

INTERNATIONAL LEGAL FIGHT AGAINST THE ILLEGAL CIRCULATION OF CULTURAL HERITAGE OBJECTS IN THE CONDITIONS OF ECONOMIC INTEGRATION

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Abstract. *The subject* of the study is the conceptual, theoretical, empirical, methodological and applied foundations of the international legal fight against the illegal circulation of cultural heritage objects in the conditions of economic integration. *Methodology.* General scientific and special legal methods were used in the research process. Quantitative and qualitative characteristics of illegal circulation of cultural heritage objects in conditions of economic integration as a social phenomenon were determined with the help of the analysis. The synthesis provided the formation of common features of negative and positive factors that hinder and facilitate the illegal circulation of cultural heritage objects. The comparative legal method allowed to identify the common and distinctive features of the international agreements in this area, as well as with regard to the implementation of their provisions in the national legislation of Ukraine and the Republic of Azerbaijan. The formal-legal method created the conditions for formulating conclusions on the effectiveness of measures defined by international and national legislation in combating the illegal circulation of cultural heritage objects. *The purpose of the article* is to identify the characteristics of the international legal fight against the illegal circulation of cultural heritage objects in the conditions of economic integration. *The results* of the study showed that the international legal fight against the illegal circulation of cultural heritage objects is reflected within the universal international legal, regional international legal and national levels, which are mediated by the legislation of general, special and national legal regimes. *Conclusion.* Characteristic signs of the deformation of the legal market for the circulation of cultural values have been revealed, taking into account the socio-political and economic conditions of the country in which it exists, the culture of the relevant people, and the level of regulatory and legal support that determines the rules for the civilized circulation of such objects. It has been established that the characteristic conditions under which the illegal circulation of cultural heritage objects takes place as a social phenomenon in today's conditions are: 1) interpenetration of the cultures of existing peoples within the framework of economic, political, legal and other spheres of society; 2) establishment of various forms and methods of exchange of similar goods in social life; 3) occupation of a corresponding niche by such objects in the spiritual, legal, social and economic content of such relations; 4) creation of conditions for access to such objects not only by representatives of the countries of origin, but also by other representatives of the world community, in particular through the means of the global Internet network; 5) as a result of the increase in value of such objects due to demand in society, especially due to illegal procedures; 6) in connection with the radicalization of social relations within certain countries or geopolitical formations, creation of conditions for illegal export of such objects from countries where armed conflicts are spreading. In terms of economic integration, the first level is significant, which is mediated by normative prescriptions of international legislation within the framework of the UNESCO Convention 1970 and UNIDROIT Convention 1995, the first of which has a more declarative and generalized nature on issues of normalization of rules of circulation of cultural heritage, and the second ensures the creation of legal structures for the return of illegally transferred cultural values in circulation using private law means. It is established that the instruments of the UNESCO Convention of 1954 with its attached protocols UNESCO Convention of 1954 with its attached protocols UNESCO 1954 Protocol to the Convention and UNESCO 1999 Second Protocol to the Convention make it impossible for criminal groups to finance their activities precisely at the expense of the sale of objects of cultural heritage, mediate the introduction of the category of crime under such circumstances as acts in the form of denial of the right to culture and

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consideration of the latter as a method of waging war. The cultural value approach of the given regulations is supported. The ways of implementation of the international standards of the fight against the illegal circulation of cultural heritage objects in the national legislation of Ukraine and the Republic of Azerbaijan are analyzed.

Key words: cultural values, restitution, return, objects of cultural heritage, international legal struggle, illegal trafficking, convention.

JEL Classification: F53, K14, Z10

1. Introduction

The processes taking place in the modern world community are characterized by a number of features that directly or indirectly reproduce the essence of all such phenomena, namely, ensuring the internationalization of economic activity through the convergence and deepening of the interaction of national economies. That is, the classical development of the economy through the provision of all production links, taking into account the development of established relations between states at various levels and in various forms through the distribution of labor and other resources between national economies, is decisive in the globalization of the entire world community. Among such resources, cultural heritage, as the most valuable achievement of mankind, occupies almost the most important place and, therefore, is a determining factor in the formation of both the international economy and the national economy of each country. The law, as a means of ensuring the civilized circulation of such objects, creates socio-political, legal and, indirectly, economic conditions for the proper functioning of the market of the given category of objects, which includes both property and non-property essence of the relevant human rights and public interests.

This is reflected both in the global international legislation and in the regional international and national level, which is subject to a certain revision taking into account the change of geopolitical realities in today's conditions, caused, among other things, by the radicalization of international relations taking place in the modern world. All this creates the conditions for the existence of such a shameful phenomenon as the illegal circulation of cultural heritage objects, which indirectly affects not only the non-property assets of humanity, but also the global economy of the world community. These processes cannot be outside the limits of civilized forms of struggle against the given phenomenon, therefore they form the appropriate legal basis in the form of normative legal acts and relevant scientific points of view of jurists in this sphere of social life.

Taking into account the existence of a long time within the framework of a single legal field and the achievements and development prospects that Ukraine has in matters of cultural heritage protection,

the peculiarities of the implementation of international legislation on the prevention of illegal circulation of objects of cultural heritage into the legislation of this country, it was necessary to study the following range of issues along with the relevant regulatory framework of Azerbaijan.

The international legal fight against the illegal circulation of cultural heritage objects has been the subject of research by a number of scientists. Thus, the issue of cultural values as an object of civil rights was considered by V. Zverhovska (Zverhovska, 2015), and S. Panova singled out among them architectural monuments with corresponding characteristic features and defining criteria for the classification of their legal regime and certain means of legal protection (Panova, 2019), a retrospective study of the formation of legal protection of cultural heritage in the field of international and Ukrainian legislation was carried out by T. Mazur (Mazur, 2021), O. Rybachok carried out a historical and sociological study of international integrated digital resources of the documentary heritage of relevant archives, libraries, museums in a retrospective plane (Rybachok, 2018). Issues of law enforcement activities, including those of an international legal nature, in the field of combating the illegal circulation of cultural heritage objects were considered by: A. Angelovska from the point of view of normalization of relations with the movement of cultural values across the customs border (Angelovska, 2021), V. Paragaylo from the point of view of the administrative-legal regime of export, import and return of cultural values (Paragaylo, 2021), L. Arkusha, M. Korniienko, A. Berendieieva with regard to the place of illegal circulation of cultural heritage as a part of crime in modern conditions (Arkusha et al, 2019).

The works of S. Kot (Kot, 2020), S. Suleymanli (Suleymanli, 2018), M. Perez (Perez, 2019), S. Manacorda (Manacorda, 2011) are directly devoted to the issue of international cooperation in the fight against the illegal circulation of cultural heritage (Redchits, 2016).

