

ESSAY

Cultural heritage as a field for EU's action in external relations: the evolution of strategy and the Ukrainian check

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Abstract

The European Union's systemic engagement in the field of cultural heritage in the external relations is a relatively new and still emerging area. This is a complex action field that requires the Union to find systemic solutions that will enable it to act effectively and make full use of cultural heritage as an instrument of its foreign policy. The process of conceptualising and adopting political decisions in order to introduce the protection, preservation and promotion of cultural heritage as a field of EU action in external relations lasted from 2016 to 2022. Influenced by internal and external factors, the concept on EU Approach to Cultural Heritage in External Action evolved. A few months before the outbreak of full-scale war in Ukraine in 2022, the Council of the European Union adopted Conclusions on EU Approach to Cultural Heritage in Conflicts and Crises. The war in Ukraine and Russia's destruction and threat to Ukrainian tangible and intangible cultural heritage has become a significant test of the EU's capabilities in this field. The text is divided into two parts. The first is an analysis of the process of integrating cultural heritage into the EU's strategy in external relations, while the second attempts to answer the question of how the EU has activated the mechanisms and instruments adopted to protect Ukraine's endangered cultural heritage in the face of Russia's systemic destructive measures.

Keywords

cultural heritage, EU's external relations, international cultural relations, EU's cultural policy, war in Ukraine

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Introduction

As a unique actor in international relations, the European Union uses specific methods and instruments in its foreign policy. It is a specific actor pursuing its vital interests in external relations (pragmatic sphere) and at the same time acting on the basis of its own catalogue of norms and values (ideational-normative sphere). Culture, as an area in which the EU has complementary competences and which remains the exclusive competence of the Member States, has until recently been of marginal interest to the EU in the context of its international engagement. Until 2016, although culture and cultural heritage were present in the EU's external actions and projects, they had no systemic place in the Union's foreign policy, nor had they been the subject of political action at the European level in this context. This is due to the specific functioning and development of the EU institutions, the internal regulations of the Member States, as well as the specificity of cultural policy within EU policies and the competence of the EU in this area. The European Union is reaching out to culture and cultural heritage as instruments of influence in international relations and external action in accordance with the competences set out in Article 167 TFEU and the priorities of the 2007 Agenda for Culture and now also the objectives of the 2018 New European Agenda for Culture.¹

The period 2016–2022 saw important changes in the EU's approach to its role in international cultural relations. The Union was to become more effective, more visible and more recognised as an important partner in this field. To achieve this, a strategy for action in this area had to be developed and adopted, and then consistently implemented. Within the framework of the EU's policy-making levels, the formulation of policy, the identification of objectives, principles and tasks at the level of the EU institutions and the Member States proved to be a lengthy and complicated process, involving various actors and requiring the management of internal structural and organisational tensions and challenges.

The first official step towards placing on the EU's political agenda the issues related to the need to develop, adopt and then implement a strategy to strengthen and make the EU more active in international cultural relations was taken on 8 June 2016, when Frederica Mogherini, the High Commissioner for Foreign and Security Policy, and Tibor Navracsics, the European Commissioner for Education, Culture, Youth and Sport, announced a Joint Communication *Towards an EU Strategy for International Cultural Relations*,² which became the main reference point for

¹ For a detailed overview of this process refer to: K. Hausler "Cultural heritage within the European Union's external relations: more than a policy objective?," in *Cultural Heritage in the European Union - A Critical Analysis of Law and Policy*, eds. J. Andrzej, H. Kristin and F. Francesca (Leiden Boston: Brill Nijhoff, 2019), 365–394.

² European Commission, "Joint communication to the European Parliament and the council, towards an EU strategy for international cultural relations," JOIN/2016/029 final, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=JOIN:2016:29:FIN>.

culture-related activities in the European Union's external relations and the policies implemented in this area. The process of integrating culture and heritage into the EU foreign policy toolbox, which was then launched at the political level, was directly linked to the European Commission's foreign policy priorities 2014–2019 presented by the President of the European Commission Jean-Claude Juncker and formulated as 'Europe as stronger global actor - Bringing together the tools of Europe's external action'.³ The approach announced in the Communication was subsequently confirmed in the European global strategy in the area of EU foreign and security policy announced by Frederica Mogherini on 28 June 2016. This document, entitled *Common Vision, Common Action: A Stronger Europe* - for the first time in history of the EU's foreign and security policy strategies - referred to the role of culture as an area of external engagement and to cultural diplomacy as a new instrument of EU foreign policy.⁴ In 2017, the Council of the EU adopted the Conclusions on the EU approach to international cultural relations, which formally opened the way for all actors in the process to move forward in this field.⁵

