

# Considerations on cultural and natural heritage and the universal obligation to protect and transmit it to future generations

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**Abstract** – Cultural and natural heritage is an essential expression of humankind's diversity and identity, with a universal value that requires protection through appropriate legal measures. This article analyzes the universal obligation to protect and transmit cultural and natural heritage to future generations, on the basis of the main international instruments, such as the 1972 UNESCO Convention, as well as European and national regulations. In this context, fundamental principles such as non-regression, intergenerational responsibility and international collaboration are addressed. The study highlights the importance of the synergy between cultural and environmental rights, underlining the need to harmonize legal rules to ensure effective and sustainable protection of this invaluable heritage.

**Keywords** – cultural and natural heritage, environmental rights, legal protection.

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## 1. INTRODUCTION

The concept of cultural and natural heritage is regulated by a number of international, regional and national legal norms, reflecting its universal importance. In particular, the 1972 UNESCO Convention established a comprehensive legal definition of World Heritage and created a global framework for its conservation. Heritage is not just a collection of valuable objects and landscapes, but an expression of humanity's collective identity. The obligation to protect and transmit this heritage to future generations derives from the recognition of the interdependence between cultural and environmental rights [1].

Cultural and natural heritage is a vital component of humanity's identity, representing the common heritage of past generations and an indispensable resource for future generations. In a global context marked by accelerated urbanization, climate change and economic pressures, protecting this heritage becomes a legal and moral challenge. Heritage conservation is not just about preserving objects, sites or landscapes, but also about protecting the values, symbols and traditions that define the cultural and ecological diversity of the planet [2].

The 1972 UNESCO "Convention Concerning the Protection of the World Cultural and Natural Heritage" is the central legal document that sets universal standards for the protection and conservation of heritage of outstanding importance [1]. In addition, other

international, European and national instruments regulate this field, emphasizing the principle of intergenerational solidarity and the collective responsibility of states and individuals. Cultural and environmental rights, as well as the legal obligations flowing from them, intersect to create an integrated normative framework aimed at protecting and transmitting heritage to future generations [3].

By taking a multi-dimensional approach to the subject, the article emphasizes the importance of maintaining a balance between heritage conservation and sustainable development, contributing to a global vision of universal responsibility [4].

## 2. CULTURAL AND NATURAL HERITAGE: DEFINITION AND OBLIGATIONS

World cultural and natural heritage is the tangible and intangible heritage as a whole which reflects values of outstanding universal significance. The UNESCO Convention of November 16, 1972 defines cultural heritage as monuments, groups of buildings and sites of historical, artistic or scientific value and natural heritage as natural, geological, physiographical and physiographic formations and habitats of outstanding scientific, conservation or aesthetic significance. States have an obligation to identify, protect, conserve and transmit this heritage to future generations [1].

The world's cultural and natural heritage is an essential component of collective identity and a foundation for sustainable development. Its preservation and transmission to future generations is a universal obligation, rooted in both moral values and global responsibility. Recent studies approach this theme from multiple perspectives, analyzing the links between culture, governance, economics and sustainability.

Reference [4] have emphasized the importance of public governance in protecting cultural heritage. Through a rigorous statistical analysis, they demonstrated the deep connections between cultural and social indicators, highlighting that coherent public policies are essential for the valorization and preservation of heritage. In an economic and social context marked by crises, such as the Covid-19 pandemic and military conflicts, [5] explored the implications of these events on financial uncertainty and compliance in transportation, drawing attention to the indirect impact these disruptions can have on conservation initiatives [5], [6].

In parallel, the circular economy perspective opens new opportunities for the protection of cultural and natural heritage. Reference [6] have proposed sustainable business models in the circular economy, emphasizing their potential to contribute to the conservation of natural resources through innovation and efficiency. These principles could be adapted to support heritage protection initiatives, striking a balance between resource use and conservation [6], [7].

On the other hand, the ecosystem services analysis by [7] in the Danube Delta provides a concrete example of an integrated approach to natural heritage protection. Their methodology, based on multi-factor regression, highlights how natural ecosystems can be effectively valued and protected, providing a model that is applicable to other regions with valuable natural heritage. In the same register, research by [8] on the impact of coastal tourism on the environment in the Romanian coastal area draws attention to the fragile balance between tourism development and environmental protection, a challenge frequently encountered in regions with outstanding natural heritage.

