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ORIGINAL PAPER

On the Legal Status of Maritime Cultural Heritage and Its Management in the Russian Sectors of the Baltic Sea

Leyla D. Bashirova[1,2] · Marina O. Ulyanova[1,2] · Alexey A. Kovalev[3,4] · Andrey D. Lappo[5] · Larisa V. Danilova[5] · Mariia V. Kapustina[1]

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Abstract
This study deals with the legal status of maritime cultural heritage (MCH) and maritime spatial planning (MSP) in Russia. One of the main problems is that, in Russia, the MCH, especially when non-archaeological objects of underwater cultural heritage (UCH), do not stand out at the legislative level. UCH is not mentioned in any legal act so far. Currently, several legislative initiatives proposed by the coastal constituent entities of the Baltic Sea are supported by the Marine Board and under consideration by the State Duma of the Russian Federation. It is expected that two proposed laws will be fully adopted by the end of 2020. MCH is not fully integrated into the pilot MSP in Russia. In the frame of the Baltic-RIM project, all existent MCH data in the Baltic Sea Region (Russian Sectors of the South-Eastern Baltic Sea and the Gulf of Finland) has been collected and compiled as a database. This database is the first step in integrating MCH into the MSP process; even the latter has no legal status. The Russian case could be an example of including the MCH into the MSP process from the very beginning to have the opportunity to provide key priority areas for MCH, as has been advised by MSP planners. The next step for the Russian case is to develop the new pilot MSP for the Russian Sectors of the Baltic Sea, considering the priority areas for MCH. The analysis of the MSP and MCH legislation in Russia allowed for the development of the proposals and further steps to develop mechanisms for the UCH management of both that which remains on the seabed and items subject to transfer/remove for subsequent storage onshore. These steps should be taken at the regional and national levels.

Keywords Legislation · Underwater cultural heritage · Maritime spatial planning · South-Eastern Baltic Sea · The Gulf of Finland

Introduction

The study of underwater cultural heritage (UCH) has begun to take shape as a new scientific direction over the past 20 years, after the UNESCO Convention on the Protection of the Underwater Cultural Heritage (UNESCO Underwater Convention 2001) was

✉ Leyla D. Bashirova
bas_leila@mail.ru

Extended author information available on the last page of the article

developed. According to the Convention, UCH includes "all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years". The steady growth of interest of the scientific community in UCH is supported by international projects and the numerous scientific conferences.

The Baltic Sea is a special region for studying maritime cultural heritage (MCH) since it is a unique archive of the past, including not only environmental changes in the region but also human activity. The MCH of the Baltic Sea is outstanding and well preserved even in a global comparison of submerged settlements from the Stone Age, shipwrecks, some of the underwater landscapes, etc. Unlike UCH, MCH includes also on-land heritage such as lighthouses, some of the coastal landscapes, fishing villages, Viking Age trading settlements, etc.

Currently, the Baltic Sea, including adjacent territory is suffering from pressure on its ecosystem due to shipping, fishing, mining, oil and gas exploration and transportation, channel building (e.g. Nowy Świat ship canal), offshore wind farms, aquaculture, and fish farming, etc. There are many conflicts between human activities. And, according to Ehler and Douvere (2009), in the next 20 years, the activities will have increased significantly if humanity does nothing to manage it.

Today, we can observe this increase in the Baltic Sea. For example, in 2015, the operation of the B8 ofshore oil field in Poland started (an ofshore platform was built). The construction of the Nord Stream 2 gas pipeline began at the Baltic bottom in 2018. In 2016–2020 on the coast of the Kaliningrad Oblast several kilometers of coastal protection structures were installed. The cargo turnover of the port of Kaliningrad in the past ten years has grown almost one and a half times.

A practical way to create and establish the rational organization of the use of marine space and to streamline interaction between its uses is called "maritime spatial planning" (MSP), which is aimed to balance demands for development with the need to protect marine ecosystems (Ehler and Douvere 2009). According to the authors, MSP is "a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process".

The EU MSP Directive 2014/89/EU provides the following definition: "MSP means a process by which relevant Member State's authorities analyze and organize human activities in marine areas to achieve ecological, economic and social objectives" (Art. 3, EU MSP Directive 2014/89/EU 2014).

There are obvious benefits of conscious management of marine space. However MSP is still a relatively new mechanism within broader marine and coastal management (Gee 2019; Zaucha and Pardus 2019). Several key cultural concepts and their potential applications in MSP were distinguished by McKinley et al. (2019). They include cultural ecosystem services, ocean literacy, marine citizenship, attitudes and perceptions, well-being, cultural heritage, seascape, human activities, social values (monetary and non-monetary), and socio-demographic. The concepts provide the basis for engaging the public within the planning process and demonstrating the societal relevance of MSP.

The Regional Baltic MSP Roadmap 2013–2020 (2013) obligates all the Baltic Sea coastal countries (except Russia), as well as Norway, Belarus, and the European Commission to draw up and apply MSP by 2020. The EU MSP Directive 2014/89/EU requires all member states to adopt MSP for their sea spaces by 2021. Most of the national plans are adopted or currently in the drafting phase. They take into account nature protection.

To date, national plans in the Baltic Sea Region do not always consider the MCH. However, according to Papageorgiou (2018), "MSP under a place-based approach is a unique opportunity for better protection and wiser management of UCH." It is necessary to enhance cross-border cooperation as well as making transboundary considerations when planning in the sea.

BalticRIM project aims to integrate MCH management into MSP in the Baltic Sea, to join efforts of the experts in MCH and MSP from different countries of the Baltic Sea region (https://www.submariner-network.eu/balticrim). The use of the MCH databases and mapping tools allows for the provision of quality information and planning evidence on MCH assets and areas to the MSP processes. Also, the BalticRIM project aims to contribute to the protection of MCH of the Baltic Sea.

Russia, one of the BalticRIM project members, is not a party of the EU MSP Directive 2014/89/EU (2014) and still has no MSP legislation. In addition, Russian law does not assign any special status to MCH, including UCH. In the frame of the BalticRIM project, the Russian legislation has been analyzed, with an emphasis on the two main issues—MCH and MSP in Russia.

The study aims to analyze the MCH and MSP legal status in Russia and the barriers to integrate MCH into MSP, as well as to analyze the MCH potential in the South-Eastern Baltic Sea and the Gulf of Finland.