The need to formulate a strategy aimed at developing systemic solutions for the use of culture and cultural heritage as important resources of European soft power in order to strengthen the EU's position as a global actor has arisen as a result of both internal and external factors. I wrote about this in detail in another article.⁶ A few should be recalled: the Arab Spring, the war in Mali, Iraq and Syria, the fight against ISIS and the radicalisation of many societies in the South, the war in eastern Ukraine and the migration crisis, the syndrome of EU fatigue in the Western Balkans and the competition for influence in the region with Russia, China and Turkey, the crisis of the EU's normative role in the world and the its unclear image in the world. The reports designed for the development of this strategy showed, among other challenges, that there were significant shortcomings in the way the EU was perceived in the world and that third countries expected the EU to work in partnership rather than from a position of power and to take account of local needs and

³ J.C. Juncker, "A New Start for Europe. My Agenda for Jobs, Growth, Fairness and Democratic Change," Strasbourg, July 15, 2014, https://ec.europa.eu/commission/sites/beta-political/files/juncker-political-guidelines-speech_en.pdf.

⁴ European External Action Service, "Shared vision, common action – A stronger Europe – A global strategy for the European Union's foreign and security policy," Publications Office, 2016, <https://data.europa.eu/doi/10.2871/9875>.

⁵ "Council conclusions on an EU strategic approach to international cultural relations," *OJ C 189*, June 15, 2017.

⁶ D. Jurkiewicz-Eckert, "Międzynarodowy wymiar Europejskiego Roku Dziedzictwa Kulturowego w świetle strategii Unii Europejskiej w obszarze międzynarodowych stosunków kulturalnych," *Studia Europejskie – Studies in European Affairs* 23, no. 3 (2019): 153–179, <https://doi.org/10.33067/SE.3.2019.8>.

expectations.⁷ The strategy announced in 2016 sought to respond to these findings, although it was clear that achieving visible results would be a long and challenging process due to the mutually exclusive interests of the actors involved and the inter-institutional challenges at EU level. In 2018, the European Union linked the process of operationalisation of the strategy to the then European Year of Cultural Heritage.⁸

The years 2019–2024 have become a period of slow implementation of elements of the strategy through programmes, point actions and pilot projects in the shadow of the Commission's changing policy priorities under the leadership of Ursula von der Leyen and under the influence and context of a dynamically changing geopolitical situation. The political instability and conflicts in sub-Saharan Africa and the diminishing role of the EU in the region, the situation in Iraq and Syria, the war in Ukraine and migration issues have altered EU foreign policy priorities and their security focus. The order of priorities for EU action in international cultural relations has also changed. The focus has shifted to cultural heritage in conflicts and crises.

In 2021, the European External Action Service (EEAS) announced the first ever EU policy paper for action in this specific area. The EU approach to cultural heritage in external relations was endorsed in conclusions by the EU Council in the same year. The new position was emphasised by Joseph Borell in *A Strategic Compass for Security and Defence. For a European Union that protects its citizens, values and interests and contributes to international peace and security* of 2021. In this strategic document, the reference to culture appears only once, but significantly - the Compass confirmed the continued protection of cultural heritage, also in the context of CSDP missions and operations.⁹ The announcement of Borell's strategy came only a few months before the outbreak of a full-scale war between Russia and Ukraine, which has resulted in very serious losses and threats to cultural heritage in Ukraine. The attacks, looting, destruction of Ukrainian cultural heritage and the Russification of the occupied territories have become part of the war pursued by the Russian Federation. Many states, international organisations and institutions, as well as many non-state actors, have responded to the situation of threats to cultural heritage in Ukraine and have mobilised very different forms of assistance and support. Among them was also the European Union.