In the plane of the last approach to researching the subject of this work, the issue of counteracting the circulation of cultural values that were moved or destroyed during military conflicts is quite in demand today, which is addressed by V. Soloshenko (Soloshenko, 2018), C. Ehlert (Ehlert, 2014),

J.F. Hernandez (Hernandez, 2018), K. Chamberlain (Chamberlain, 2016).

The existence of a number of scientific works in this field does not negate the relevance and need for further study of the problems of the international legal struggle against the illegal circulation of cultural heritage objects in all its manifestations.

2. Illegal circulation of cultural heritage objects in the conditions of economic integration as a social phenomenon

The existing trends of global integration of the world community find appropriate expression in various spheres of social life, both within the borders of a particular country, relevant economic and political entities, and in the world as a whole. The study of the available statistics shows the important place of cultural values in the structure of the modern capital market. Only the total value of large private collections of works of art in 2018 amounted to almost 2 trillion. US dollars, which mediates a significant passive mass of capital of the richest strata of humanity (Bardon, 2020). At the same time, no less significant is the circulation of these values within the framework of various legal and illegal procedures, which, unlike the previous phenomenon, represents the static nature of such capital. The above studies show that in 2019, the volume of sales of works of art on the world market amounted to 64.1 billion US dollars, which was directly transformed into the following components of geographically separated sites, which are shown in Figure 1.

The analysis of the given structure of the legal market of circulation of cultural values shows its certain deformation in view of the socio-political and economic conditions of the country in which it exists, the culture of the relevant people and the level of regulatory and legal support that determines the rules of civilized circulation of such objects. That is why the United States and Great Britain were among the first countries to legalize the market for the circulation of cultural values.

At the same time, it is necessary to note the radical rethinking of the above, given the small layer of works of art provided by legal trade, compared to the mass of such static capital, given the figures given. In fact, no one has abolished the fundamental law of any economic system, which is an analog of the physical model of equilibrium, according to which demand creates supply. That is to say, the non-legalized demand, which is connected with a number of factors of objective and subjective nature within the cultural, socio-political, legal and economic level of development of society, generates the same non-legalized supply, which actually harms the interests of a specific nation and humanity as a whole. At the same time, all countries are actually involved in the market of illegal circulation of cultural values, some of which acquire the status of donor countries where such objects come from, others ensure the transit of these goods, and the rest are countries where private collectors actually settle them.

The concept of cultural heritage as an object of relevant social relations has found legislative regulation both at the international unified and regional level, and at the national level, within the framework of the relevant legal systems. The Convention on the Protection of the World Cultural and Natural Heritage (World Heritage Convention, 1972) defines the concepts of "cultural heritage" and "natural heritage", which are equally protected by the provisions of this normative legal document in addition to the legal mechanisms established by national legislation, as well as in connection with the unity of the legal regime in terms of ensuring the preservation of the characteristic features of such an object during its inheritance to future generations.

To the main characteristics, according to which in the content of Art. 1 of the Convention on the Protection of the World Cultural and Natural Heritage, the separation of the cultural heritage from the natural heritage is carried out, it is necessary to attribute: 1) the connection of the creation of the object of cultural heritage with human activity;

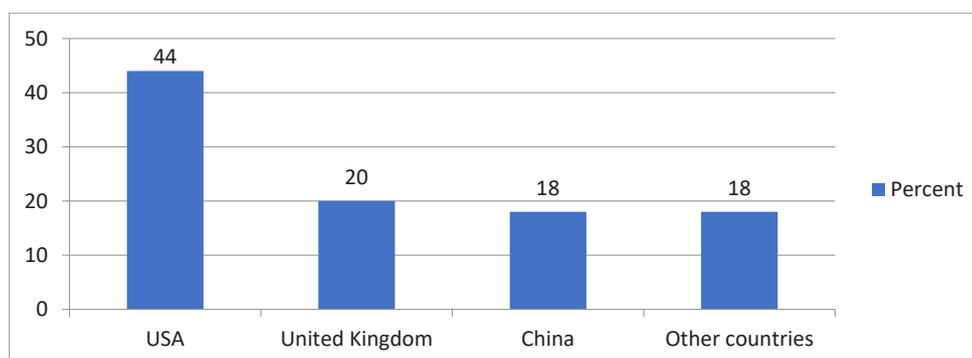


Figure 1.

2) the endowment of the vast majority of such objects with the characteristics of a work as a result of creative, intellectual activity, i.e. an object of intellectual property rights; 3) the value of such a result of human activity for future generations due to the consolidation of achievements in one or another sphere of social existence or a certain significance for the given historical period; 4) the connection of the mechanism of creation, existence or transformation of such objects with historical, aesthetic, ethnological or anthropological features valuable for the world community or a certain part of it (people, nation, group). Objects of natural heritage are not inherently linked to human activity, since they are a creation of nature, but the anthropological factor has an indirect reflection through the consideration of their value specifically for humanity in the relevant retrospective.

Undoubtedly, the differentiation of such objects by the Convention on the Protection of the World Cultural and Natural Heritage into sights, complexes or ensembles and places of interest is aimed at their maximum coverage by legal protection. At the same time, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2003 adopted a decision to expand the range of objects that belong to cultural heritage and require appropriate legal regulation, creating conditions for ensuring respect for the intangible cultural heritage of relevant communities, groups of people and individuals, forming systematic measures to educate the world population and individual countries, ethnic groups in the spirit of respect for intangible cultural heritage. This was embodied in the Convention on the Safeguarding of the Intangible Cultural Heritage (UNESCO Convention, 2003), the objects of the latter include: 1) objects of an intangible nature that have a certain manifestation of objectification (customs, forms of display and expression, knowledge and skills); 2) objects of a material nature related to the previous group (tools, objects, artifacts and cultural spaces), that is, in fact, in the vast majority, they are their material embodiment. Both groups of objects of intangible cultural heritage are covered by such common features that adequately outline the legal regime of their conventional legal protection: 1) recognition by communities, groups and in some cases by individuals as part of their cultural heritage; 2) transmission of such objects from generation to generation in both forms using various methods of communication between them; 3) the stability of the characteristic features of objects of this kind precisely as a type of cultural heritage; 4) the formation of such objects and their acquisition of appropriate features under the influence of the relevant community, its part in the real existence or retrospective deve-

lopment, or nature; 5) promotion of the formation of respect for cultural diversity and human creativity. The spheres of their manifestation are significant for the classification of the given category of objects as cultural heritage: oral traditions and forms of expression; performing arts; customs, ceremonies, celebrations; knowledge and practices related to nature and the universe; traditional crafts.