Legal Status of MCH in Russia

To date, Russia has signed and ratified several international agreements concerning MCH use and protection (Table 1). Participation of Russia in international communication and information programs allows obtaining international expertise in ensuring broad access to citizens to information in the public domain, contributes to solving the problems of preserving accumulated information, including the use of the latest information technologies, and has a positive effect on the formation of a country with a modern regulatory framework that meets internationally recognized norms and standards.

One of the most important doctrinal statements to emerge from Russia in recent years is the Maritime Doctrine of the Russian Federation (2015). It is the fundamental document that determines state policy of the Russian Federation regarding maritime activities—National Maritime Policy of the Russian Federation. To ensure the solution to the problem is related to the implementation of the Maritime Doctrine, the expeditious processing of the issues related to such, and the preparation of recommendations for their solution, the Marine Board under the Government of the Russian Federation was established in 2001. The latest Provisions of the Marine Board were adopted (2019).

The association "Maritime Heritage: Study and Protection" was established in 2009 to ensure the protection, study, and wide promotion of the MCH of Russia, as a part of the world maritime heritage and to provide the upbringing and education of the young generation of our country, as well as to join the efforts of organizations and citizens interested in preserving, studying and popularization of the MCH. Initially, the work of the Association was coordinated by enthusiasts. However, today the association has the status of a recommendatory body under the Russian Interagency Commission on Marine Heritage that was established in 2010. The Commission is affiliated with the Marine Board. It is aimed to prepare the issues related to the implementation of the Maritime Doctrine of the Russian Federation (2015), in terms of ensuring the preservation of the maritime heritage of Russia, for consideration by the Marine Board.

Table 1 Russia's part in the international agreements

International agreement	Description
UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)	Russia has ratified the Convention in 1988
UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)	Russia has ratified the Convention in 1988
United Nation Convention on the Law of the Sea (UNCLOS 1994)	Russia has ratified the Convention in 1997
European Convention on the Protection of the Archaeological Heritage (revised) (Valetta Convention 1992)	Russia has signed the Valletta Convention in 1992 and ratified it in 2012
United Nations Rio Declaration on Environment and Development (Rio Declaration 1992)	Russia has ratified the Rio Declaration in 1992
UNESCO Convention on the Protection of the Underwater Cultural Heritage (UNESCO Underwater Convention 2001)	Russia did not sign the Convention
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Russia did not sign the Convention
Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro Convention 2005)	Russia did not sign the Convention
Convention for the Protection of the Architectural Heritage of Europe (Granada 1985)	Russia has ratified the Granada Convention in 1991
UNESCO Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention 1954)	Russia has ratified the Hague Convention in 1957

The Association offers the following interpretation of the MCH:

- Tangible cultural heritage which includes maritime museums, archives, collections, historic and traditional vessels and wrecks, maritime memorials, fortresses, forts, lighthouses, temples, sanctuaries, and historic settlements.
- Intangible cultural heritage which includes maritime customs and traditions, maritime heritage in art and culture, folklore, historic memory, traditional knowledge, and traditional sea-based activities.
- Natural heritage which includes maritime and onshore natural objects.

The main legislative act in Russia, which could be referred on to MCH, is Federal Law No. 73-FZ which states "On cultural heritage sites (monuments of history and culture) of the peoples of the Russian Federation" (2002). However, the law does not assign any special status to MCH, including UCH. There is also Federal Law No. 4804-1 "On the Export and Import of Objects of Cultural Value" (1993) which aims to preserve the cultural heritage of the peoples of the Russian Federation for the benefit of present and future generations. The law is also meant to promote the international cultural cooperation and mutual awareness of the peoples of the Russian Federation with the cultural values of other states.

According to Federal Law No. 73-FZ (2002), cultural heritage sites include real estate facilities and some movable property which have value in terms of history, archaeology, architecture, urban planning, art, science and technology, aesthetics, ethnology,

anthropology, social culture, and those which are witnesses of epochs and civilizations, real sources of information on birth and development of culture. Article 4 of Federal Law No. 73-FZ specifies three categories of cultural heritage objects: federal, regional, and local (municipal) value.

In accordance with the Valletta convention (1992), Federal Law No. 73-FZ identifies the archaeological heritage sites (immovable historical and cultural monuments) among the cultural heritage sites. The law also provides for the legal regime for archaeological objects—movable objects of archaeological heritage in accordance with the definition given in the Valletta convention. In respect to archaeological heritage sites and archaeological objects, the law introduces special requirements concerning the principles of protection, property rights, and civil circulation. According to the law, *only those sites that are older than one hundred years* could be referred to *archaeological heritage sites*. All sites and objects of archaeological value are protected by the law immediately and declared as property of the state. Other cultural properties are protected by the state only after registering them to a list of proposed cultural heritage sites or in Unified State Register of Monuments of History and Culture of the Russian Federation.

Thus, the legal regime for UCH and/or MCH is differentiated only depending on whether it is identified as an archaeological heritage site or not. In fact, the non-archaeological objects of UCH are not even included into the Unified State Register of Monuments of History and Culture of the Russian Federation and, accordingly, are not subject to state protection. There is still no clear age criterion for non-archaeological objects of UCH. As it was mentioned above, the UNESCO Underwater Convention (2001) specifies the age of UCH as more than 100 years old. In some countries, this age is specified as more than 50 years old. For the Russian Federation, all underwater objects sunken before the end of 1945 (or during World War II) should be considered as UCH, taking into account the circumstances of their occurrence. When describing other younger objects, the value of the concrete object should be estimated (Fazlullin 2017).

The provisions of the Water Code of the Russian Federation which regulates the use of water facilities in the Russian Federation including the internal waters and territorial seas of the Russian Federation contradict the provisions of Federal law No. 73-FZ in terms of protection of cultural heritage sites in their historic environment. The legal framework of the Water Code of the Russian Federation allows us to conclude that requirements of the water legislation prevail over the provisions of the cultural heritage legislation. However, the Water Code of the Russian Federation (2006) contains the provisions that take consider underwater archaeological heritage sites, according to Federal Law No. 73-FZ, when using the water facility.

