize the latest information technologies and promote national artistic productions abroad. As a result, Ukrainians are fully prepared for integration into the European cultural space.*

**Keywords:** *EU cultural policy, documents from the Council of Europe, European integration, national cultural heritage, information technology EU cultural policy, documents from the Council of Europe, European integration, national cultural heritage, information technology.*

#### **Formulation of the problem in general terms.**

The establishment and existence of the European Union (EU) are grounded in relevant legislation, among which the European Cultural Convention stands out as a key document. Developed by the Council of Europe (CoE), this convention emphasizes



the importance of citizens from individual EU member states not only understanding their history, culture, and language but also studying the values of other cultures. Additionally, it highlights the need to preserve and develop historical and cultural heritage [1]. The national and spiritual values, which encompass both cultural and spiritual aspects, are fundamental to the civic identity of the people living in a particular country. Those who regard themselves as citizens of that state recognize and embrace these values, along with the national symbols, attributes, and the numerous heroes who fought for the country's independence.

The EU policy recognizes the national identity of each of its member states and peoples in various documents that aim to coordinate and develop the concept of “one Europe”. This concept emphasizes the unity of its people based on principles of equality and democracy. Ukraine, as a country aspiring to join the European family, must share its democratic principles while remaining true to its national characteristics within the European community.

**Analysis of recent research and publications.** Ukrainian scholars actively explore the issues surrounding European democracy, including international legislation that outlines the relevant principles. Keda M. and Solomenna T. have compiled a comprehensive textbook on EU acts that address various aspects of European cultural policy. They provide a detailed preface discussing the conceptual significance of the EU as an international democratic community [2]. Additionally, Prykhodko L. examines the legislative practices of the European Commission in the cultural sector, focusing specifically on archival affairs [3]. Collective analytical achievements should also be recognized. For instance, the European Research Center prepared an information note at the request of Ukrainian MPs regarding the legislative regulation of cultural heritage protection in the EU [4]. Simultaneously, the issue of incorporating international concepts into Ukrainian legislative practice was examined by Shostak V. (considering prospects for implementation) [5] and Shevchenko M. (considering dilemmas and challenges of such implementation) [6].

Contemporary Ukrainian scholars have conducted extensive research on EU cultural policy. However, there is a noticeable gap in analytical works that provide a



comprehensive examination of international documents significant for Ukraine in the context of its active European integration.

**Formulation of the purpose of the article.** The aim is to analyze selected EU documents related to cultural policy and their implementation in Ukraine. To achieve this goal, we will focus on several specific tasks. First, we will examine the views of various scholars regarding the implementation of cultural policy by EU institutions, particularly in terms of legislative support for this area. Next, we will analyze specific EU documents that regulate cultural policy. Finally, we will forecast Ukraine's contribution to the implementation of the EU's cultural policy objectives. The tasks were carried out using research methods that included analysis, synthesis, and comparison.

**Summary of the main research material.** Some EU institutions involved in implementing cultural policy also initiate the publication of relevant legislative documents. Shostak V. highlights key elements of the Council of Europe's Plan on Culture, which emphasizes several important concepts in the cultural sector. These include ensuring "sustainable" cultural heritage, the regulatory development of the EU's cultural space, and creating the right conditions for the "culturalization" of citizens. Additionally, the Plan focuses on the development of local cultural and artistic centers, adherence to principles of gender equality and other forms of equality, and the promotion of international cultural relations, among other objectives [5].

Prykhodko L. emphasizes the organization's role in promoting stable development within the EU by enabling quick responses to contemporary challenges in her analysis of the European Commission's documents on archives. The Commission is responsible for cultural policy in the EU. The Commission's duties include organizing and implementing activities related to cultural heritage. This involves managing legal, administrative, financial, and technological aspects to support these activities. The Commission also works to promote intercultural integration, aiming to create a unified European cultural space, and initiates relevant regulatory documents and programs. The Commission's responsibilities include preserving cultural property in European archives, museums, and libraries [3].



The documents from the Council of Europe highlight several important aspects regarding access to archives and official documents. They address the management systems for preserving records and preventing losses in the archives of European countries. Key topics include the development of electronic archives, the dissemination of digital archival materials, and the creation and maintenance of internet platforms that provide free access to EU documents. Additionally, there is a focus on developing archival legislation related to access, protection, and the preservation of archival heritage [3].

Among the acts of the Council of Europe, we have identified several for analysis in this article to outline international activities in the field of culture.

1. The European Declaration on Cultural Objectives, adopted in 1984, establishes the primary objective of the cultural community as ensuring that everyone has the chance to fulfill their potential. This is achieved by protecting and developing European heritage, ensuring free access to it, raising awareness of European cultural identity, and fostering creative innovations in this sphere. It also involves providing open access to education for personal growth and societal integration, creating conditions for the development of creative abilities, encouraging participation in community life, and utilizing new communication technologies. Additionally, it promotes freedom of thought and expression, nurtures creative activities and self-expression, facilitates the exchange of artists, and supports the use of modern communication methods. There are opportunities for individuals to engage in the formation of ideas through access to information resources, allowing for public discussion of decisions. This framework acknowledges ethnic diversity and promotes varied forms of communication within families, local communities, and society at large. It encourages new forms of social cohesion and fosters better understanding among people of different ages, traditions, cultures, and religions. To achieve these tasks, an incentive system is necessary to encourage innovation, social engagement, and participation in the development of a European identity, as well as to foster international relations and cooperation based on mutual respect among peoples [7].