⁷ Y.R. Isar *et al.*, *Culture in EU External Relations. Engaging the World. Towards Global Cultural Citizenship* (Brussels, European Commission, 2014), https://ec.europa.eu/assets/eac/culture/library/publications/global-cultural-citizenship_en.pdf; PPMI, "Analysis of the perception of EU and Eu's Policies abroad," December, 2015, https://ec.europa.eu/fpi/sites/fpi/files/eu_perceptions_study_final_report.pdf.

⁸ Jurkiewicz-Eckert, "Międzynarodowy wymiar Europejskiego Roku Dziedzictwa Kulturowego w świetle strategii Unii Europejskiej w obszarze międzynarodowych stosunków kulturalnych," 160–172.

⁹ European External Action Service, "A Strategic Compass for Security and Defence. For a European Union that protects its citizens, values and interests and contributes to international peace and security," July 10, 2024, 28, https://www.eeas.europa.eu/sites/default/files/documents/strategic_compass_en3_web.pdf.

The aim of this article is to test the following hypothesis. It is assumed that between 2016 and 2022, the European Union, looking for areas in international relations where it could build and strengthen its role as a global actor, identified the field of cultural heritage as a priority area for its international cultural relations activities and consequently adopted a strategic framework, mechanisms and forms of action, for which the first major test became full-scale Russia's aggression against Ukraine and the imperative for the EU to engage in saving Ukraine's endangered tangible and intangible heritage. The paper poses two research questions: 1) How was the policy framework for EU action to protect, preserve and promote cultural heritage in the EU's external relations formulated and developed? 2) By what types of actions has the adopted strategy been activated by the EU in Ukraine after the 24th of February 2022?

Regarding the theories that frame the present research, I will refer to the position of EU foreign policy scholars, including Olga Barburska's body of works, which is that when studying the EU foreign policy, the dichotomies between the following families of theories, both between realist/rationalist and constructivist/normative theories and between intergovernmental and supranational theories, widely described in the literature, should be taken into account.¹⁰ The consideration of these two dichotomies, but also the awareness of the intersection of theoretical approaches, is justified by the multidimensional nature of the issue under study and by the fact that a characteristic feature of EU foreign policy is its dualistic nature, manifested in the fact that it is composed of elements of policies conducted at the EU level as well as national foreign policies of the Member States.¹¹ Such an approach makes it possible to take into account the whole pragmatic sphere of various political, economic or diplomatic interests that need to be safeguarded in the implementation of the cultural and foreign policy of the European Union and its Member States (as explored by neorealism or liberal intergovernmentalism). On the other hand, it is necessary to take into account the equally important idealistic-normative sphere and the specific values inherent to the Union, which it uses in the implementation of these policies and which form the basis of the functioning of the European Union as a soft power. This framing of the problem refers back to constructivism and, as far as the EU institutions are concerned, to neo-functionalism and the associated concept of spillover.¹²

The research problem posed in my article, which is to analyse how the EU has shaped integrated its approach to cultural heritage into external relations, requires the

¹⁰ O. Barburska, *Polityka wschodnia Unii Europejskiej jako część składowa polityki zagranicznej UE* (Warszawa: ASPRA-JR, 2018), <https://www.aspra.pl/katalog-wydawniczy/book/783>.

¹¹ Barburska, *Polityka wschodnia Unii Europejskiej jako*, 100.

¹² Barburska, *Polityka wschodnia Unii*, 57.

use of constructivism as a research approach. Among other reasons, because it is an approach that allows us to understand the internal and external mechanisms that influence and shape the EU's identity in international relations,¹³ and to seek answers to the question of why the EU and its Member States want to make cultural heritage an area of strategic interest in the EU's foreign policy. The normative dimension of the EU's involvement in the protection, preservation and promotion of cultural heritage as a dimension of external relations activities is important framework of this article. Since constructivism sees the EU as a system of rules, values and procedures that can have a socialising effect on the actors subject to these norms, it is a theory that will be applicable to the research problem posed in the article.¹⁴ Another theoretical concept that has been applied to EU research is J. Nye's concept of soft power. This is initially the study of foreign policy and the positioning of states and their ability to influence other international actors not through coercion, but through political, legal and economic instruments that constitute the attractiveness of an offer and the power of attraction. The elements that make up the power of attraction include the system of values (normative power), the cultural potential and the foreign policy based on these values. The reference to Nye's theory/concept is also necessary because in the EU's strategic and official documents on the EU's role and place in international cultural relations and its foreign policy, the Union explicitly identifies itself as an actor with a strong soft power resources. This has consequences for the operationalisation and perception of the EU's role in the field of culture and cultural heritage by its international partners and third countries.¹⁵