According to the Federal Law No. 73-FZ, state protection of cultural heritage sites is mostly conducted at the regional level. However, under art.67 section 1 of the Constitution of the Russian Federation (1993), the area that includes the internal waters and the territorial seas is not within the territory of the constituent entities of the Russian Federation and is not a subject of their jurisdiction and responsibility. The law does not provide for any special regulation on powers of the Russian Federation in the sphere of cultural heritage in these water areas. Federal Law No. 155-FZ "On the internal maritime waters, territorial sea and contiguous zone of the Russian Federation" (1998) states that coastal constituent entities of the Russian Federation can be given respective powers in these water areas on the basis of federal law. Still, such federal law doesn't exist. This allows us to conclude that presently, in internal and territorial maritime waters of the Russian Federation, it is impossible to perform public functions of registration of cultural heritage sites, their entry into the Unified State Register, the definition of

their areas, the establishment of conservation measures, approval of conservation projects, imposing sanctions on construction companies who destroy cultural heritage sites, and suspension of their operations, setting up protection zones for cultural heritage sites and so on. There is no public agency with respective powers. In fact, the only function in the sphere of protection of cultural heritage sites in these water areas which can be performed on the legal basis is granting permits for archaeological excavations and surveys. However, no authorized government agency has legitimate grounds to enter a site registered by an archaeologist into the list of cultural heritage sites.

Under Federal Law No. 73-FZ, archaeological heritage sites and archaeological objects in the ground, under the ground, and under the water are state property by default. In contrast to archaeological heritage, other cultural heritage objects can be under private, state, municipal, or another form of ownership. In Russian law, there are no special provisions that determine the acquisition of title in UCH where the owner does not exist or cannot be specified. Besides, in fact, authorized public agencies deny registration of UCH objects which are immovable property as real estate. Thus, shipwrecks and remains of aircraft, weapons, military equipment, and so on, which have cultural value, are regulated by provisions of the Civil Code of the Russian Federation (1994), which imply the acquisition of title in the found property for free, six months after the moment it was found. This provision results in the spread of "predatory" search and excavations, and unsupervised development of the illegal market of cultural values.

According to art. 303 of the UNCLOS (1994), "states have the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate for this purpose… the coastal State may, in applying article 33, presume that their removal from the seabed in the zone referred to in that article without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in that article.".

In the recent study of the role of the Law of the Sea in MSP, Dorota Pyć (2019) presented a detailed analysis of the UNCLOS. According to the researcher, despite restrictions resulting from the sovereign rights of coastal states, the latter does not have complete freedom of action and must act in compliance with generally accepted international standards and principles.

Being a state party to the UNCLOS (1994), the Russian Federation has not claimed jurisdiction in respect of cultural heritage in water areas of the Russian continental shelf and the exclusive economic zone (EEZ) or passed any federal legislation in this sphere. Thus, search and seizure of cultural values from the sea bottom within the boundaries of these water areas can be freely executed by anyone like in High Seas which are called the "Area" in the UNCLOS. It is suggested that the Russian Federation, along with several other UNCLOS state-parties, has a right to unilaterally claim jurisdiction in this sphere by passing a respective federal law or by joining UNESCO acquisition of title Underwater Convention (2001) or a similar such international treaty.

To solve the problem dealt within this study, the Legislative Assembly of St. Petersburg has developed and submitted to federal authorities a legislative initiative with two drafts of federal laws:

- Federal Law "On Amending Certain Federal Acts of the Russian Federation Regarding Ensuring State Protection of Cultural Heritage in the Water Facilities".
- Federal Law "On Amending Certain Federal Acts of the Russian Federation Regarding Enforcement of the Obligations Arising from the Provisions of Article 303 of the UN Convention on the Law of the Sea".

Draft of Federal Law "On Amending Certain Federal Acts of the Russian Federation Regarding Ensuring State Protection of Cultural Heritage in the Water Facilities" was previously adopted in February 2020 by the State Duma (one of the chambers of the Russian parliament, the Federal Assembly) of the Russian Federation. This legal act is aimed at establishing legal instruments for the protection of cultural heritage in the internal waters and territorial seas. Also, the draft is aimed to set the priority of cultural heritage legislation in inland non-maritime water. There are still other legislative issues they will need to solve. In addition, there are drafts of federal legislation to federal acts covering acquisition of the title to the UCH site, for registration of UCH objects as real property, and relating to the transfer of cultural heritage objects. Since all the Baltic states (except Lithuania), as well as Russia, have not joined UNESCO Underwater Convention, it is expedient to develop a regional international treaty on the status and protection duty of cultural heritage in water areas of the continental shelf, the EEZ of the Baltic Sea, and territorial seas, which will ensure reliable legal guarantees of preservation of UCH for future generations.

MSP Legislation in Russia

As previously mentioned, Russia is not a party of the EU MSP Directive 2014/89/EU (2014) and is not obligated by the directive to adopt MSP for its EEZ by 2021. At the same time, according to the Helsinki Convention (HELCOM 1992), the Regional Baltic MSP Roadmap 2013–2020 (2013), and the HELCOM Baltic Sea Action Plan (BSAP 2007), there are obligations for Russia to develop the maritime spatial plans for the Baltic Sea by 2021.

To date, in the Russian Federation, there is no legislation on MSP and the current legislation does not specify the term "MSP". When designating the type of use for marine waters, a sectoral approach is usually applied. The latter does not fully take into account the interests of other government agencies, the ecological state of the sea basin, and environmental functions. One of these practically unaccounted marine uses is the preservation and use of MCH sites. The MCH is one of the priority sectors of the maritime economy. Similar to the system of territorial planning adopted in Russia (as part of the Town-Planning Code of the Russian Federation, No. 190-FZ 2004), the indicating the location of MCH objects should be distinguished in MSP with regulations for their use and restrictions. As a rule, the protected objects are subject to the relevant protection legislation. Other uses of the areas with protected UCH should be allowed only if they cannot destroy the objects. In other cases, such use should be prohibited or restricted.

Presently, the devastating consequences of the absence of MSP and MCH legislation can be observed. Areas with UCH are open to shipping (including anchorages) and fishing (bottom trawling.) The possibility of uncontrolled visits to UCH objects by divers has not been prevented, resulting in possible looting and damage. Besides, due to the lack of spatial constraints, other marine economic activities may conflict with UCH preservation activity posing a threat to their integrity. The management of the Russian sea spaces and resources is currently carried out exclusively by the functional subsystems (federal ministries and departments), which are under the jurisdiction of a single coordinating body—the Government of the Russian Federation.