There are ongoing issues in Ukraine concerning the fulfillment of tasks outlined



in the Declaration. The protection of national cultural heritage is occurring amid Russian military aggression, where missile strikes are destroying civilian infrastructure, including architectural monuments. Additionally, occupiers and collaborators are stealing archival and library collections. Ukrainian youth have the opportunity to integrate into the European cultural space through the active use of information technologies. This allows them to develop a European identity, create cultural innovations, embrace ethnic and religious diversity, and engage in international relations and cooperation.

2. The Declaration on Cultural Diversity, adopted in 2000, outlines key principles regarding cultural diversity, emphasizing the coexistence and exchange of various experiences, as well as the provision and consumption of diverse services and products. Cultural diversity does not hinder free creative development and expression, nor does it limit access to information. Instead, cultural and audiovisual policies promote and respect cultural diversity, which plays a crucial role in the growth of the knowledge economy. In particular, linguistic and artistic diversity positively influences the development of pluralism, innovation, competitiveness, and employment. Therefore, it is essential to promote production methods, technologies, cultural products, and services that are based on cultural diversity [8].

Ukrainians have historically been open to cultural diversity, as the history of the regions they inhabit has experienced processes of ethnic coexistence that have enriched the local population's culture.

For example, the interactions between the Zaporizhzhia Cossacks and the Crimean Tatars, despite some military confrontations, highlight their joint military efforts and the establishment of economic agreements. This is exemplified in the well-known Constitution of Pylyp Orlyk. As a result, Ukraine is fully prepared to pursue a policy of cultural diversity.

3. The Council of Europe Recommendation "Teaching European History in the 21<sup>st</sup> Century", adopted in 2001, outlines several key measures:

- development of a pluralistic approach to history teaching;
- presentation of educational innovations through the use of information and



didactic technologies;

- development of an open approach to sensitive issues in European history from the twentieth century;
- ensuring that both public and private entities have access to the principles, documents, and educational materials specified in these recommendations;
- deepening the bonds of trust and tolerance among and within states;
- exploring solutions to potential challenges in the twenty-first century, including collaborative projects initiated by the Council of Europe;
- fostering a sense of respect for differences, national identity, and tolerance among citizens;
- promoting values such as tolerance, mutual understanding, and human rights;
- encouraging an appreciation of our shared historical and cultural heritage;
- formation of young people's understanding of their role in building Europe's future and fostering peaceful development in the spirit of mutual understanding;
- cultivation of students' ability to critically interpret information, including historical data, and instill a desire to seek out reliable historical facts and engage in open discussions in various communities, both in person and online [9].

Current events in Ukraine provide rich material to prove disinformation and falsification of both history in general and current facts in terms of the reliability of historical facts. Ukrainians have witnessed the essence of Russian fake propaganda, which is uncovered through modern surveillance and recording technologies. Not all citizens of Ukraine can critically perceive information. Therefore, it is essential to cultivate an information culture among the population. This effort is already being undertaken by both public and private organizations within the information landscape.

4. The New European Agenda for Culture outlines three strategic goals for cultural development:

1) use of culture for unity and well-being primarily involves the mobility of artists, allowing them to present their works abroad in visual arts, music, performing arts, and literature. This not only showcases their talent but also contributes to the European integration of their country and culture. This involves sharing experiences,





combining creative efforts, and adopting technical and economic innovations, including the utilization of information systems. The European Commission addresses challenges that artists face regarding Schengen visas, social security, cross-border taxation, and access to information;

2) support for artistic creativity in education and innovation includes several key initiatives:

- developing early education systems that incorporate music and art;
- creating tools to assess students' creativity and critical thinking skills;
- establishing a portfolio system to showcase student's work related to these skills;
- equipping students with the knowledge and competencies necessary for careers in the cultural sector;
- enhancing the quality of teaching in art and culture disciplines;
- stimulating an innovative learning environment by integrating creative, digital, and entrepreneurial practices;

3) enhancing international cultural relations involves providing expert advice on foreign cultural policy, establishing relevant connections, organizing events for stakeholders, developing appropriate training programs, managing administrative arrangements, and identifying key areas for international cooperation [10].

However, cultural heritage is defined as a priority object of EU cultural policy. According to the information note from the European Research Center, the activities in this area are as follows: initially, the "Open Method of Coordination" group, made up of relevant experts, focuses on general issues relating to cultural heritage management and later on specific aspects of heritage protection, whether traditional or modern. It highlights innovative methods and practices in tangible, intangible, and digital cultural heritage, as well as training programs for specialists in risk assessment related to the preservation of cultural heritage, including at the national level [4].

