Border and Cultural heritage - Approaches to a complex topic

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In the following, some thoughts on the concepts of border, cultural heritage and territoriality are presented to illustrate the complex intertwining of these three concepts. And hence, the handling the protection of cultural heritage in border areas, especially in newly established border areas and post-war territorial changes, shall also be briefly discussed on the de iure well-established "theoretical" instruments of international laws and conventions in contrast to the often de facto arbitrary national practise of sovereign states.

Սահման և մշակութային ժառանգություն. տեսական մոտեցումների քննարկում

Յասմին Դում Թրագուտ

Հայագիտական բաժին

Քրիստոնեական Արևելքի ուսումնասիրությունների կենտրոն, Զալցբուրգի համալսարան,

(«Կապույտ վահան» Ավստրիա, «Կապույտ վահան» Հայաստան,

Եվրոպա Նոստրա)

Հոդվածը քննարկում է սահման, մշակութային ժառանգություն և տարածքային հասկացությունների վերաբերյալ գոյություն ունեցող տեսությունները և մոտեցումները: Ներկայացվում են սահմանամերձ բնակավայրերում մշակութային ժառանգության

պահպանության ինդիրները, հատկապես «նորաստեղծ» սահմանամերձ համայնքներում և հետպատերազմյան տարածքային փոփոխությունները, որոնք քննարկվում են միջազգային իրավունքի և կոնվենցիաների լույսի ներքո:

Граница и культурное наследие - Подходы к сложной теме

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Ниже представлены некоторые мысли о концепциях границы, культурного наследия и территориальности, чтобы проиллюстрировать сложное переплетение этих трех концепций. И, следовательно, вопросы защиты культурного наследия в приграничных районах, особенно в недавно созданных приграничных районах и послевоенных территориальных изменениях, также должны быть кратко обсуждены на основе де-юре хорошо зарекомендовавших себя «теоретических» инструментов международного права и конвенций в в отличие от зачастую де-факто произвольной национальной практики суверенных государств.

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Introduction: The wars of the 20th and 21st centuries have taught us that changes in borders and territories always raise questions about how to deal with the cultural heritage of different ethnic groups in the newly demarcated territories. Thus, Europe's borders after the First and Second World Wars often reflect lines based on cultural-ethnic boundaries rather than actual territorial/geographical ones. There are also quite often several cycles of border demarcations between neighbours.[1] The problems of the successor states to the Yugoslav war, for example[2], show us that there is indeed a deep conceptual relationship between borders and cultural heritage. It is not only that the definition of cultural heritage often evolves through constructing borders. In the very concept of cultural heritage, material, mental and monumental borders are decisive, often less in spatial terms than in temporal terms (between past and present) and, of course, in identity, between us and the others. Actual borders, in turn, are mainly based on political, physical and topographical concepts. Both of these concepts are highly visible to the outside world and

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[1] The case of Poland is regarded quite unique, since Eastern and Western parts of Polard still somehow recall the administrative-cultural borders after World War II, and even older boundaries of portioned Poland from 1795 to 1918, when Poland was partitioned between Prussia, Habsburg Austria and Russia. The same applies to the East-west difference in Ukraine after World War I and II, as well as to re-unified Germany (after 1990).

[2] This process of bordering and rebordering have affected the heritage making and status of the border region of Vukovar between Croatia and Serbia. For more information see Zorko, M., Novak, N. 2020, Deconstructing the discourse of divisions: mental boundaries in the divided city of Vukovar, BELGEO, Revue Belge de géographie, [2, Peripheral borders, soft and hard re-bordering in Europe], 1-20.DOI: [https://doi.org/10.4000/belgeo.38904].

Արվեստ և մշակույթ/Art and Culture

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objects of heavy political investment [Källen, 2019, 7]. But how can the concepts of border and cultural heritage be defined?

Let us first try to briefly describe the contemporary concept of border, starting with the essential characteristics of borders and border zones.

Borders are shaped by topographical features, but more often by state policies and historical features. Last but definitely not least, every border, like cultural heritage is man-made. Borders are therefore fundamentally arbitrary, but also ambiguous and unstable. Borders are dynamic and subject to constant change, even if it may be difficult to accept these changes after wars. According to Houtum, Kramsch and Zierhofer, borders should rather be conceptualised as process of bordering and re-bordering than static lines drawn on a map. Accordingly, territorial identities would not be static realities that are firmly rooted in a delimited space, but constructions that are constantly (re)produced by local and external agents and groups [Houtum, Kramsch and Zierhofer 2005, 87].