MSP as an essential part of the spatial planning system should be integrated into the strategic planning system as defined in Federal Law No. 172-FZ "On strategic planning in the Russian Federation" (2014) being applied on the basis of the Maritime Doctrine of the Russian Federation (2015) and the Strategy for Development of Maritime Activities in the

Russian Federation until 2030 (2019). The latter determines the ensuring of an integrated development of coastal and water areas as one of the main issues in the development of maritime activities in the Russian Federation. This includes the absence of a regulatory framework that would determine the specifics of programs for the integrated development of coastal and waters areas. However, it must be emphasized that according to the recently updated Strategy for Development of Maritime Activities, the integrated development of coastal and waters areas makes provisions for the implementation of integrated environmental management programs in coastal and water areas. One of the expected results of the strategy implementation is the adoption of regulatory legal acts governing the delimitation of powers between federal bodies of state power and state bodies of coastal constituent entities and establishes special governing bodies for the development of coastal territories and waters as well as management of the environment, including sea use.

The Strategy specifies the main categories of the maritime activities in the Russian Federation (Annex 1 of the Strategy 2019):

1. Maritime transport
2. Development and preservation of resources of the World Ocean
   - Maritime fishing and fish farming (aquaculture)
   - Development of marine mineral and energy resources (hydrocarbons)
3. Marine scientific research
4. Naval activities
5. Shipbuilding
6. Staffing, education, and training in the field of maritime activities
7. Ensuring the safety of maritime activities
8. Information management for maritime activities
9. Protection and preservation of the marine environment
10. Integrated development of coastal and water areas
11. International legal support of maritime activities, and international cooperation in the field of maritime activities

In the Russian Federation, there is a system of state strategic planning which determines the main directions, ways, and means of achieving its sustainable development. This system is described in Federal Law No. 172-FZ (2014) and covers all the government levels, from federal to municipal. The law applies to the strategic planning of the territory of the Russian Federation, the territories under its jurisdiction, and the territories, including the sea, on the basis of international treaties.

According to Federal Law No. 172-FZ (2014), the participants of the state strategic planning at the federal level are the President, the Federal Assembly, the Government, the Security Council, the Accounts Chamber, and the Central Bank of the Russian Federation, as well as other federal agencies and other bodies in cases provided for by regulatory acts specified in Article 2 of the Law.

At the level of constituent entities of the Russian Federation, the participants of the procedure of the strategic planning are, as follows: the legislative, the highest officials, the supreme government agency, the government agencies, the control accounting body of the constituent entity, and other bodies in cases provided for by regulatory acts specified in Article 2 of Federal Law No. 172-FZ (2014). At the municipal level, the

participants of the procedure of the strategic planning are local authorities, as well as municipal bodies in cases provided by municipal regulatory legal acts.

For the federal agencies and business entities of the international and national levels, MSP should be enforced within the boundaries of all water bodies under the jurisdiction of the Russian Federation, including the EEZ. For the constituent entities of the Russian Federation and business entities of a regional level, it is suggested to establish their authority within the maritime borders of the Russian Federation. For municipalities (districts, localities, and urban districts), MSP should be enforced within the coastal navigation zones and zones of marine/maritime activities that are used by the individuals and legal entities registered in these municipalities. However, the absence of MSP legislation made the case of the distribution of power difficult.

In the framework of the Federal Target Program "The World Ocean" (1998–2013), the Ministry of Economic Development of the Russian Federation has initiated the development of the Maritime Aquatorial (Spatial) Planning toolkit and Proposals for its Application on the example of the Baltic Sea (NiipGradostroitelstva 2012). Proposals have been suggested for the development of a national regulatory framework for the maritime equatorial (spatial) planning as an effective way of functional zoning and strategic assessment for use of maritime areas, coupled with the territorial planning documents of the Russian Federation, and intersecting with the corresponding EU documents.

These efforts continued with the development of the "Methodological Recommendations for the Development of the Coastal Maritime Component of the Socio-Economic Development Strategies of the Coastal Constituent Entities of the Russian Federation" (2013).

In 2014, the Ministry of Regional Development of the Russian Federation presented to the Government the concept of Federal Law "On Maritime Spatial Planning in the Russian Federation". The development of the law has been delegated to the Ministry of Economic Development. The concept was aimed at transferring part of the authority of management of marine/maritime activities in the territorial sea from the federal to the regional level.

The water area was considered as an integral object. The management of the object was aimed to overcome the conflicts between uses and stakeholders, as well as to preserve the marine environment. In 2015, it was decided to begin with the development of the draft of the law "On State Administration of the Marine Activities of the Russian Federation" (2017). In 2017, the Ministry of Defense of the Russian Federation presented a draft of the law on the website of the Marine Board http://marine.gov.ru/about/legislation/294/). It is expected that the development and adoption of both legislative acts will be implemented before 2020 (Fig. 1).

The draft of the law "On State Administration of the Marine Activities of the Russian Federation" has been built on the following legislative base:

- Maritime Doctrine of the Russian Federation (2015).
- Strategy for Development of Maritime Activities in the Russian Federation through 2030 (2019).
- Decree of the State Committee for Environmental Protection of the Russian Federation No. 372 "On Approval of the Regulation on the Environmental Impact Assessment of Planned Economic and Other Activities in the Russian Federation" (2000).
- Decree of the President No. 683 "On the Strategy of National Security in the Russian Federation" (2009).