For the purposes of this study, in the field of prevention of illegal circulation of cultural heritage objects, it is more appropriate to pay attention to the second group of objects of intangible cultural heritage, i.e. those that have a corresponding material embodiment and provide an opportunity to consider the corresponding circulation in civil (economic) turnover.

Using Ukraine as an example, it is possible to trace the implementation of the above-mentioned international legal norms, which ensure the legal regime of cultural heritage objects, taking into account the described quantitative and qualitative characteristics. Thus, for the development of the Convention on the Protection of World Cultural and Natural Heritage, the Law of Ukraine "On Protection of Cultural Heritage: Law of Ukraine as amended on June 8, 2000, No. 1805-III" normalized the concept of cultural heritage as a set of inherited humanity from previous generations of cultural heritage objects, the latter include the same three conventional groups (types) that have been detailed in the national legislation of this country, taking into account the general and special legal regime, type, nature of origin, significance for humanity, connection with other objects, etc. For the purposes of this study, the classification of conventional types of cultural heritage objects is quite significant, including objects: 1) archaeological; 2) historical; 3) monumental art; 4) architecture; 5) urban planning; 6) garden and park art; 7) landscape; 8) science and technology. In accordance with the Convention on the Protection of the World Cultural and Natural Heritage, this Law supports the legal regime of the World Heritage Site, as well as the cultural heritage site, the legal protection of which is provided only within the framework of the national legal regime.

The implementation of the intangible cultural heritage objects took place within the framework of the Law of Ukraine "On the accession of Ukraine to the Convention on the Protection of the Intangible Cultural Heritage: Law of Ukraine as amended on March 6, 2008, No. 132-VI), for the implementation of which the procedure for maintaining the National List of Elements of the Intangible Cultural Heritage of Ukraine was established (On Approval of the Procedure for Maintaining the National List of Elements of the Intangible Cultural Heritage of Ukraine: Order of the Ministry of Culture of Ukraine

as amended on December 11, 2017, No. 1319). Such objects of cultural heritage directly include corresponding objectified forms of expression of intangible cultural heritage, which are transmitted from generation to generation, constantly reproduced by communities and groups and manifested in particular in oral traditions, performing arts, customs, rites, celebrations, knowledge and practices related to nature and the universe, skills related to traditional crafts (folk art crafts), educational and training traditions, etc.

The study of the nature of cultural heritage objects at the level of their international and national legal regime reveals the following characteristic features that determine their significance in the composition of the corresponding spiritual and material capital of mankind: the increase in value with the passage of time in the historical plane, the inclusion of the achievements of mankind in various spheres of social life, the partial embodiment of the intellectual nature during creation, the implementation of additional costs for storage and restoration. All this becomes a guarantee of formation of all parameters inherent in objects that act as a means of capital preservation and increase, i.e. objects of cultural heritage appear, in addition to the above-mentioned purpose of spiritual, general social property, also as objects for formation of wealth of rich representatives of humanity. The given figures of legal circulation of objects of cultural heritage are quite modest, and the vast majority of such objects cannot be legally in private ownership or are in the countries of origin and legal conditions for their legal export, quite often from poorer countries, and satisfying the demand of individuals who live in developed countries, there are none. All this leads to the formation of an illegal market of cultural heritage objects for huge sums of money, as evidenced by the figures of seizure of only two police operations carried out in Bulgaria and Italy, about 4,600 and 10,000 objects of art, which are cultural heritage objects (Renold, 2020).

The characteristic conditions under which the illegal circulation of cultural heritage objects takes place as a social phenomenon in today's conditions are: 1) interpenetration of the cultures of existing peoples within the framework of economic, political, legal and other spheres of society; 2) establishment of various forms and methods of exchange of similar goods in social life; 3) occupation by such objects of a corresponding niche in the spiritual, legal, social and economic content of such relations; 4) the creation of conditions for access to such objects not only by representatives of the countries of origin, but also by other representatives of the world community, in particular through the means of the global Internet network (Mashberg, 2020); 5) as a result of the increase in the value of such objects due to demand in society,

especially due to illegal procedures; 6) in connection with the radicalization of social relations within certain countries or geopolitical formations, the creation of conditions for the illegal export of such objects from countries where armed conflicts are spreading (Kaci, 2020).

As a result of the study of the nature of cultural heritage objects, as well as the illegal circulation of cultural heritage objects as a social phenomenon in the conditions of economic integration of the world community, it is necessary to study the international legal principles of combating this form of human activity in today's conditions.

3. International legal standards to combat the illicit trafficking of cultural objects in the context of economic integration

The international legal mechanism to combat the illegal circulation of cultural heritage objects is established at three levels: 1) universal international law; 2) regional international law; 3) national.

The universal international legal regime for the implementation of measures to combat the illegal circulation of objects of cultural heritage began to be fully formed on the basis of the policy of granting independence to colonial countries and peoples, which was initiated in the early 60s of the last century. Such transformations in scientific sources are associated with the phenomenon of formation of a new international order in the field of culture in terms of granting the peoples the right to self-determination, including in this component of social life (Négri, 2020). This became the impetus for normative novelties at the international level, which would determine the rules for the implementation of such a right, which was transformed into the adoption of the Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property (UNESCO Recommendation, 1964), and the development of the last document – the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO Convention, 1970). According to Négri, the purpose of this international legal treaty is to establish the fundamental principles of collective responsibility and equality of cultures as a guarantee for the realization of the content of the right of peoples to their cultural heritage or, in the context of the above, the right to cultural self-determination. Indeed, such an approach has a right to exist, since the development of the cultural identity of any people and of the world community as a whole is directly related to the cultural heritage of these people, embodied in the corresponding cultural values received from previous generations.

No less reasonable is the opinion that the UNESCO Convention of 1970 aims at creating a compromise between the developed countries, which are the vast majority of the sources of demand for such objects, and the developing countries, from whose territory the listed cultural values originate (Kot, 2020). According to another point of view, the specified international legal act is intended to ensure the legal order of import, export and transfer of ownership of cultural values (Angelovska, 2021). This position is complemented by the consideration of granting a privileged legal status to cultural objects in the UNESCO Convention of 1970, the establishment of comprehensive measures to combat illegal actions against them, particularly in the form of theft or robbery, and, above all, the recognition of the right of a country to cultural values originating from its territory through the formation of international legal custom (Paragaylo, 2021).

The analysis of the provisions of the UNESCO Convention of 1970 in the light of the above considerations testifies the following. This international legal act clearly defines its purpose – to establish the legal procedure for the circulation of cultural heritage objects in the international space and the rules of international cooperation in this area.