Taken together, these studies highlight the complexity of efforts to protect cultural and natural heritage. They emphasize the need for close collaboration between public actors, local communities and researchers, as well as for sustainable and flexible policies

capable of responding to contemporary challenges. Only through such a collective effort can we ensure the transmission of this priceless heritage to future generations, while strengthening cultural identity and global ecological balance [5] - [7].

Underwater cultural heritage, according to the 2001 UNESCO Convention, is all traces of human existence of cultural, historical or archaeological significance - including sites, structures, artifacts, vessels or other vehicles and their natural context - that have been partially or completely submerged for at least 100 years, reflecting the universal responsibility to protect and transmit this heritage to future generations [8], [9].

Cultural heritage also includes intangible values, such as traditions or spirituality, while natural heritage is seen as the result of the interaction between man and the environment. In Europe, cultural landscapes are an example of this interaction [2]. The UNESCO Convention and subsequent regulations have contributed to broadening the concept of heritage, integrating the cultural and natural dimensions into a unified vision.

International heritage protection started with the law of war regulations (Hague Conventions, 1907 and 1954) and evolved through UNESCO conventions such as the Convention on the Protection of Wetlands (Ramsar, 1971) or the Protection of Cultural Heritage in the Event of Armed Conflict (Hague, 1954). In the European Union, the Habitats Directive (92/43/EEC) [12] and the Birds Directive (2009/147/EC) created the Natura 2000 network, integrating the protection of biodiversity and natural and cultural landscapes [13]. EU actions promote heritage as a common European good, emphasizing the need to respect national and regional diversity (Treaty on European Union, Art. 3(3)).

Cultural and natural heritage law is considered a mixed branch, combining public, environmental, cultural and urban planning law. Heritage is seen as a common good with a symbolic and identity value that must be passed on intact to future generations. Codification of this branch of law would strengthen heritage protection and ensure sustainable management [10], [11].

### 3. THE INTERNATIONAL LEGAL FRAMEWORK

The General Conference of UNESCO, held in Paris from 17 October to 21 November 1972, adopted the convention, recognizing that cultural and natural heritage is threatened by degradation and destruction, exacerbated by social and economic transformations. In this context, it was emphasized that the loss of such values represents a significant diminution of the universal heritage, and that their protection often exceeds national capacities because of limited economic, technical and scientific resources.

In view of the universal importance of cultural and natural properties of exceptional value, the Conference emphasized the need for international cooperation to support these efforts, not replacing but complementing the measures of the States concerned. To this end, it was considered essential to adopt a permanent and scientific framework of collective protection through an international convention which would respond to the gravity and complexity of the present threats.

Consequently, on November 16, 1972, the Convention was adopted, aimed at establishing an effective mechanism for the conservation and protection of cultural and natural heritage of universal interest [1].

The Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted in Paris in 1972, is the cornerstone of international heritage regulation. It defines two main categories of heritage: cultural, which includes monuments, groups of buildings and sites of outstanding value, and natural, which is represented by outstanding

natural phenomena, geological formations and unique ecosystems. According to Article 4, signatory states have an obligation to protect, conserve and transmit heritage of universal importance to future generations. In addition, Article 11 introduces the concept of the "World Heritage List" and the "List of World Heritage in Danger", which aims to identify threatened sites [1].

Besides the UNESCO Convention, other international legal instruments emphasize the link between natural heritage protection and sustainable development. For example, the Convention on Biological Diversity (1992) emphasizes the integration of biodiversity conservation into global policies. The Paris Agreement (2015) also draws attention to the impacts of climate change on natural heritage [14].

The principle of non-regression is essential to ensure the progressive protection of cultural and natural heritage. It prohibits the adoption of measures that would lower current standards of protection.

It is enshrined in international human rights and environmental law jurisprudence, including the Universal Declaration of Human Rights (Art. 27) and the International Covenant on Economic, Social and Cultural Rights (Art. 15).

The European Union promotes an integrated and coordinated approach to the protection of cultural and natural heritage, using legal instruments that oblige Member States to implement concrete measures. Among these instruments, the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) are fundamental [12], [13].