In Ukraine, preserving the national cultural heritage is a priority, as stated in the Law of Ukraine on the Protection of Cultural Heritage from 2000, with amendments in subsequent years. Heritage is understood as objects inherited from previous



generations, including historical buildings, territories, and archaeological sites. These items are characterized by their authenticity and possess archaeological, historical, and aesthetic value. They are also included in relevant registers and documented accordingly. Protecting heritage monuments requires state measures for their preservation and protection for further use “in the interests of both current and future generations”. These methods are organizational, legal, logistical, financial, and informational, aimed at identifying, scientifically substantiating, registering, preserving, protecting, restoring, and ensuring citizens’ access to these objects [11]. Thus, Ukrainian laws are entirely under the provisions outlined in international cultural policy agreements.

### **Conclusions.**

After analyzing EU documents related to cultural policy in light of their implementation in contemporary Ukraine, following conclusions can be drawn:

1. EU institutions responsible for implementing cultural policy initiate the publication of relevant legislative documents in this area. The Council of Europe emphasizes the need for normative development within the EU cultural space. This includes enhancing citizens’ information culture, fostering local artistic centers, and ensuring international cultural relations. Meanwhile, the European Commission focuses on preserving archives, providing prompt responses to current issues, organizing and implementing activities related to cultural heritage, and promoting intercultural integration to create a unified European cultural space. Additionally, the Commission initiates relevant regulatory documents to support these efforts.

2. The European Declaration on Cultural Objectives, part of the acts of the Council of Europe, establishes a key objective for the cultural community: to ensure that all individuals have the opportunity for personal fulfillment. This fulfillment is achieved through various means, including the protection and development of both European and national heritage, ensuring free access to this heritage, introducing creative innovations, fostering conditions that support the development of creative abilities, encouraging participation in community life, and utilizing new communication technologies.





The Declaration on Cultural Diversity outlines provisions for coexistence and the exchange of diverse experiences, as well as the delivery and consumption of a variety of services and products. It also promotes free creative development and access to information, highlighting the positive impact of linguistic and artistic diversity on pluralism, innovation, and employment growth.

The Recommendation “Teaching European History in the 21<sup>st</sup> Century” aims to foster a European identity, which is a primary goal of the EU. It is recommended to highlight the historical connections between the peoples of Europe to cultivate students’ interest in the history of European countries. Additionally, developing analytical skills and critical thinking is essential for students to overcome traditional prejudices and stereotypes. This approach will also help to identify instances of historical falsification for ideological purposes. Furthermore, it is important to present controversial events through the perspectives of various scholars.

3. There are several issues regarding the implementation of the Council of Europe’s recommendations in Ukraine. The protection of national cultural heritage sites is threatened by Russian missile attacks, which are destroying these sites. The occupiers are also stealing archival collections, library materials, and even historical monuments. Russian propaganda is actively distorting both historical events and current facts. While modern surveillance and recording technologies can uncover fakes, the information culture among the population still needs improvement. Public and private organizations are already working towards this goal.

4. Ukraine’s history demonstrates that its citizens are traditionally tolerant of cultural diversity, multiethnicity, and multilingualism. The processes of ethnic coexistence on its territory have enriched the local population’s culture. Consequently, Ukraine is fully prepared to promote cultural diversity in this sphere. Ukrainian youth have the opportunity to integrate into the European cultural space through the active and skillful use of the latest information technologies. This integration can lead to the formation of a European identity while also promoting national artistic products



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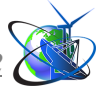
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**Анотація.** У статті з'ясовано функції Ради Європи та Європейської комісії, зокрема законодавчу практику, у межах якої проаналізовано деякі аспекти культурної політики ЄС, викладені в кількох міжнародних установчих документах, ініційованих означеними інститутами, і спрямовані на виконання встановлених цілей у цій сфері, дотримання принципу культурної розмаїтості, викладання й вивчення історії в європейських країнах та виконання запланованих заходів із реалізації культурної політики, що сприяють взаємодії країн-членів ЄС, обміну мистецьким і організаційним досвідом й інтеграції в спільний культурний простір. Визначено проблеми й перспективи України в реалізації завдань, декларованих у європейських документах, зважаючи на воєнний стан у країні та на злочинні дії російського агресора, що спрямовані на руйнування цивільної інфраструктури й зокрема установ культури – музеїв, бібліотек, міських, районних і сільських будинків культури, а також викрадення національних пам'яток на окупованих територіях України й вивезення їх до росії. Такими діями агресор порушує низку міжнародних положень, що викладені в угодах і



деклараціях у сфері культурної політики, а також в українському законодавстві щодо охорони культурної спадщини.

Зроблено висновки, що, незважаючи на актуальні проблеми щодо збереження об'єктів культурної спадщини, які руйнуються й викрадаються російським агресором, українці охороняють свої національні здобутки, викривають фальсифікування історії, підвищують інформаційну культуру, генетично є толерантними до культурного розмаїття, уміло використовують новітні інформаційні технології, упроваджують національну мистецьку продукцію за кордоном і тому повною мірою готові до інтегрування в європейський культурний простір.

**Ключові слова:** культурна політика ЄС, документи Ради Європи, євроінтеграція, національна культурна спадщина, інформаційні технології.

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