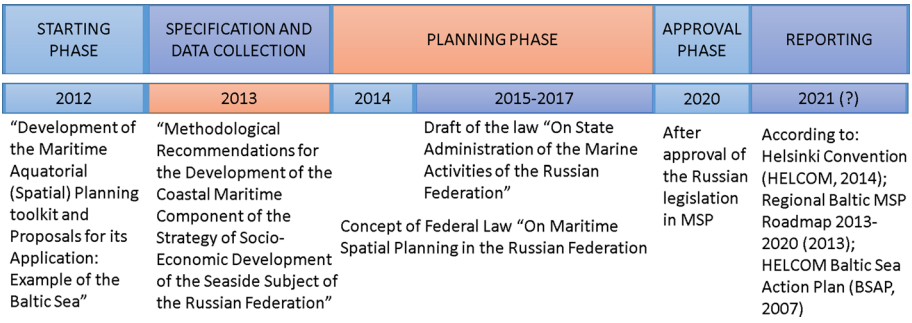

Fig. 1 Progress in MSP development in Russia from 2012 till 2021

- Decree of the Government of the Russian Federation No. 1032-p "Transport strategy of the Russian Federation till 2030″ (2014).
- Port Infrastructure Development Strategy till 2030 (2012).
- The Code of Inland Water Transport of the Russian Federation, No. 24-FZ (2001).
- The Civil Code of the Russian Federation. Part I, No. 51-FZ (1994).
- The Water Code of the Russian Federation, No. 74-FZ (2006).
- The Merchant Shipping Code of the Russian Federation, No. 81-FZ (1999).
- The Land Code of the Russian Federation, No. 136-FZ (2001).
- The Town-Planning Code of the Russian Federation, No. 190-FZ (2004).
- The Forest Code of the Russian Federation, No. 200-FZ (2006).
- Federal Law No. 7-FZ "On Environmental Protection" (2002).
- Federal Law No. 26-FZ "On Natural Healing Resources, Health-Improving Places, and Resorts" (1995).
- Federal Law No. 33-FZ "On Specially Protected Natural Areas" (1995).
- Federal Law No. 35-FZ "On Electric Power Industry" (2003).
- Federal Law No. 52-FZ "On Wildlife Protection" (1995).
- Federal Law No. 96-FZ "On Atmospheric Air Protection" (1999).
- Federal Law No. 113-FZ "On Hydrometeorological Service" (1998).
- Federal Law No. 148-FZ "On Aquaculture (Fish Farming) and on Amendments to Certain Legislative Acts of the Russian Federation" (2013).
- Federal Law No. 155-FZ "On the internal maritime waters, territorial sea and contiguous zone of the Russian Federation" (1998).
- Federal Law No. 166-FZ "On Fishing and Preservation of Aquatic Biological Resources" (2004).
- Federal Law No. 172-FZ "On strategic planning in the Russian Federation" (2014)
- Federal Law No. 174-FZ "On Environmental Impact Assessment" (1995).
- Federal Law No. 187-FZ "On the Continental Shelf of the Russian Federation" (1995).
- Federal Law No. 191-FZ "On the Exclusive Economic Zone of the Russian Federation" (1998).
- Federal Law No. 261-FZ "On Seaports in the Russian Federation" (2007).
- Federal Law No. 2395-1 "On Subsoil" (1992).

The inclusion of MSP in the legislative framework of the Russian Federation will ensure the best use of marine resources, identify and prevent conflicts between maritime users and

the ecosystem of the region in the early stages, maintain and improve the ecological status of the sea area and develop state and regional programs for integrated management of sea use.

MCH and MSP in the South-Eastern Baltic Sea and the Gulf of Finland

In Russia, there is still no MSP (even pilot) for the South-Eastern Baltic Sea and the Gulf of Finland with integrated MCH.

There were many projects aimed to study and develop MSP in the Baltic Sea Region: The PlanCoast (2006–2008), BaltSeaPlan (2009–2012), PlanBothnia (2010–2012), Parti-SEApate (2012–2014), BALTSPACE (2015–2018), BALTCOAST (2015–2018), GO4B-ALTIC (2015–2018), Baltic SCOPE (2015–2017), Pan Baltic SCOPE (2018–2019), and others. However, Russia participated only in a few of them.

The first attempts to develop the MSP in Russia were made at the end of the twentieth century. The building of the coast protection structures aimed to defend the former Leningrad (now St. Petersburg) coast from flooding have led to the formation of a closed water area of Neva Bay which led to the necessity of developing the rules of its usage (Lappo and Danilova 2015). Unfortunately, only a few provisions of these plans have been turned into reality.

Since 1997, the Russian State Hydrometeorological University (St. Petersburg) developed the theoretical and methodological foundation of integrated coastal zone management (Gogoberidze and Domnina 2010). One of the first works describing the MSP in the Baltic Sea Region is Zotov (2008). In the study, the action plan for the implementation of MSP in Russia was described. In 2010, Russia joined the HELCOM-VASAB MSP Working Group. In 2012, at the request of the Ministry of Economic Development of the Russian Federation, the MSP Toolkit (2012) was developed and two pilot areas in the Baltic Sea were chosen for its testing: the Eastern Gulf of Finland with the Neva Bay and the South-Eastern Baltic Sea, including the Russian parts of the Curonian and Vistula (Kaliningrad) Lagoons. In 2011 the ICZM Plan for Vistula Lagoon—PL/RU was developed.

In 2013, the Ministers of Natural Resources and the Environment of Russia, Finland, and Estonia signed a trilateral memorandum and developed the international program "Gulf of Finland Year 2014" (GOF-2014). The first pilot MSP project for the Russian sector of the Gulf of Finland has been developed with recommendations for the governmental authorities around the issuing of permits and approvals and the development of certain management actions, as well as recommendations for federal and regional departments.

In 2014, the Russian-German project "Environmentally Compatible Spatial Concepts for the Baltic Sea coast of Russia" (MSP-RUSS) was launched with the aim of exchanging information between the German and Russian sides on the current situation in MSP in both countries and to further conduct a pilot project in the Russian water area with the usage of the German experience in environmental MSP (Spirin et al. 2017).

In 2018, the Ministry of Natural Resources and the Environment (a governmental agency within the Cabinet of Russia tasked with managing the country's natural resources and protecting the environment) initiated the national MSP project "Analysis in the field of application of the Maritime spatial planning tools in conjugated marine areas, located under the national jurisdiction of Russia, Finland, Sweden and Norway, and the development of information and analytical materials on ensuring environmental safety of economic use of Russian parts of the water areas in the Baltic and Barents Seas within the framework of international agreements and treaties". The project has mapped economic activities and

main natural resources in the Russian waters of the Baltic Sea, gathered information about eutrophication and pollutions, proposed methods and procedures for transboundary MSP and public consultations, as well as for the application of the ecosystem-based approach and data exchange (Blinovskaya et al. 2020, in press).

During the implementation of the East–West Window Project (2007–2008), the main potential conflicts were identified when using the Russian part of the Curonian Lagoon (Cieślak et al. 2009).

Data collection for the MSP mapping in the South-Eastern Baltic Sea (Poland, Kaliningrad Region of Russia, and Lithuania) was done within the POWER project (2006–2009). GIS-based analysis of maritime use has revealed relatively little exploitation of the sea resources within the studied area of the Baltic Sea. Five major types of sea activities (navigation, fishery, mining, recreation, and military uses) and conflicts between them in the Russian sector of the South-Eastern Baltic Sea have been described. The total area of each sea use has been calculated (Ulyanova and Danchenkov 2016).