Given the plurality of actors involved in the process of introducing cultural heritage as an area of EU foreign policy activity, the study also refers to the family of liberal theories in international relations, including the school of liberal institutionalism, which emphasises the importance of international institutions as a platform for compromise and for states to build their position in international relations, and recognises the importance of non-state actors in international relations.¹⁶ Furthermore, as the effectiveness of EU action in the field of international cultural relations depends on the preferences of Member States as important actors in this process,

¹³ A. Skolimowska, "Constructivist perspective on identity issues in International Relations," in *Perceptions of the European Union's Identity in International Relations*, ed. A. Skolimowska (London, UK and New York, NY: Routledge, 2019), 9–23.

¹⁴ A. Skolimowska, "Konstruktywizm w badaniach integracji europejskiej," in *Przeszłość-Teraźniejszość-Przyszłość*, ed. D. Mikucka-Wójtowicz (Kraków: Libron - Filip Lohner, 2010), 223–230.

¹⁵ B. Piskorska, *Soft power w polityce UE wobec państw Partnerstwa Wschodniego* (Lublin: Wydawnictwo KUL, 2017), 210–237.

¹⁶ J. Czaputowicz, *Teorie stosunków międzynarodowych* (Warszawa: PWN, 2022), 147.

references to the theory of neoliberalism becomes also a theoretical perspective to be taken into account.¹⁷

The methods used in the study were a qualitative content analysis and a discourse analysis. The sources I have assembled fall into three categories: primary sources, which include the EU's primary legal acts (including, first and foremost, the Treaty on European Union and the Treaty on the Functioning of the European Union) and secondary legal acts (regulations, decisions, recommendations and opinions, as well as soft law documents: communications, working documents). The second category includes secondary sources that deal with primary sources, i.e. various types of studies, commentaries, think-tank analysis. The third category refers to the case study and relates to the collected data and information on the EU's involvement in the protection and preservation of Ukraine's cultural heritage after the outbreak of a full-scale war between Russia and Ukraine in 2022.

Cultural heritage as a field of EU's engagement in external relations before 2022: shaping a framework

The European Union has been involved in the protection, preservation and promotion of cultural heritage since the 1980s, and the EU's cultural policy since 1993 has always referred to this area as a priority in its activities.¹⁸ Cultural heritage has been the subject of 'soft' cultural programmes and actions dedicated to culture and has been included in 'hard' infrastructure projects, in various operational programmes and in the framework of various EU policies and programmes, in accordance with point 4 of Article 167 TFEU and the principle of mainstreaming cultural aspects in policies at EU level. As mentioned above, following the adoption in 2007 by the EU of the first strategy for EU cultural policy in the history of European integration, *the European Agenda for Culture in a Globalising World* the Union has cooperated in the field of protection and preservation of cultural heritage with third countries and with international organisations such as UNESCO and the Council of Europe, but these activities have not resulted in a coherent strategy.

At the same time, after 2007, the conviction began to grow that the Union, in its search for areas in which it could strengthen its position in international relations as an important 'soft power' actor, should make more systematic use of the resources of Europe's tangible and intangible heritage, of the expertise accumulated

¹⁷ J. Czaputowicz, "Mapa współczesnego liberalizmu: neoliberalny instytucjonalizm, nowy liberalizm, liberalny interwencjonizm," in *Liberalizm & neoliberalizm w nauce o stosunkach międzynarodowych: teoretyczny pluralizm*, eds. E. Haliżak, R. Ożarowski and A. Wróbel (Warszawa: Rambler, 2016), 17–35.