If we understand borders not as one-dimensional drawn lines, but as multi-dimensional zones of exchange of ethnic and often cultural identities, then borders are very often also shaped by cultural practices. It is evident from history that borders are often clearly artificial, often even dividing areas of the same ethno-cultural group. However, this also gives rise to one of the most essential characteristics of borders, namely that they, especially as historical borders, serve to create both territorial and cultural identities. It is difficult, however, to separate the two: political borders can have a lasting impact on ethnic and cultural identities, but these political borders can also reflect cultural demarcations.

Obviously, both borders and heritage are considered a means for modern society to organise and control place and time as it thinks appropriate. This thus determines the possibilities for people to move across borders - both spatially, temporally and culturally- within the space of border and culture.

Borders and cultural heritage do in fact share some characteristics and are closely intertwined. As explained above, both are arbitrarily created by man. Moreover,

a) both heritage and borders are means by which the human society is organised, in time and space

b) both define and limit identities, very often ethnic and cultural, very often the us against the other

c) both are defined on behalf of social security and protection but also express a desire to belong to a certain society

d) both are fundamentally subject to the principle of territoriality

e) both can act restrictively, subordinately, soothingly and comfortingly (Källen, 2019, 8)

f) Both exist in mind as on the ground

g) Both can be understood in terms of roots and routes.

Borders are much more than just lines of division and administrative tools for controlling territory. Borders can be regarded as structuring identities.

The concept of phantom borders is a helpful tool to understand the perspective and emotions that interrelate with cultural heritage. Phantom borders are former territorial demarcations, that seem to re-merge after periods of absence or which continue to structure spaces ever after territorial shifts have led to their removal. These historical borders, which have very much led to the construction of territorial and

cultural identity in general, reinforce the very artificial impression of newly drawn borders. Phantom borders are very often used to form and justify territorial identities [Kolosov, 2000, 18]. There is still the question of what came first, the territorial identity or the boundaries. Political borders, no doubt, characterise identities and also "demarcate" them from one another; they also establish political identities However, these political borders very often follow earlier cultural or ethnic borders. During the last century, borders very often followed cultural, often linguistic and even religious borders, and less strictly territorial-political principles.

This is particularly true when a cultural heritage site represents the past of "us" and not that of the "others": Cultural heritage has a special significance in borders. As early as 1969, Barth recognised that ethnic groups do differ from others in terms of exclusive territories, but above all in terms of the different ways in which these are preserved and justified. Culture and cultural heritage are essential features interacting with these territories. In other words, culture and cultural heritage (both tangible and intangible) serve to distinguish and demarcate communities and groups from one another.

Thus, we can continue with the description of the conceptual relationship between borders and cultural (heritage): On the one hand, cultural heritage can be regarded as essential in the construction of borders and territorial boundaries, as cultural heritage draws boundaries both as material, mental and monumental in spatial and temporal terms, namely between the past and the other, between "us and them". On the other hand, a current line of demarcation - political, physical and conceptual - obviously influences the view of, the emergence and the understanding of cultural heritage. Borders and cultural heritage are both externally recognisable and therefore also defined as national, regional, local or sometimes cross-border. Given that cultural heritage and the definition of what counts as ethnic cultural heritage are just as variable and dynamic as political borders, it is important to distinguish between a historically defined and the current ethnic reality when considering current issues of cultural heritage and post-war border shifts or new borders. It is often the case that cultural heritage in border areas is also subject to an act of bordering and re-bordering, and that possibly two ethnic groups divided by borders may both regard this cultural heritage as "theirs". In any case, borders and cultural heritage are not only intertwined but sometimes in conflict.

If we now assume that the ownership of cultural property can be determined by drawing borders, and vice versa, that borders can also define the "territory" of a cultural or ethnic community, the principle of territoriality must also be critically questioned.

What is territoriality? The concept has been formulated by McDowell (2008, 47) as being bound up with notions of a demarcated geographical space (="territory") usually containing some kind of homogeneous, collectivised community that shares a collective identity and heritage. Consequently, territoriality stabilises and mobilises groups or individuals within the demarcated boundaries, and it is accommodated within the framework of preserving the cultural heritage of the group within its demarcated territory. This means that cultural property is linked to territoriality. This raises the question: Who owns, who is responsible for the cultural heritage/property in a territory: is it a) the ethnic group that considers this cultural property as its historical "possession"? or b) the owner of the territory on which the cultural property is located?