Of particular note is the Polish-Russian project VILA (2013–2016) which is the first joint attempt at marine and coastal spatial planning in Russia and Poland. The project examined the natural conditions and main uses, and identified potential and existing bilateral conflicts in the use of the Kaliningrad/Vistula Lagoon waters (Domnin et al. 2015; Catalog of ports… 2015; Area of the Kaliningrad… 2014). It was the first attempt to link the territorial planning and issues of the use of water areas of the Kaliningrad Oblast with a particular focus on port infrastructure development.

The ongoing project Capacity4MSP (2019–2021) aims to strengthen the capacity of MSP stakeholders, policy and decision-makers through intensifying dialogue and amplifying the gained knowledge and practices. Capacity4MSP supports ongoing MSP processes in the Baltic Sea Region and builds on the outcomes of the current and recently completed international MSP projects. One of the main results for Russia will be the MSP Roadmap.

However, none of the abovementioned projects studied (or studies) in detail the UCH and MCH as a separate sector of management.

The first step to specify the MCH as a specific marine management unit was done in the frame of the BalticRIM project (2018–2020). The partner countries have agreed to develop tools for integrating MCH management into the MSP process. However, MCH is somehow neglected in most of the national MSPs. In some countries (German, Finland, Sweden, and Poland), only UCH has been included into the national MSP (or pilot MSP), but the key problem is how to ensure UCH protection. Moreover, the MCH sector should be included into the MSP process from the very beginning to have the opportunity to correctly identify and establish priority MCH areas (Altvater and Zwick 2019; Matczak et al. 2019). That is why, at the first step of the MSP process, it is important to collect data and information on MCH, to categorize the objects, and to provide planning criteria on how to define MCH priority areas.

During the project implementation, the main registers have been analyzed to collect and compile the full information about MCH of the Russian Sectors of the Baltic Sea (the South-Eastern Baltic Sea and the Eastern Gulf of Finland). All the collected and compiled data are categorized and accessible in the Pan Baltic MCH database.

Mapping of wrecks allowed comparing their locations with maps of existing and planned economic activities in the Russian Sectors of the Baltic Sea for the first time. At the same time, it was revealed that some wrecks are under the threat of damage and possibly even destruction or could be subject to such threats in the future. An example of such threats is a wooden sailing ship of the nineteenth century located in the area of one of the anchorages of the port of Vysotsk and threatened with destruction during anchorage of

ships. Another UCH object of high value (according to experts) is the recently discovered barge carrying granite blocks for the construction of the famous St. Isaac's Cathedral in St. Petersburg which is also under the threat of damage and may be lost during the ongoing dredging and construction of the new port's berths if there are no measures taken to preserve it.

In the frame of the BalticRIM project, the recommendations for the preservation of such UCH objects was proposed and presented to the expert community and authorities. The recommendations were supported by the Russian Interagency Commission on Marine Heritage affiliated to the Maritime Board and recommended for transmission to the legislative and executive authorities.

Another powerful tool for managing the use of MCH is Integrated Coastal Zone Management (ICZM). ICZM promotion is included in the Strategy for Development of Maritime Activities in the Russian Federation till 2030 (2011). However, to date, the legislative and methodological framework for ICZM has not been developed yet.

According to the BalticRIM project recommendations, for the Gulf of Finland and the South-Eastern Baltic Sea, it was suggested to specify MCH as tangible and intangible, immovable and movable monuments of culture related to maritime history. No age restrictions were applied. For this study, only tangible monuments were given consideration. The coastal objects (except the historical vessels) in towns were limited by Dvukhyarusny Bridge in Kaliningrad and Blagoveshchensky Bridge in Saint Petersburg. Most of the coastal MCH objects are located within 0.5–1.0 km of the sea line, lagoon or river, maximal distance is 2.5 km.

The main Russian MCH authorities in the Baltic Sea Region are the Ministry of Culture of the Russian Federation, the Committee on Culture of the Leningrad Oblast, The Committee for the State Inspection and Protection of Historic and Cultural Monuments of the Government of St. Petersburg, the Government of the Kaliningrad Oblast's Service of State Protection of Cultural Heritage.

All open registers are cultural heritage registers and do not specify the MCH.

They are as follows:

- Open register at https://opendata.mkrf.ru/opendata/7705851331-egrkn maintained by the Ministry of Culture of the Russian Federation.
- The list of objects of cultural heritage and identified objects of cultural heritage in St. Petersburg http://kgiop.gov.spb.ru/uchet/list_objects/.
- Open register at http://old.culture.lenobl.ru/departament maintained by the Committee on Culture of the Leningrad Oblast.
- Open register at https://gov39.ru/vlast/sluzhby/gookn/zip/svodnyy_perechen_okn.pdf maintained by The Government of the Kaliningrad Oblast, Service of State Protection of Cultural Heritage.

There are also several published UCH datasets which could be considered as informal UCH registers for the Russian Sectors of the Baltic Sea. For the Gulf of Finland, the most informative are books published by Lukoshkov (2017, 2019) based on reports and studies of the Underwater Research Center of the Russian Geographical Society and the National Underwater Research Center. The author has divided the objects by age (ships and vessels of XVIII and XIX centuries) and notes if the ship is included into the heritage list. In 2020, the set of the Baltic Sea UCH objects (Russian Sectors) with some lakes and rivers was published by A. Okorokov (2020). He used classification by age, too. For the South-Eastern Baltic Sea, the websites of divers serve as the main source of the more or less reliable

datasets, although these data were not published and/or included into any of national CH registers: http://wrecks.demersus.ru/, https://www.youtube.com/user/VadimMalysh/videos.