Achievement of the stated purpose of the UNESCO 1970 Convention mediates the solution of the following tasks: 1) implementation of the provisions of the Declaration of Principles of International Cultural Cooperation (UNESCO Declaration 1966, 1966); 2) expansion of knowledge about human civilization; 3) education of mankind in the spirit of respect for other peoples; 4) formation of the true material and spiritual value of objects of cultural heritage; 5) imposition of a legal obligation on the state to take measures to protect cultural values located on its territory from the danger of theft, secret excavations and illegal removal; 6) formation of a moral obligation of each of the signatory countries regarding its own cultural heritage and the cultural heritage of other nations; 7) creation of appropriate funds of cultural and educational institutions on the basis of generally accepted moral principles and legal regulations; 8) UNESCO's obligation to involve the countries of the world community in cooperation in the field of combating the illegal circulation of cultural heritage objects on the way to eliminating misunderstandings in international relations; 9) implementation of activities to prevent the illegal circulation of cultural heritage objects at the national and international levels in close cooperation between countries.

The UNESCO Convention of 1970 clarifies, within its content, several issues that are important for the legitimate circulation of cultural heritage objects

with respect to 1) terminology; 2) rules of circulation (organizational and technological); 3) consequences of violation of these rules; 4) directions and means of cooperation between countries within the framework of implementation of the provisions of this Convention.

Within the terminological definitions, a clear definition of the list of cultural values that require legalization of circulation is proposed, taking into account the purpose of this international legal act, as well as highlighting the characteristics of the latter in order to include them in the circle of cultural heritage objects of each country. Among them the following are proposed: 1) creation by individuals or collectives of citizens of the respective state; 2) creation by a foreigner or stateless person of cultural values important for the people; 3) discovery on the national territory of the country; 4) acquisition of cultural values by archaeological, ethnological and naturalistic expeditions with the permission of the authorized body of the country of origin; 5) acquisition as a result of voluntary exchange between states; 6) receipt as a gift or purchase with the permission of the authorized body of the country of origin of cultural values. It provides a defined list of legitimate ways of introducing cultural values belonging to cultural heritage objects into civil circulation, which ensures the recognition of the given legal regime at the international level.

Within the framework of organizational measures for the introduction of rules for the circulation of cultural heritage objects, it is proposed to create a system of state administrative bodies, national services for the protection of cultural heritage with appropriate organizational, legal, personnel and material and financial support, based on such defined articles. 5 of the UNESCO Convention of 1970, functions which, of course, should be interpreted in a broader sense in the context of the above-mentioned objectives of the international legal treaty in question.

Technological issues related to the implementation of these rules are covered by the measures referred to in Art. 6 of the 1970 UNESCO Convention. First of all, it is the introduction of a legitimate document (certificate), which represents the will of the country of origin (exporting country) of a particular cultural object to export it in accordance with the established rules and determines the ability of such an object to circulate in a civilized way on the world market of cultural goods. Second, the prohibition of export of cultural values not accompanied by the specified legal documents. Thirdly, the publication in all possible forms of information about the prohibition of export and import of cultural values without the specified certificate.

Special attention should be paid to issues that are also of a technological nature in the mechanism of

ensuring the rules of circulation of cultural heritage objects, but are appropriately assigned to a separate group, namely measures of a preventive nature, which are referred to in Art. 7, 9, 10, 12, 13 of the 1970 UNESCO Convention. According to some researchers, such measures contribute to the formation of ethical rules of behavior towards cultural heritage objects among museum institutions (Négri, 2020); according to others, they create conditions for the implementation of the procedure for the return and restitution of illegally exported cultural values (Kot, 2020).

For the purposes of this Convention, the procedure for the return and restitution of illegally exported cultural property is of great importance, since it plays the role of both a preventive and a punitive measure. At the same time, it would be appropriate to agree with the opinion of S. Kot, who, among the specified normative prescriptions, casually singled out the provisions that generally determine the rules for the application of restitution, as well as the direct procedural means of its implementation in the form of an appropriate lawsuit, the filing of which must be ensured within the national legislation of the signatory country.

The UNESCO Convention of 1970 obliges the participating countries to introduce administrative and criminal liability for violators of the above rules, and also provides for the considered mechanism of civil liability in the form of restitution.

A number of provisions of this international legal treaty pay special attention to directions and means of cooperation of the participating countries within the framework of prevention of illegal circulation of cultural heritage objects, in particular, both in terms of cooperation between countries and through UNESCO in the field of 1) exchange of information; 2) education; 3) advisory services; 4) expert services.

In the events taking place, it is appropriate to pay attention to Art. 11 UNESCO Convention of 1970 attention to the issue of protection of cultural values in conditions of armed conflict, which defines the presumption of recognition of illegal forced export or transfer of ownership of cultural values, which is a consequence of direct or indirect occupation of the country of origin of cultural values by a foreign state.

If the UNESCO Convention of 1970 became rather a fundamental international legal act, which set the general principles of normalization of the rules of circulation of cultural heritage objects, then the new international legal agreement, which was embodied in the UNIDROIT Convention of 1995, directly established the legal mechanism for the implementation of restitution in as a means to restore the private rights of owners of cultural heritage objects, and indirectly the public interests of the society of the country of origin of cultural values that have such legal regime.

UNIDROIT is an international organization with a long history of establishment and existence, whose purpose is to ensure the development and implementation of measures for the unification of private law in the world. The legality of the development and adoption of the UNIDROIT Convention 1995 within the framework of the functioning of this organization is explained by the private law nature of the restitution mechanism as a means of restoring the status of private rights and interests of persons who have been violated due to deprivation, damage and other forms of oppression of the corresponding right and interest. Such a position fully corresponds to the essence of removing the cultural heritage object from civil circulation, which was pointed out at the beginning of this study. In addition, some researchers draw attention to the limitations of the content of UNESCO 1970, which does not provide the authorized entity with legal means to demand a cultural heritage object put into circulation outside the defined rules (Kot, 2020). However, it should be noted that this international legal agreement actually introduces private law mechanisms for the restoration of the violated right to the satisfaction of the public interest, which consists in respecting the appropriate order of circulation of cultural values, which in part represents not only private, but also public demand.

At the same time, in connection with the implementation of a comprehensive mechanism for the protection of the rights and interests of the owners and holders of cultural heritage objects, it is customary to distinguish such legal structures as restitution and compensation for the damage caused. The UNIDROIT 1995 Convention has created both possibilities for the entitled person, both alone and in a corresponding relationship.