¹⁸ *Cultural Heritage in the European Union. A Critical Inquiry into Law and Policy*, eds. A. Jakubowski, K. Hausler and F. Fiotentini (Leiden Boston: Brill Nijhoff, 2019); B. Gierat-Bieroń, *Polityka kulturalna Unii Europejskiej* (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2018); D. Jurkiewicz-Eckert, "Rethinking Europe through Culture," in *Introduction to European Studies: A New Approach to Uniting Europe*, eds. D. Milczarek, A. Adamczyk and K. Zajęczkowski (Warszawa: Centre for Europe University of Warsaw, 2013), 729–762.

by Member States in the protection and preservation of cultural heritage, and of the experience of using cultural heritage as a positive catalyst in various areas of social, economic and political life. Finally, after ten years of preparation, in 2017 the Council of the EU adopted the Conclusions on the EU approach to international cultural relations, in which the Union officially identified cultural heritage as one of three priority areas of action and as part of its strategy to strengthen the EU's position in this field in line with and in the spirit of the 2016 Joint Communication *Towards an EU Strategy for International Cultural Relations*, the background document, which outlined the EU's course of action in this area for the coming years.

Why was the 2016 Joint Communication so important in positioning the protection and promotion of cultural heritage as a priority area of EU engagement in the world? The Communication highlighted the importance of cultural heritage in international relations and development policies. The document pointed out the potential of Member States to share expertise in this field. It also listed the threats to which cultural heritage is subjected to and highlighted the theme of the fight against terrorism and its financing by means of illegal trade in cultural goods. The Commission has formulated three main lines of its engagement in the area of cultural heritage: 1) research on cultural heritage, 2) combat trafficking of heritage and 3) protection of heritage, with a particular focus on cooperation with UNESCO. At the time, the EU saw its role as a normative regulator, a promoter of knowledge and expertise and actor involved in risk and damage assessment activities, primarily in the context of post-disaster and post-conflict measures.

Since 2017 with Council conclusions and European Parliament resolution¹⁹ cultural heritage as an area of EU external engagement has been formally introduced on the agenda of the High Representative of the Union for Foreign Affairs and Security Policy, the European Commission, the European Parliament, the Council of the European Union, the EEAS and the Member States. Important for moving forward and shaping the EU's role in the area of cultural heritage in external relations was the Council's clear emphasis on the principle of subsidiarity and the role of Member States, and the clear call to avoid duplication of effort in the context of cooperation with UNESCO and the CoE.

Another feature of the 2017 Council conclusions, important for the further conceptualisation of the role of cultural heritage within EU's external relations, was the establishment of the Friends of the Presidency Group on EU strategic approach to international cultural relations (FoP Group), a group of Member States specifically involved in this area, whose task was to draw up an integrated, comprehensive and step-by-step EU strategic approach to international cultural relations as part of its

¹⁹ "European Parliament Resolution of 5 July, 2017 on Towards an EU strategy for international cultural relations (2016/2240(INI)),*" OJ C334/112*, September 19, 2018.

annual mandate. One of the three areas analysed by the FoP was the protection and enhancement of cultural heritage. After a year of work, the Group of Friends presented to the Council *Report on certain elements of the future EU strategic approach to international cultural relations*.²⁰ In the section on cultural heritage, the FoP has identified four thematic strands for further action: reinforcing cooperation on cultural heritage, strengthening cooperation on the protection of cultural heritage in the context of conflicts, fostering the implementation of the legal framework and coordination in multilateral fora. The FoP, referring to the areas of action outlined in 2016, indicated that there was a rationale for broadening them with issues of preservation and protection of cultural heritage in situations of conflict. In doing so, it signalled the need to integrate this issue into the mandate of the Common Security and Defence Policy (CSDP) missions and operations. This was an important step in the development of the concept of EU engagement in the protection and promotion of cultural heritage in external relations. The previous approach focused on post-conflict and post-crisis situations, and the FoP's report identified for the first time the possibility for the EU to engage in protection of endangered cultural heritage in the active phase of conflicts and to draw on the experience of Member States that could be used to support CSDP. This is due to the report's assumption that a strategic approach might not be limited to the joint communication and could be developed also in the framework of the Global Strategy on the EU's Foreign and Security Policy, especially when reviewing the progress made under the Global Strategy.

Since 2017, the question of the need to expand the adopted strategy on the EU's role in the area of international cultural relations to include actions related to the protection of cultural heritage in conflicts and crises and to include this issue in the mandate of the CSDP missions is gaining importance and will quickly become one of the main vectors of EU policy action in this area. This shift needs to be placed in the context of the international community's response to the scale of destruction and crimes against heritage and cultural property perpetrated in Iraq and Syria and the earlier destruction in Afghanistan, Iraq and Mali. In March 2017, the UN Security Council, in resolution 2347, the first ever resolution relating exclusively on protection of cultural heritage, unanimously condemned the unlawful destruction of cultural heritage and the looting and smuggling of cultural property by terrorist groups.²¹

The message that the EU intended to be an active actor in this area was sent at the UN in September 2017 by Frederica Mogherini. In her speech at the international conference *Protecting cultural heritage from terrorism and mass atrocities: links and*

²⁰ Council of the European Union, "Report on certain elements of the future EU strategic approach to international cultural relations," 9952/18, June 20, 2018.