When analyzing the MCH objects in the South-Eastern Baltic Sea and the Gulf of Finland, MCH can be categorized or grouped under the following categories based on the categories of the Federal Law No. 73-FZ:

1. *Cultural heritage object of federal (national) value*—object of historic, architectural, artistic, scientific, and memorial value that is of particular value for the history and culture of the Russian Federation; archaeological heritage objects.
2. *Cultural heritage object of regional value*—object of historic, architectural, artistic, scientific, and memorial value that is of particular value for the history and culture of the constituent entity of the Russian Federation.
3. *Cultural heritage object of local (municipal) value*—object of historic, architectural, artistic, scientific, and memorial value that is of particular value for the history and culture of the local (municipal) entity.
4. *Revealed cultural heritage object*—object that has got characteristics of a cultural heritage object in respect of which the Regional Body for Protection of Cultural Heritage has decided to include such an object into the list of revealed cultural heritage on the day when the decision has been made.
5. *Object having characteristics of a cultural heritage object*—object that have got characteristics of a cultural heritage object but has not been recognized as a revealed cultural heritage object yet.
6. *Especially valuable object of the cultural heritage*—objects of cultural heritage of federal (national) value having special value.
7. *Specially protected natural areas*—plots of land, water areas, and air space above them, where natural complexes and objects that have special environmental, scientific, cultural, aesthetic, recreational value are located; they are removed from economic use in full or in part by special protection regime establishment.

Using the data obtained, a database of the MCH (including UCH) objects for the South-Eastern Baltic Sea (112 objects) and the Gulf of Finland (191 objects) has been created. The classification of the objects has been developed according to their legal status (Table 2). All the MCH objects have been subdivided at underwater and coastal cultural heritage. A unique code (ID) has been assigned to each object and contains the information

Table 2 MCH objects in the Russian sectors of the Baltic Sea, classified by cultural value

Criteria for assessment as sites of national value	Location	
	South-Eastern Baltic Sea	Gulf of Finland
Cultural heritage objects of federal value	12	32
Cultural heritage objects of regional value	13	5
Cultural heritage objects of local (municipal) value	6	–
Revealed cultural heritage object	6	34
Specially protected natural areas	2	
World heritage site	2	19
Without legal status	73	113

about the region (the Gulf of Finland or the South-Eastern Baltic Sea), location (coastal or underwater), type of object, and its quantity. Most of the fortified sites of the Neva Bay of the Gulf of Finland have the status of a cultural heritage site of federal significance and are also included in the UNESCO World Cultural Heritage List.

Underwater cultural heritage includes wrecks (military, transport, fishing, and other vessels of various ages), underwater memorial objects (submarines), and other underwater heritage objects (minesweepers).

Coastal (and island) cultural heritage includes forts and fortresses (fortification), lighthouses, necropolis, religious buildings, marine architecture monuments, coastal marine infrastructure (ports, bridges, port elevators, etc.), museum vessels, historical quarries, archaeological sites, protected foredunes, and other coastal heritage objects.

Only 154 MCH objects from the Gulf of Finland were added to the map because not all information about the objects' location is open (Fig. 2). In the South-Eastern Baltic Sea, none of the 51 underwater objects are included in the cultural heritage register and 23 of 61 coastal objects do not have any category. For the Gulf of Finland, 26 of 103 underwater wrecks are mentioned as revealed cultural heritage objects and one presents the cultural heritage object of regional value. Among the coastal objects, 45 are included in registers of different status and 36 are not.

The created database will be used when developing MSP for the South-Eastern Baltic Sea and the Gulf of Finland. The developed classification may be further used as the basis for future study and work on MCH, at least for the Baltic Sea.

The analysis of the MSP and MCH legislation in Russia allowed for the development of the proposals to include further steps towards developing mechanisms for the UCH management of objects both remaining on the seabed and those subject to transfer/remove for subsequent storage onshore. These steps should be taken at the regional and national levels and the two processes should be closely linked. The proposals are presented in this paper as a matrix of joint actions to improve MCH governance at the regional and national levels (Table 3).

Conclusions

Today in Russia, the MCH, especially UCH, does not stand out at the legislative level. There are a number of research papers, articles, and legislative initiatives substantiating the need to include the UCH objects into the national and international registers. However, this has been presented as a scientific study and still does not have strong support from the local and national authorities. Despite the repeated attempts to inform the stakeholders and to explain the importance of including UCH into the Russian legislation, UCH has not been included so far.

Several legislative initiatives proposed by the coastal constituent entities of the Baltic Sea are supported by the Marine Board and are currently under consideration by the State Duma of the Russian Federation.

It is expected that two proposed laws will be fully adopted by the end of 2021 (as they have been already adopted in the first reading). Besides, drafts of federal legislation on amending federal acts on the acquisition of title in UCH, on registration of UCH objects as real property, and on the transfer of cultural heritage objects are in the pipeline. This could provide reliable legal guarantees of preservation of UCH for future generations.