The Habitats Directive imposes obligations on Member States to identify and designate nature sites of Community importance, including habitats of protected fauna and flora species. This Directive has led to the creation of Natura 2000, the largest coordinated network of protected areas globally. Natura 2000 is not only a tool to protect biodiversity, but also a mechanism to ensure the long-term preservation of Europe's valuable natural heritage, including landscapes and ecosystems of exceptional importance [15].

The Birds Directive complements the framework provided by the Habitats Directive, focusing on the protection of wild bird species, in particular those that are endangered or vulnerable. Member States are obliged to designate Special Protection Areas (SPAs) to help maintain bird populations in a favorable balance.

The Natura 2000 network has a significant impact on the conservation of natural heritage, as it integrates biodiversity protection with sustainable development objectives. At the same time, these directives include provisions for the involvement of local communities in the management of protected sites, recognizing the importance of local and regional collaboration for the success of conservation initiatives.

The Council of Europe, through its distinct legal framework, makes essential contributions to the protection of the continent's cultural heritage. Two major conventions illustrate this contribution: the Granada Convention (1985) and the Faro Convention (2005).

The Granada Convention, also known as the Convention for the Protection of the Architectural Heritage of Europe, lays down clear principles for the conservation and restoration of architectural heritage. The signatory states are obliged to adopt legislative and administrative measures to ensure the protection of buildings of historic or artistic interest and urban ensembles. This underlines the importance of integrated planning so that the protection of architectural heritage is included in urban and regional development strategies [16].

The Faro Convention emphasizes the relationship between heritage and communities, recognizing the fundamental role of communities in the conservation and enhancement of cultural heritage. The Convention argues that heritage is not only a resource to be protected, but also an element of social cohesion and sustainable development. In this respect, local communities are considered as key actors in the processes of identifying, protecting and

transmitting heritage. The Convention also promotes the right of every person to have access to and benefit from heritage, reinforcing the idea of a living heritage, relevant for present and future generations [16].

Through these instruments, the Council of Europe aims to strike a balance between the protection of heritage and the active involvement of society in its preservation, thus generating a holistic model of cultural protection to be replicated at global level.

#### Legal aspects in Romanian law

The Constitution of Romania, as the fundamental law of the State, enshrines the protection of cultural and natural heritage as an essential obligation, reflecting a firm legal commitment to the preservation of these resources for future generations.

Article 35 of the Constitution recognizes the right of every person to a healthy and ecologically balanced environment, imposing on the State and public authorities the responsibility to adopt measures for the protection of the environment and the promotion of sustainable development. This article creates a solid constitutional basis for the protection of the natural heritage, emphasizing the importance of biodiversity and natural landscapes.

National legislation provides a detailed and specific framework for heritage protection, covering both cultural and natural heritage. These laws and regulations ensure the implementation of constitutional principles and create legal mechanisms for their enforcement.

Law 422/2001 on the Protection of Historical Monuments regulates the protection of historical monuments, imposing clear obligations on owners and public authorities. The law stipulates that any intervention on historical monuments must be approved by the competent authorities and respect the principles of conservation and restoration. In addition, it introduces sanctions for non-compliance, including fines and remedial measures.

The amended and supplemented GEO 195/2005 on environmental protection integrates the protection of natural heritage into the general framework of environmental regulations. Its provisions include measures for biodiversity conservation, sustainable management of natural resources and protection of protected areas. It is one of the main legislative instruments implementing international objectives for the protection of natural heritage, including the European Natura 2000 directives.

Law No 182/2000 on the Protection of Movable Heritage focuses on the protection of movable cultural goods such as works of art, historical artifacts and heritage objects. Among other things, it lays down measures to combat illicit trafficking in cultural goods, establishing obligations for owners and museum institutions. It also introduces sanctions for violations of the law, including confiscation of illegally trafficked goods and their restitution to legitimate owners.

The decisions of Romania's Constitutional Court have been instrumental in strengthening the legal framework for heritage protection. They have emphasized that public interests in protecting cultural and natural heritage prevail over private rights, providing a robust interpretation of constitutional principles.

In criminal matters, Article 253 of the Penal Code criminalizes the destruction, degradation or rendering unusable of cultural property and historical monuments. The purpose of this provision is to discourage actions that affect the integrity of heritage and to ensure an effective sanctioning framework.

Criminal cases concerning trafficking in cultural goods, regulated by Law No 182/2000, have also strengthened judicial practice in this field, setting important precedents for the protection of movable heritage.