Among the positive aspects of this Convention, the following should be noted. It recognizes the complexity of measures for the protection of cultural values, where, in addition to restitution, it fully recognizes the development and application of relevant registers, the protection of archaeological reserves, technical cooperation and others. In addition to the mechanism of restitution, the return of illegally exported cultural property is offered as a remedy under private law. The difference between them is the obligation of the owner of stolen cultural objects to return them to the country of origin, according to the first method, and the right of such a country to return illegally exported cultural objects, according to the second method. That is, in both cases, the UNIDROIT 1995 Convention uses the special legal terms "stolen" and "illegally exported" cultural property. Obviously, the essence of theft is perceived in a general criminal aspect, but the Convention additionally clarifies

the legal regime of cultural values originating from unauthorized excavations or illegally removed from authorized excavations, which are recognized as stolen if this meets the requirements of the legislation of the country of excavation. Illegally exported cultural values are objects of cultural heritage that have been removed from the territory of their country of origin in violation of the rules defined by the legislation of that country. The number of illegally exported cultural objects also includes those that were legally exported but not returned within the framework of the issued permits, which is considered quite positive by researchers (Kot, 2020).

The UNIDROIT 1995 Convention contains a list of cultural values which are covered by its legal protection and which correspond to the following characteristics: 1) perceived in secular or religious spheres; 2) important for archaeology, anthropology, history, literature, art or science. Moreover, in accordance with the annex to this international treaty, the differentiation of similar objects into categories is proposed, taking into account the scope of use and creation.

The defining features of the legal mechanisms of restitution and return of cultural heritage objects are: 1) the presumption of good faith behavior; 2) the protection of the bona fide acquirer of such objects through the implementation of the fair and reasonable compensation mechanism; 3) the establishment of time limits for the realization of the right to restitution and return of cultural values; 4) the recognition of the optional nature of the national legal regime of the above-mentioned legal constructions for combating the illegal circulation of cultural values; 5) the definition of a special legal regime for a public collection, a cultural value that has a sacred character or collective significance, or belongs to or is used by a community of indigenous inhabitants or tribes.

In view of the fact that throughout the existence of mankind there have been various factors causing conflicts both within a particular people and between peoples, the question of creating additional mechanisms for the protection of cultural heritage has always arisen precisely at such times or as a result of the course of similar events. 11 of the UNESCO Convention of 1970 and indirectly in the content of the considered legal constructions defined by the UNIDROIT Convention of 1995. However, the provisions of the UNESCO 1954 Convention (UNESCO 1954 Convention, 1954) and its Protocols (UNESCO Protocol to the Convention, 1954), (UNESCO Second Protocol to the Convention, 1999) proved to be special in this area.

It is suggested to the researchers that within the framework of the implementation of the latest international legal agreements on the protection of

cultural heritage, in particular, through the prevention of illegal circulation, the following measures should be emphasized: 1) administrative; 2) legal; 3) military; 4) informational; 5) technical (Akulenko, 2010). For the purposes of this study, the main achievements of these special regulatory acts are as follows. Enhanced protection is introduced for cultural heritage objects in the presence of three circumstances: 1) they belong to the cultural heritage of outstanding importance for humanity; 2) they are not used for military purposes, which is guaranteed by the country where they are located; 3) implementation of comprehensive organizational, administrative and legal measures at the national level in relation to them, which testifies to their exceptional cultural and historical value. The participating countries undertake to introduce at the national level criminal responsibility for committing an act in the form of an attack on such objects, using them to support military operations, destruction or appropriation on a large scale, theft, robbery, illegal appropriation, acts of vandalism against them, as well as administrative or disciplinary responsibility for any use of cultural values in violation of the procedure defined by these normative acts, or any illegal export, other removal of cultural values from the occupied territory or transfer of ownership in violation of the established procedure. In the context of the scope of application of the UNESCO Convention of 1954 with its annexed Protocols UNESCO 1954 Protocol to the Convention and UNESCO 1999 Second Protocol to the Convention, the provisions establishing the legal responsibility of military personnel and the obligation of participating States to take appropriate measures with respect to them are of particular importance. In the context of the scope of the 1954 UNESCO Convention and its annexed Protocols, the 1954 UNESCO Protocol to the Convention and the 1999 UNESCO Second Protocol to the Convention, the provisions establishing the legal responsibility of military personnel and the obligation of participating States to take appropriate measures with respect to them are of particular importance. Scholarly sources emphasize the importance of UNESCO's 1999 Second Protocol to the Convention for the Protection of Cultural Heritage Objects in Armed Conflicts of an Internal Nature (Chamberlain, 2016).

A positive feature of these international agreements is the establishment of a fund for the protection of cultural values in the event of armed conflict, with a corresponding objective, which also makes adjustments to the issue of the legality of the circulation of cultural heritage objects in such circumstances. In addition to ensuring the existence of the Fund for the Protection of Cultural Property

in the event of an armed conflict, the legal movement of cultural property through the mechanism of its restitution is allowed when implementing the legal procedure of denunciation of the Protocol to the Convention. However, the question of the application of the institution of restitution under such specific conditions is not defined, which returns the parties to the general provisions of the 1970 UNESCO Convention and the 1995 UNIDROIT Convention.

According to researchers, the most dangerous issues in the conditions of armed conflicts are those related to the need of criminal groups to finance their activities precisely at the expense of the sale of cultural heritage objects (Kaci, 2020). At the same time, the legal constructions defined within the framework of the above-mentioned international normative acts, moreover, are supplemented, for example, by the United Nations Security Council Resolution 2199 (S/RES/2199, 2015), but do not provide adequate technological procedures for the protection of cultural heritage, in particular in terms of attracting to the full responsibility of the buyers of such things. In fact, the recent international legal document creates the conditions for bringing to justice individuals and legal entities involved in the trafficking of cultural goods originating from areas where armed conflicts are taking place or have taken place. However, it does not specify the legal procedure to be followed, leaving such a possibility to national legal systems. Some researchers propose to introduce the category of crime under such circumstances as acts in the form of denial of the right to culture, and consider the latter as a method of waging war, which mediates the privileged nature of international criminal law in relation to such crimes (Perez, 2019).

In connection with the above, it is appropriate to consider the comparison of the position of the Rome Statute of the International Criminal Court (Rome Statute ICC, 1998), which is characterized as the approach of civil use of the object of cultural heritage, and the Second Protocol to the UNESCO Convention of 1999, which reflects the so-called cultural value-oriented approach (Frulli, 2011). In view of the above, it is quite possible to agree with the given point of view.