²¹ "United Nations Security Council Resolution No. 2347," 2017.

common responsibilities, organised on the margins of the 72nd UN General Assembly, the High Representative/Vice-President of the EU announced, among other issues, the inclusion of cultural heritage protection as part of the mandate of all European Union's military and civilian missions. As a first step, EUAM Iraq was to be the first EU mission to implement a mandate in this area. Frederica Mogherini also announced the appointment of Cultural Protection Experts to each EU mission in the future.²²

This was a clear signal that the Union had identified cultural heritage as an area affecting security issues, which therefore needed to be taken into account in the systemic solutions to be adopted. Indeed, on EU ground, it was a time of discussion on the shape of the Civilian CSDP Compact and the possibility of including cultural heritage protection in the tasks of future and current EU's missions. This formally happened in 2018. In the conclusions adopted by the Foreign Affairs Council on the establishment of a Civilian CSDP Compact²³ preservation and protection of cultural heritage emerged as one of the areas in which the EU sees the need to engage as part of its contribution to international peace and security. Obviously, this new approach opened up a very broad spectrum of problems and challenges in terms of specific actions, the involvement and interaction of different structures, people and resources, the definition of specific tasks and their implementation during the mission, the use of Member States capabilities and resources. The testing ground and first 'check' was EUAM Iraq. Since 2018, the mandate of this mission has been formally extended to include the possibility of cultural heritage protection activities. The lessons, not easy experiences of the first two years of this mandate served to further develop a more integrated EU strategy in this area.²⁴

The year 2018, was considered to be a particular momentum in the history of EU cultural policy, moving - at least for a time - culture and heritage from the periphery to the mainstream of EU policies. In 2018, the European Union celebrated the European Year of Cultural Heritage (EYCH). This was a flagship action aimed at publicising the importance of cultural heritage for contemporary societies and its role in the Union's policies, also in an international context, relevant in light of the momentum set in motion since 2016.²⁵ The EYCH had gained an international

²² European External Action Service, "Remarks by the HR/VP on Protecting cultural heritage from terrorism and mass atrocities: links and common responsibilities," June 20, 2024, https://www.eeas.europa.eu/node/32590_en.

²³ "Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Civilian CSDP Compact," 14305/18, November 19, 2018, <https://www.consilium.europa.eu/media/37027/st14305-en18.pdf>.

²⁴ T. Pietz and M. Schmidtke, "EU CSDP Missions and the Protection of Cultural Heritage," *IAI Commentaries*, 19/63, November, 2019; M. Kathem *et al.*, "The Role of the European Union in the Protection and Enhancement of Cultural Heritage in Conflict and Post-Conflict Contexts in the Middle East region: The example of Iraq," European Centre for Development Policy Management (ECDPM), <https://www.cultureinexternalrelations.eu/wp-content/uploads/2020/10/Report-Cultural-Heritage-1Oct2020.pdf>.

²⁵ Jurkiewicz-Eckert, "Rethinking Europe through Culture."

dimension, formally framed as one of its three main objectives. It was defined as promoting cultural heritage as an important element in the relations of the Union's relations with third countries by capitalising on the interest and needs heritage needs of the partner countries and Europe's expertise in heritage.²⁶ In the framework of the EYCH, the European Union has implemented projects such as The EU-Western Balkans Cultural Heritage Route, international activities in cooperation with UNESCO for the protection of cultural heritage in Syria, Iraq, Libya and Yemen, Silk Route Heritage Corridors in Iran, Afghanistan and Central Asia and projects promoting European cultural heritage through EU Delegations in third countries. At the end of the EYCH, Tibor Navracsics announced the objectives of the *European Framework for Action on Cultural Heritage*, a strategic plan for the EU's systemic engagement in this area in the years to come.²⁷ The document included the need to reinforce the international cooperation in this area and clusters of actions targeting geographical zones and horizontal/global actions, with an accent on protection of cultural heritage within CSDP missions. A general position on cultural heritage has also been taken by the Council of the EU, in its conclusions on 8.5.2018 on the need to bring cultural heritage to the fore across policies in the EU.²⁸