The case law in these cases reflects a constant concern for strict application of the law and for the protection of public interests related to heritage.

The protection of cultural and natural heritage is based on a central principle of international law and global ethics: intergenerational solidarity. This principle, enshrined in international legal documents and recognized by various institutions, affirms the responsibility of the present to protect the resources and values essential for the future of humanity. In this sense, cultural and natural heritage is a collective heritage, the preservation of which is indispensable for the maintenance of cultural identity, diversity and continuity [1].

In addition to the formal legal framework, the principle of intergenerational solidarity is supported by ethical arguments. They emphasize that present generations have not only the right to benefit from heritage, but also the responsibility to pass it on intact to future generations. This ethical imperative reinforces legal reasoning and gives it a moral dimension, which is reflected in public policy and international cooperation.

Education and community involvement play an essential role in the protection and transmission of cultural and natural heritage. The UNESCO Convention recognizes that the success of conservation initiatives depends on the awareness and participation of local communities and society as a whole. Heritage education is therefore considered a fundamental component of the universal duty to protect.

The integration of heritage into the educational curriculum is an effective way to sensitize the younger generation to the importance of conservation. Such educational programs help to create a culture of respect for heritage and to develop practical skills for heritage management. In addition, non-formal education initiatives such as restoration workshops, guided tours or cultural events strengthen the bond between communities and their local heritage.

Involving local communities is another essential element for sustainable heritage management. Communities are not only the direct beneficiaries of heritage but also its best guardians. The Council of Europe's Faro Convention (2005) emphasizes this by promoting the idea that heritage belongs to all and that its protection is a shared responsibility. By actively involving citizens, authorities can benefit from local knowledge, build trust and ensure the sustainability of conservation initiatives.

Partnership between authorities and citizens is vital to the success of protection efforts. Public authorities need to support community involvement through inclusive policies and the allocation of adequate resources. Examples of good practice include funding community conservation projects, promoting sustainable cultural tourism and organizing public consultation in heritage decision-making.

The obligation to protect cultural and natural heritage and to pass it on to future generations goes beyond the formal legal framework and is based on ethical principles and the active participation of society. Education and community involvement are essential tools for fulfilling this universal obligation and their success depends on close cooperation between authorities, communities and international organizations [16].

Only through a joint effort can we ensure the preservation of this priceless heritage for future generations.

The legal aspects of heritage protection in Romanian law are based on a well-articulated regulatory framework, which combines constitutional provisions with special laws and sanctions. These regulations reflect Romania's commitment to protect its cultural and natural heritage and to pass it on to future generations, in accordance with the principles of international law and European standards. However, effective enforcement of these rules depends on close cooperation between public authorities, local communities and the legal system [15].



#### 4. CONCLUSIONS

The recognition of a specific cultural and natural heritage right reflects the need to respond to cultural globalization and the degradation of natural resources. The creation of a comprehensive legal framework, such as a Heritage Code, would foster the integration of cultural and natural values into the international circuit and boost theoretical developments and the training of specialists in this field.

The conservation of cultural and natural heritage requires a multidimensional approach, combining legal regulation, community action and education. The adoption of an International Heritage Code, the harmonization of national laws and enhanced international cooperation are essential steps to ensure its protection.

It is imperative to strengthen public awareness of the universal value of heritage and to develop policies that facilitate the active participation of citizens in its management.

The proposed legal solutions underscore the necessity for a more effective harmonization of national laws with international standards, particularly those established by the UNESCO Convention and European Union directives. This initiative may encompass the adoption of a unified international code governing the protection of both cultural and natural heritage.

Furthermore, it is imperative to update criminal legislation to incorporate more rigorous sanctions for offenses related to the destruction, degradation, or illicit trafficking of heritage. Such reforms should entail not only the imposition of increased fines and imprisonment but also the extension of legal liability to corporate entities.

In addition, the establishment of independent bodies tasked with the regular monitoring and assessment of the state of cultural and natural heritage is essential. These bodies would be responsible for reporting their findings to relevant international organizations, such as UNESCO and the European Union, thereby ensuring accountability and transparency.

Moreover, it is crucial to introduce legal mechanisms that facilitate the active participation of local communities in decisions concerning heritage protection. This can be achieved through mandatory public consultations and the allocation of dedicated funding to support community involvement.