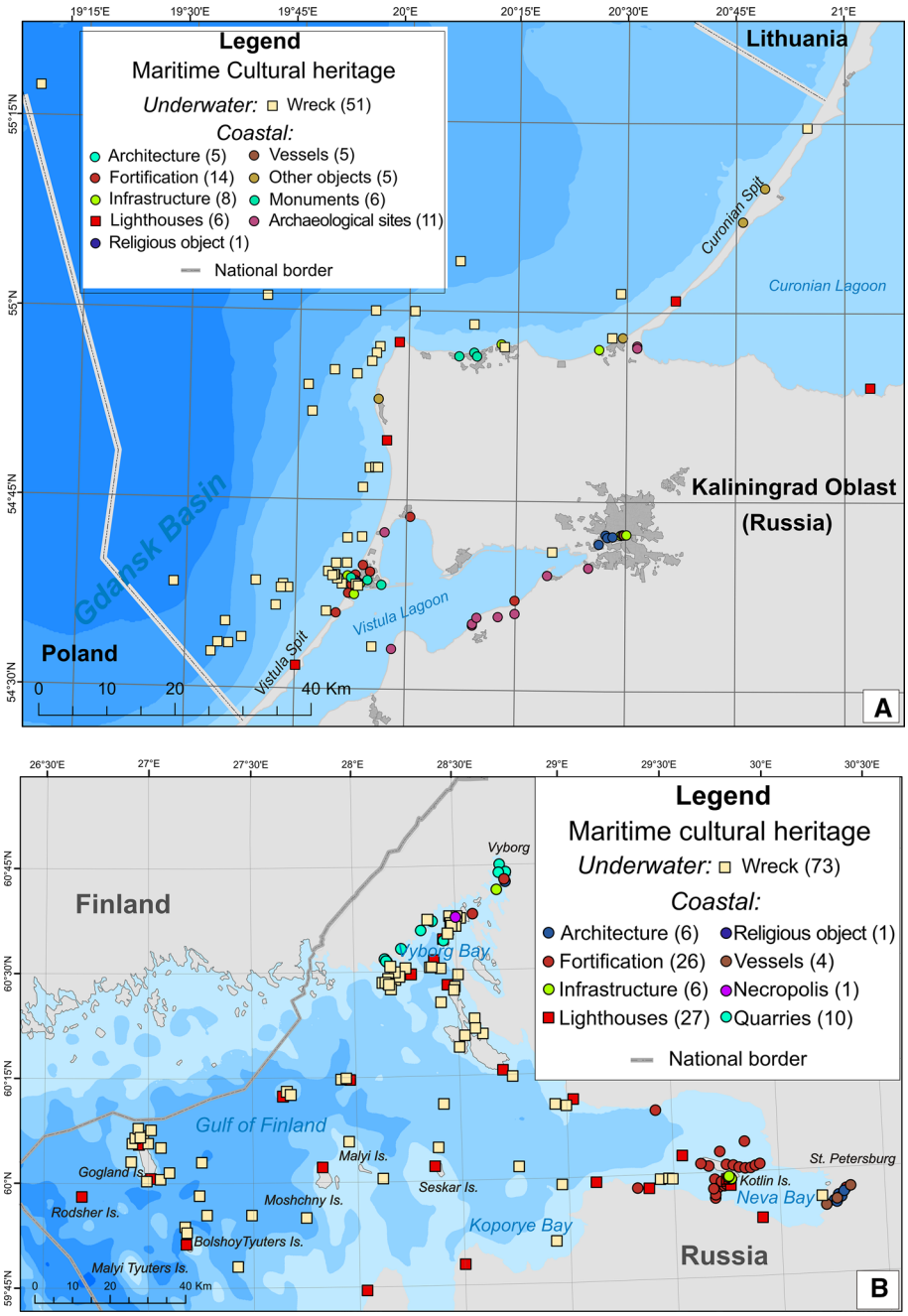

Fig. 2 MCH objects in the South-Eastern Baltic Sea (**a**) and the Gulf of Finland (**b**). Isobaths are drawn each 20. The maps was created after (Dorokhov et al. 2019) for (**a**) and after (Weatherall et al. 2015) for (**b**)

Table 3 A matrix of joint actions to improve the MCH governance at the regional and national level

Regional level	National level
MCH	
Development of joint guidelines for MCH management Development and adoption of the Roadmap for the management of MCH facilities in the Russian seas and the Baltic Sea Region in general Establishment of a VASAB Working Group on MCH for horizontal coordination of actions for its preservation and use and support for the implementation of the MCH Roadmap Formation of an international register of valuable MCH objects in the Baltic Sea Region Designation of UNESCO World Heritage Sites for the most valuable MCH sites Distribution of information and closer involvement of maritime museums, research organizations, diving centers, higher education institutions into the MCH management; promotion of MCH as a common cultural value of the Baltic Sea countries including the potential for tourism development Organization of international immobile and mobile exhibitions based on MCH in museums and exhibition halls of the Russian Federation	Formation of a program of activities for the distribution of information and closer involvement of stakeholders into the MCH management processes Correction of MCH national and regional legislation with the definition of its protection status and the procedure for including in national and regional registers Transfer of powers to manage MCH to the Ministry of Culture of the Russian Federation and the relevant regional body Formation of a Federal Target Program for scientific research in the field of MCH, including objects search, identification, attribution, preservation, conservation, and museification Improvement of the methodological recommendations of the Ministry of Culture on the conservation of MCH objects More complete UCH mapping in the Baltic Sea to include it into the regional MSP Measures to popularize MCH objects as a cultural heritage of the Russian Federation and the Baltic Sea Region; including the MCH into the educational programs, excursions, exhibitions, tourist routes
MSP	
Development of guidelines for the recording and integration of MCH into MSP in the Baltic Sea Region	Inclusion of MCH into the currently developing Roadmap aiming the promotion of the MSP in Russia (in cooperation with the Capacity4MSP project) Taking into account the BalticRIM project proposals on regulations for the use and measures to restrict economic activity at the UCH locations when developing the pilot MSPs in Russia Inclusion of MCH in the program of measures to promote MSP in Russia, including conferences, round tables, business games, etc

In addition, there is no MSP legislation in Russia. Moreover, the MCH is not fully integrated neither into the pilot MSP in Russia nor into the MSP in other Baltic countries and then only UCH is considered in MSP in some countries.

In the frame of the BalticRIM project, all existed data on MCH in the Baltic Sea Region (Russian Sectors of the South-Eastern Baltic Sea and the Gulf of Finland) have been collected and compiled as the database. Only tangible monuments were taken into account and no age restrictions were applied.

The created database is the first step of integrating MCH into the MSP process; even the latter has no legal status. So, the Russian case could be an example of including the MCH into the MSP process from the very beginning to have the opportunity to provide key priority areas for MCH, as has been advised by MSP planners (Altvater and Zwick 2019; Matczak et al. 2019).

The analysis of the MSP and MCH legislation in Russia allowed for the development of the proposals for further steps in developing mechanisms for the UCH management of objects both remaining on the seabed and those subject to transfer/remove for subsequent storage onshore. These steps should be taken at the regional and national levels.

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Compliance with Ethical Standards

Conflict of interest The authors declare that they have no conflict of interest.

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Authors and Affiliations

Leyla D. Bashirova[1,2] · Marina O. Ulyanova[1,2] · Alexey A. Kovalev[3,4] · Andrey D. Lappo[5] · Larisa V. Danilova[5] · Mariia V. Kapustina[1]

1 Shirshov Institute of Oceanology, Russian Academy of Sciences 36, Nahimovskiy Prospekt, Moscow, Russia 117997

2 Immanuel Kant Baltic Federal University, Nevskogo Str. 14, Kaliningrad, Russia 236016

3 Institute of Archaeology, Russian Academy of Sciences, D. Ulyanova Str. 19, Moscow, Russia 117292

4 Legislative Assembly of St. Petersburg, Committee for Urban Planning, Land Use and State Property, St. Isaac's Square 6, St. Petersburg, Russia 190107

5 Scientific and Research Institute of Maritime Spatial Planning Ermak NorthWest, Liteiniy Prospect, 51, Litera A, Pom. 14-H, St. Petersburg, Russia 191014