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This question of the crucial connection between territoriality and cultural property has been discussed many times over the past 50 years within the framework of the protections and preservation of cultural heritage.

There is no doubt that the protection of cultural property in its original historical, geographical and cultural context is one of the cornerstones of the emerging conventions and laws for the protection of international cultural heritage [Jakubowski 2014, 375]. This means that the responsibility not only of the respective communities but especially of a state must be considered. The state and its legislation should preserve and protect the cultural heritage within its territory, regardless of whether this cultural heritage belongs to the titular nation or to another ethnic community. In other words, this implies that each state should protect the cultural heritage on its territory (in other words, follow the principle of territoriality). However, the cultural heritage on a state's territory, does not only refer to its own ethnic heritage, but also extends to the cultural heritage of others living on its territory. Yet it is worrying that states often do not attribute the value of cultural heritage to the ethnic community that has created, maintained and preserved a particular heritage and do not protect the cultural integrity of the territory.

In fact, the reality of the 21st century shows us that the internationally developed territorial and protective approaches to cultural heritage are very often not implemented. Many states fail or simply do not want to safeguard the interests of stakeholders other than the states themselves. They do not consider the value of the cultural heritage of other groups, because of territorial vicissitudes and problems of post-war border demarcation and territorial changes associated with state succession. Much of this can be attributed to the different definitions of what is considered as cultural heritage and cultural property: there is often a major contradiction between the understanding of a cultural object as the heritage and the symbol of ethnic identity of a particular group and, on the one hand, the question of its current definition as cultural property based on the legal norms of the territory, i.e. the state, on the other. As cultural property, the ownership of cultural objects is usually regulated by national laws. Laws for the protection of cultural heritage, however, are predominantly regulated by international laws and conventions. However, as far as international laws and conventions are concerned, it must be clearly stated that the legal status of cultural property is not solely a matter of national sovereignty! [Campfens, 2020, 264].

Two of the international landmarks in the protection of cultural property emphasise that the preservation of cultural heritage in its original historical, geographical and cultural context is one of the most important foundations of the current international legal framework for cultural property: (a) the 1954 Hague Convention for the Protection of Cultural Property in the event of armed conflict, including the obligation to return cultural property removed from territories under military occupation,[1] and b) the 1970 UNESCO Convention on the Prohibition and Prevention of the International Transfer of Cultural Property illegally removed from a state's territory in time of peace.[2]

Both underpin the principle of territoriality with regard to the allocation of cultural property in the event of territorial changes, such as new border demarcations [Jakubovski, 2014, 379]. In addition, the

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[1] https://www.unesco.org/en/heritage-armed-conflicts/convention-and-protocols/1954-convention.
[2] The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property urges States Parties to take measures to prohibit and prevent the illicit trafficking of cultural property. https://www.unesco.org/en/fight-illicit-trafficking/about.

2005 Council of Europe Faro Convention on the Value of Cultural heritage for society[1] is an important international instrument for regulating the ethics and methods for the presentation and interpretation of cultural heritage. Thus, it regulates procedures to deal with situations of conflicting values/interpretations that are placed on a cultural heritage by different communities, mainly the ethnic creators and the different ethnic owners of the territory where this heritage is located.

This sounds quite convincing, but practice shows us that the actual implementation of these laws and conventions, the principle of territoriality, is not only problematic, but often does not take place at all [Jakubowski, 2104, 390]. Finally, the most diverse interpretations of history and culture, which often cannot be substantiated by facts or even contradict them, often clash with contradictory opinions on the legal consequences of territorial reconfigurations. No matter how beautifully they are formulated, how often they are discussed in academic circles, and how often they are exemplified in international laws and conventions, what actually happens to cultural property in the event of state succession or new border demarcations reveals the weaknesses of these international instruments: International laws and conventions are usually nothing more than non-binding sets of rules. In particular, the above-mentioned Faro convention does not impose any obligations on states parties, but rather suggests specific actions.

Ultimately, what happens to the cultural heritage of "the others" in a state or in the border zone of a state, depends mainly on whether its government expresses a positive "political will" to preserve this "other" cultural heritage in its original, undistorted historical and cultural significance, and in its unaltered form.

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[1] The Faro-Convention emphasizes the important aspects of heritage as they relate to human rights and democracy. It promotes a wider understanding of heritage and its relationship to communities and society. https://www.coe.int/en/web/culture-and-heritage/faro-convention.