In order to promote a deeper understanding of cultural and natural values, the mandatory integration of heritage education into school curricula is recommended. Furthermore, the establishment of public-private partnerships would serve to promote these values more effectively.

Strengthening environmental legislation is also essential to protect natural heritage that is adversely affected by climate change. This may require the implementation of stricter land-use regulations alongside the development of climate adaptation plans tailored to vulnerable sites.

In addition, there is an urgent need to establish an international funding mechanism, administered by UNESCO, to assist countries that are struggling to protect their heritage.

Finally, it is essential to simplify legal procedures for reporting incidents of heritage destruction and to improve citizens' access to justice in cases where heritage laws are violated. This would empower individuals and communities to actively participate in the protection of their cultural and natural heritage.

## 5. REFERENCES

- [1] UNESCO Convention on the Protection of the World Cultural and Natural Heritage, 1972, available at UNESCO World Heritage Centre - Convention Concerning the Protection of the World Cultural and Natural Heritage
- [2] Duțu A. (2014), *Le patrimoine environmental. Innovation et progrès juridique*, Ed. of the Romanian Academy, Bucharest
- [3] Duțu M., Lazar A. Predescu O. (2018), *Legal protection of cultural and natural heritage*, Bucharest, Ed. of the Romanian Academy & Ed. Universul Juridic
- [4] Munteanu Florea I., Mirea M., Susu C. (2020), *Public Governance and Cultural Heritage: Exploring the Links between Culture and Social Indicators with the Principal Component Analysis*, IntechOpen, doi: 10.5772/intechopen.90793
- [5] Aivaz K. -A., Munteanu I. F., Stan M. -I. Chiriac A. (2022), *A Multivariate Analysis of the Links between Transport Noncompliance and Financial Uncertainty in Times of COVID-19 Pandemics and War, Sustainability*, vol. 14(16), 10040. <https://doi.org/10.3390/su141610040>
- [6] Herciu M., Ogorean, C., Mihaiu D., Serban R., Aivaz K.A., Tichindelean M. (2023), *Improving business models for the circular economy: developing a framework for circular fashion*, Transformations in Business & Economics, vol. 22(3), pp. 305-325
- [7] Aivaz K.A., Șerbănescu M. (2024), *Ecosystem Services Evaluation of the Danube Delta: An Analysis Using Hierarchical Multifactor Regression*, Studies in Business and Economics, 19(1), pp. 5-21
- [8] Stan M.I., Aiva, K.A., Vintil, D.F., Ionițiu I. (2021), *Assessing the perception of stakeholder regarding the impact of coastal tourism on the environment in the romanian Black Sea coastal area*, Journal of Eastern European and Central Asian Research (JEECAR), vol. 8(4), pp. 628-639, <https://doi.org/10.15549/jeecar.v8i4.695>
- [9] Aivaz K. A., Stan M. I., Vintilă D. F. (2021), *Drivers for Development Triggered by the Trilogy Tourism-Underwater Cultural Heritage-Environmental Protection*, in *Maritime Spatial Planning*, Ovidius University Annals, Economic Sciences Series, vol. 21(2), pp. 2-11, <https://doi.org/10.61801/OUAESS.2021.2.01>
- [10] Brașoveanu F. (2023a), *The Impact of Regional Development on the Environment*, Ovidius University Annals, Economic Sciences Series, vol. 23(1), pp. 42-49.
- [11] Brașoveanu F. (2023b), *The Role of Legislation and Legal Institutions in Promoting Sustainable Development at the Regional Level*, Ovidius University Annals, Economic Sciences Series, 23(1), pp. 50–57
- [12] Directive 92/43/EEC (Habitats Directive), available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31992L0043>
- [13] Directive 2009/147/EC (Birds Directive), available at Directive - 2009/147 - EN - Birds Directive - EUR-Lex
- [14] Frier P.-L. (1997), *Droit du patrimoine culturel*, Ed. PUF, Paris
- [15] Philippe Ch.-A. Guillot (2017), *Droit du patrimoine culturel et naturel*, 2e edition, Ed. Ellipses, Paris
- [16] Duțu M. (2017), *CULTURAL AND NATURAL HERITAGE UNDER THE PANEL OF LAW*, Roman Pandects, (6), pp. 11-14