Therefore, the international legal standards for combating the illegal circulation of cultural heritage objects are traced at three levels: universal international law, regional international law, and national law.

In the conditions of economic integration, the first level is significant, which is mediated by normative prescriptions of international legislation within the framework of the 1970 UNESCO Convention and the 1995 UNIDROIT Convention, the first of which is more declarative and generalized in terms of normalizing the rules of circulation of

cultural heritage records, and the second ensures the creation of legal structures with return of illegally displaced cultural values using private law means. In addition to the above, the UNESCO Convention of 1954 with its annexed protocols UNESCO 1954 Protocol to the Convention and UNESCO 1999 Second Protocol to the Convention, where actions with illegal circulation of cultural values in conditions of military conflicts of national and international nature are reflected.

4. Implementation of international legal standards for combating illicit trafficking in cultural heritage objects in the national legal system – the example of Ukraine and Azerbaijan

The second or regional international legal level of implementation of international standards to combat the illicit circulation of cultural heritage objects is an intermediate level between the first and the third and is mediated by a number of features of a geographical, geopolitical and economic nature. Such legal documents include the European Convention on Offences Relating to Cultural Property (European Convention, 1985), which supplemented the international legal norms with provisions on determining the legal status of pre-trial investigation bodies and the court, the European Convention on the Protection of Archaeological Heritage (European Convention, 1992), which defines the legal regime of cultural values illegally obtained during archaeological excavations, Regulation of the Council of the European Union No. 116/2009 on the export of cultural values (Council Regulation, 2008), which recognizes the export license for such objects as a single identification document, and others.

For the consequences of the application and implementation of the content of the above-mentioned conventions, the processes of implementation of international standards of a universal nature on the issues of combating the illegal circulation of cultural heritage objects into national legislation are more significant in terms of economic integration. It's necessary to trace such processes on the example of Ukraine and Azerbaijan.

As a matter of fact, the Ukrainian legislation has been enriched by the achievements of the international legal regulation of the protection of cultural heritage, which, as already mentioned, was marked by the adoption of the Law of Ukraine "On the Protection of Cultural Heritage" and the Law of Ukraine "On the Accession of Ukraine to the Convention on the Protection of Intangible Cultural Heritage" and in accordance with them a number of other subordinate legal acts.

However, for the purposes of this study, the issue of implementation of international legal documents on prevention of illegal circulation of cultural heritage objects is more important. For example, Ukraine ratified the UNESCO Convention of 1970 in 1988, that is, during its stay in the USSR. Within the framework of the implementation of the contents of the Convention, in the first stage, in 1993, the National Commission on the Return of Cultural Objects to Ukraine was established (On the Approval of the Regulation on the National Commission on the Return of Cultural Objects to Ukraine: Resolution of the Cabinet of Ministers of Ukraine as amended on June 18, 1993, No. 464), within the framework of which the powers were provided for 1) to identify and facilitate the return to Ukraine of displaced cultural property and to take measures to compensate for losses caused by its illegal circulation; 2) to protect it in connection with the specified national interests; 3) to coordinate international cooperation in the field of combating the illegal circulation of cultural heritage objects; 4) to participate in the development and implementation of measures to fulfill Ukraine's obligations in this area; 5) to provide scientific-methodical and informational support for activities in this area.

In the second stage of implementation of the provisions of the UNESCO Convention of 1970, the Law of Ukraine "On Export, Import and Return of Cultural Property: Law of Ukraine as amended on September 21, 1999, No. 1068-XIV". And the National Commission for the Return of Cultural Property to Ukraine was reformed into the State Service for the Control of Movement of Cultural Property across the State Border of Ukraine, and later into the State Service for the Protection of Cultural Heritage and the State Inspection of Cultural Heritage. In general, this law reproduces the main developments of the UNESCO Convention of 1970 through: 1) definition of the procedure for import, export and return of cultural property; 2) normalization of the legal status of the state control body over the export, import and return of cultural property; 3) examination and registration of cultural heritage objects; 4) introduction of a mechanism of protection of the bona fide owner; 5) establishment of forms and means of international cooperation in this field. The State Service for Protection of Cultural Heritage was established with the purpose of providing licensing and administrative services in the field of protection of cultural heritage, management of cultural institutions, such as museum complexes, implementation of the policy of return of cultural values to Ukraine, and the State Inspection of Cultural Heritage – to carry out supervision and control in the field of protection of cultural heritage. In the final version, the Ministry of Culture and Information Policy of Ukraine

concentrated these functions from January 2022 (Some issues of the Ministry of Culture and Information Policy: resolution Cabinet of Ministers of Ukraine as amended on October 16, 2019, No. 885).

The UNESCO Convention of 1970 was also ratified by the Republic of Azerbaijan in 1997 and implemented in the legislation of Azerbaijan by incorporation, that is, by inclusion in the content of the relevant legal acts (Suleymanli, 2018). The most important among them in connection with the subject of this study are the Rules on import, export and transit of cultural property through the territory of the Republic of Azerbaijan (On approval of the "Rules on import, export and transit of cultural property through the territory of the Republic of Azerbaijan": Resolution of the Cabinet of Ministers of Azerbaijan in the version of August 29, 2014, No. 294). The following institutions of the UNESCO Convention of 1970 have been recently implemented: 1) terminology and list of cultural values; 2) administrative procedure of import, export, transit; 3) procedure of issuing a certificate; 3) examination of cultural values.

The comparison of the means of implementation of the UNESCO Convention of 1970 in Ukraine and the Republic of Azerbaijan indicates a more perfect mechanism in this matter in the first country, where, in addition to administrative procedures, other institutions were reflected at the level of law, such as the introduction of a mechanism of protection of bona fide owners, and the establishment of forms and means of international cooperation in this sphere.

The 1995 UNIDROIT Convention proved to be more controversial in terms of implementation by these countries, which is also mediated by its certain dispositiveness in this part, which allows even signatories to apply national legislation in the presence of certain conflicts. Both countries are not members of the international organization UNIDROIT itself, and Ukraine has not signed this agreement. Azerbaijan has been a party to this International Convention since 2003, which served to develop the mentioned rules of import, export and transit of cultural values through the territory of the Republic of Azerbaijan. At the same time, since the legislation of this country does not contain the legitimization of the institution of restitution and return of cultural values, the provisions of the UNIDROIT Convention of 1995 are fully applicable. That is, the provisions of this Convention are actually implemented on the basis of the following principles: 1) recognition of the priority of universally recognized principles and norms of international law; 2) prevention of violation of public order in this country.

As for the implementation of the provisions of the UNESCO Convention of 1954 with the annexed Protocols of the UNESCO Protocol of 1954 to the

Convention and the UNESCO Second Protocol of 1999 to the Convention, Ukraine has fully acceded to these agreements only in 2020, and the Republic of Azerbaijan in 2001. The implementation of the provisions of these international legal acts is carried out by incorporation into the existing acts of national legislation, although for Ukraine, in the light of recent events, additional prerequisites for the improvement of the national legislation in this sphere have arisen.

5. Conclusions

Thus, the characteristic signs of the deformation of the legal market for the circulation of cultural values were revealed, taking into account the socio-political and economic conditions of the country in which it exists, the culture of the relevant people, and the level of regulatory and legal support, which determines the rules for the civilized circulation of such objects. The nature of cultural values and objects of cultural heritage among them, as well as their place in the structure of spiritual and material capital of mankind have been studied.

It has been established that the characteristic conditions under which the illegal circulation of cultural heritage objects takes place as a social phenomenon in today's conditions are: 1) interpenetration of the cultures of existing peoples within the framework of economic, political, legal and other spheres of society; 2) establishment of various forms and methods of exchange of similar goods in social life; 3) occupation of a corresponding niche by such objects in the spiritual, legal, social and economic content of such relations; 4) creation of conditions for access to such objects not only by representatives of the countries of origin, but also by other representatives of the world community, in particular through the means of the global Internet network; 5) as a result of the increase in value of such objects due to demand in society, especially due to illegal procedures; 6) in connection with the radicalization of social relations within certain countries or geopolitical formations, creation of conditions for illegal export of such objects from countries where armed conflicts are spreading.

International legal standards for combating the illicit trafficking of cultural heritage objects are traced at three levels: universal international law, regional international law, and national law.

In the conditions of economic integration, the first level is significant, which is mediated by the normative prescriptions of international legislation within the framework of the UNESCO Convention of 1970 and the UNIDROIT Convention of 1995, the first of which is more declarative and generalized in terms of normalizing the rules for the circulation of cultural heritage records, and the second ensures the

creation of legal structures with the return of illegally displaced cultural values by means of private law.

In addition to the above, the UNESCO Convention of 1954 with its annexed Protocols UNESCO 1954 Protocol to the Convention and UNESCO 1999 Second Protocol to the Convention, in which actions with illegal circulation of cultural values in conditions of military conflicts of national and international nature are reflected. The instruments of these international regulatory acts make it impossible for criminal groups to finance their activities precisely at the expense of the sale of cultural heritage objects, mediate the introduction of the category of crime under such circumstances as acts in the form of denial of the right to culture and consideration of the latter as a method of waging war. The cultural value-oriented approach of the relevant regulations is supported.

In the national legislation of Ukraine and the Republic of Azerbaijan, the implementation of the above-mentioned international legal acts in the field of combating the illegal circulation of cultural heritage objects has been traced. In both countries, the UNESCO Convention of 1970 has been implemented, however, in Ukraine at the level of the law, and in the Republic of Azerbaijan through incorporation into the framework of a number of secondary regulatory acts. At the same time, according to the legislation of the Republic of Azerbaijan, the implementation was carried out more within the framework of administrative procedures, and in the Ukrainian legislation were also reflected other institutions, such as the introduction of a mechanism of protection of bona fide owners and the establishment of forms and means of international cooperation in this field. Unlike Ukraine, the Republic of Azerbaijan has implemented the provisions of the UNIDROIT Convention of 1995 on the basis of the following principles 1) recognition of the priority of universally recognized principles and norms of international law; 2) prevention of violation of public order in the country.

The implementation of the provisions of the UNESCO Convention of 1954 with the attached protocols UNESCO 1954 Protocol to the Convention and UNESCO 1999 Second Protocol to the Convention began to be fully implemented by Ukraine in 2020, and the Republic of Azerbaijan ratified in 2001, but the incorporation of its provisions is still being carried out. Although for Ukraine, in the light of recent events, additional conditions have arisen for the improvement of national legislation on this issue.

Therefore, the issue of international legal struggle against the illegal circulation of cultural heritage objects in the context of economic integration has found legal regulation at various levels, however, a number of problems remain unresolved, which actualizes the development of new changes in international and national legislation in this area.

References:

- Zverhovska, V. F. (2015). *Kulturni tsinnosti yak obiekty tsyvilnykh prav* [Cultural values as objects of civil rights] (PhD Thesis), Odessa: National University "Odessa Law Academy". (in Ukrainian)
- Panova, S. I. (2019). *Pamiatky arkhitektury yak obiekty tsyvilnykh prav* [Monuments of architecture as an object of civil rights] (PhD Thesis), Odessa: National University "Odessa Law Academy". (in Ukrainian)
- Mazur, T. V. (2021). *Okhorona kulturnoi spadshchyny v Ukraini: istoryko- y teoretyko-pravove doslidzhennia* [Protection of cultural heritage in Ukraine: historical and theoretical legal research] (doctoral dissertation), Kyiv: National Academy of Internal Affairs of Ukraine. (in Ukrainian)
- Rybachok, O. M. (2018). *Mizhnarodni intehrovani tsyfrovi resursy dokumentalnoi spadshchyny arkhiviv, bibliotek, muzeiv: etapy stvorennia, stratehii rozvytku (80-ti roky XX – 10-ti roky XXI st.)* [International Integrated Digital Resources of the Documentary Heritage of Archives, Libraries, Museums: Stages of Creation, Development Strategies (the 80s of the XX – 10th years of the XXI c.)] (PhD Thesis), Kyiv: V. I. Vernadsky National Library of Ukraine. (in Ukrainian)
- Angelovska, A.S. (2021). *Osoblyvosti peremishchennia cherez mytnyi kordon Ukrainy kulturnykh tsinnosti* [Peculiarities of moving cultural values across the customs border of Ukraine] (PhD Thesis), Zaporizhzhia: Zaporizhzhia National University. (in Ukrainian)
- Paraguaylo, V. O. (2021). *Administratyvno-pravove rehuliuвання poriadku vyvezennia, vvezennia ta povnennia v Ukrainu kulturnykh tsinnosti* [Administrative and legal regulation of the order of export, import and return to Ukraine of cultural values] (PhD Thesis), Kyiv: National Academy of Internal Affairs of Ukraine. (in Ukrainian)
- Arkusha, L., Korniienko, M., & Berendieieva, A. (2019). Criminal activity in Ukraine in the light of current conditions. *Amazonia Investiga*, 8(24), 386–391.
- Kot, S. I. (2020). *Povernennia i restytutsiia kulturnykh tsinnosti u politychnomu ta kulturnomu zhytti Ukrainy (XX – poch. XXI st.)* [Return and restitution of cultural values in the political and cultural life of Ukraine (XX – early XXI centuries)]: monograph. Kyiv: Institute of History of Ukraine, National Academy of Sciences of Ukraine. (in Ukrainian)
- Suleimanli, S. A. (2018). Problems of international legal regulation of the protection of cultural heritage and legislation of the Republic of Azerbaijan: monograph. Baku: "Azerbaijan".
- Soloshenko, V. V. (2018). Zakhyst kulturnykh tsinnosti u period viin i zbroinykh konfliktiv [Protection of Cultural Values during Wars and Armed Conflicts]. *Problems of world history*, 2(6), 187–204. (in Ukrainian)
- Perez, M. T. (2019). The protection under international criminal jurisdiction of the right to culture: internacional crimes regarding destruction of cultural heritage. *Cuadernos electronicos de filosofia del derecho*, 39 (SI), 224–238.
- Manacorda, S. (2011). Criminal Law Protection of Cultural Heritage: An International Perspective. *Crime in the art and antiquities world: illegal trafficking in cultural property*, 17–48.
- Redchits, M. A. (2016). Criminal Law Protection of Cultural Heritage. *Pravo-zhurnal vyshei shkoly ekonomiki*, 3, 50–60.
- Ehlert, C. (2014). Prosecuting the Destruction of Cultural Property in International Criminal Law: With a Case Study on the Khmer Rouge's Destruction of Cambodia's Heritage. *International Criminal Law Series*, 4, 1–252.
- Hernandez, J.J.F. (2018). Protection of material cultural heritage in armed conflict. *Cadernos de Dereito Actual*, 9, 97–109.
- Chamberlain, K. (2016). Casualties of Armed Conflict: Protecting Cultural Property. *Yearbook of International Humanitarian Law*, 17, 189–211.
- Bardon, A. (2020). Art traffickers: Pillaging peoples' identities. *The Unesco Courier: 50 Years of the Fight Against the Illicit Trafficking of Cultural Goods*. October-December, 5–9.
- World Heritage Convention (1972). Convention Concerning the Protection of the World Cultural and Natural Heritage.
- UNESCO 2003 Convention (2003). Convention for the Safeguarding of the Intangible Cultural Heritage.
- On Protection of Cultural Heritage: Law of Ukraine as amended on June 8, 2000, № 1805-III. Available at: <https://zakon.rada.gov.ua/laws/show/en/1805-14?lang=en#Text> (accessed November 27, 2022).
- On the Accession of Ukraine to the Convention for the Safeguarding of the Intangible Cultural Heritage: Law of Ukraine as amended on March 6, 2008, № 132-VI. Available at: <https://zakon.rada.gov.ua/laws/show/132-17?lang=en#Text> (accessed November 27, 2022).
- On the approval of the Procedure for maintaining the National List of Elements of the Intangible Cultural Heritage of Ukraine: Order of the Ministry of Culture of Ukraine as amended on December 11, 2017, № 1319. Available at: <https://zakon.rada.gov.ua/laws/show/en/z0020-18?lang=en#Text> (accessed November 27, 2022).
- Renold, M. (2020). The art market: A victim of its own success. *The Unesco Courier: 50 Years of the Fight Against the Illicit Trafficking of Cultural Goods*. October-December, 11–12.
- Mashberg, T. (2020). Social media: the new Eldorado for traffickers. *The Unesco Courier: 50 Years of the Fight Against the Illicit Trafficking of Cultural Goods*. October-December, 21–22.
- Kaci, L. (2020). We must punish the looters, but also the buyers. *The Unesco Courier: 50 Years of the Fight Against the Illicit Trafficking of Cultural Goods*. October-December, 13–15.

- Négri, V. (2020). The 1970 Convention: Cultural diversity before the letter of the law. *The Unesco Courier: 50 Years of the Fight Against the Illicit Trafficking of Cultural Goods*. October-December, 9–10.
- UNESCO 1964 Recommendation (1964). Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property.
- UNESCO 1970 Convention (1970). Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property.
- UNESCO 1966 Declaration (1966). Declaration of the Principles of International Cultural Cooperation.
- UNIDROIT 1995 Convention (1995). UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.
- UNESCO 1954 Convention (1954). Convention for the Protection of Cultural Property in the Event of Armed Conflict.
- UNESCO 1954 Protocol to the Convention (1954). Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict.
- UNESCO 1999 Second Protocol to the Convention (1999). Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict.
- Akulenko, V. I. (2010). Konventsiia pro zakhyst kulturnykh tsinnosti u vypadku zbroinoho konfliktu 1954 r.: aktualni pytannia implementatsii i zastosuvannia [Conventions about defence of cultural values 1954: current question of implementacii and application]. *Pravo*, 9, 126–138. (in Ukrainian)
- S/RES/2199 (2015). United Nations Security Council Resolution 2199.
- Rome Statute ICC (1998). Rome Statute of the International Criminal Court.
- Frulli, M. (2011). The Criminalization of Offences against Cultural Heritage in Times of Armed Conflict: The Quest for Consistency. *European Journal of International Law*, 22(1), 203–217.
- European Convention (1985). European Convention on Offences relating to Cultural Property.
- European Convention (1992). Convention for the Protection of the Archaeological Heritage of Europe.
- Council Regulation (2008). Council Regulation (EC) № 116/2009 of 18 December 2008 on the export of cultural goods.
- On the approval of the Regulation on the National Commission on Returning Cultural Values to Ukraine: resolution Cabinet of Ministers of Ukraine as amended on June 18, 1993, № 464. Available at: <https://zakon.rada.gov.ua/laws/show/464-93-%D0%BF?lang=en#Text> (accessed November 27, 2022).
- On Export, Import and Return of Cultural Values: Law of Ukraine as amended on September 21, 1999, № 1068-XIV. Available at: <https://zakon.rada.gov.ua/laws/show/1068-14?lang=en#Text> (accessed November 27, 2022).
- Some issues of the Ministry of Culture and Information Policy: resolution Cabinet of Ministers of Ukraine as amended on October 16, 2019, № 885. Available at: <https://zakon.rada.gov.ua/laws/show/885-2019-%D0%BF?lang=en#Text> (accessed November 27, 2022).
- On the approval of the "Rules for the import, export and transit of cultural property through the territory of the Republic of Azerbaijan": resolution Cabinet of Ministers of Azerbaijan as amended on August 29, 2014, № 294. Available at: <https://e-qanun.az/framework/28340> (accessed November 27, 2022).

Received on: 6th of October, 2022

Accepted on: 19th of November, 2022

Published on: 30th of December, 2022