In 2019, the Council conclusions on an EU strategic approach to international cultural relations and a framework for action²⁹ were structuring and, so to speak, disciplining both EU institutions and Member States as to the ways and methods of their engagement with the 2016 strategy. The Council pointed to the need for greater coordination and willingness to work together with the aim to improve the coherence of EU positions and actions at multilateral level in order to increase the effectiveness of the EU as a cohesive force in international relations, including by removing obstacles for all relevant stakeholders to operate effectively.³⁰ Cultural heritage - significantly in the context of the article's theme - was directly referred to in the conclusions in paragraph 43 in the tasks assigned to the Commission and EEAS to develop partnerships with international organisations and institutions that promote the role of culture and cultural heritage in bringing peace to conflict and post-conflict areas.³¹

²⁶ "Decision 2017/864 of the European Parliament and of the Council of 17 May, 2017 on a European Year of Cultural Heritage," *OJ EU L 131*, 2018.

²⁷ European Commission, "European framework for action on cultural heritage," Brussels, SWD(2018) 491 final, December 5, 2018.

²⁸ "Council conclusions on the need to bring cultural heritage to the fore across policies in the EU," *OJ C 196*, June 8, 2018.

²⁹ "Council conclusions on an EU strategic approach to international cultural relations and a framework for action," *OJ C 192*, June 7, 2019.

³⁰ "Council conclusions on an EU strategic approach to international cultural relations and a framework for action," 7.

³¹ "Council conclusions on an EU strategic approach to international cultural relations," 8.

From the perspective of the dynamics of international relations and the strategy of positioning the EU as an actor which, together with its Member States, still has significant potential for responding to crises and conflicts in the world, it was clear that the protection of cultural heritage in conflicts and crises and the strengthening of the EU's role in this regard must become a more visible element of the EU's strategy. Given that Union action in the area of culture is based on the EU's competence to carry out actions to support, coordinate or supplement actions of Member States and with due regard for the respective spheres of competence of Member States, the Commission and the EEAS, as well as the principles of subsidiarity and complementarity,³² the EU still has had to clarify the political framework for these actions when compared to the initial 2016 objectives. The task of providing the policy foundations was given to the EEAS because it was expected to multilevelly integrate the protection of cultural heritage during crises and conflicts with the EU's foreign and security policy priorities, the EU's security and defence policy, and other policies in the area of EU external relations with the capacities and expertise of Member States and international organisations in this field.

In November 2020, EEAS organised an international high-level conference to develop key findings and recommendations for further work on the EU strategy in this area. The starting point for the discussion among policy makers, experts, international intergovernmental and NGOs representatives was a report commissioned by EEAS entitled *The role of the European Union in the protection and enhancement of cultural heritage in conflict and post-conflict contexts in the Middle East region. The example of Iraq*,³³ which was drafted by the European Centre for Development Policy Management. Its authors³⁴ provided an in-depth analysis of the political and institutional setting for heritage protection in the Middle East, the different types of threats to cultural heritage in Iraq, an overview of the most important Iraqi heritage-related institutions, as well as an account to date of the involvement of the EU and its Member States, the UK and international organisations in the protection, rehabilitation and enhancement of the role of cultural heritage in post-conflict Iraq. The most important part of the report was the lessons that the EU should learn from its successes and failures in Iraq in the context of its work on a strategic framework on cultural heritage protection in conflict and crisis situations. The authors recognised that a lack of vision and strategy meant that the EU was not effective in addressing the connections between cultural heritage and conflict, and that the EU's serious financial commitment diluted as part of UNESCO's budget in Iraq.³⁵ According to the authors of the report, a future EU strategic framework must

³² "Council conclusions on an EU strategic approach."

³³ Kathem *et al.*, "The Role of the European Union in the Protection and Enhancement of Cultural Heritage."

³⁴ M. Kathem, G.F. Antonelli, E. Selter and D. Helly, with the support of S. Desmidt.

³⁵ Kathem *et al.*, "The Role of the European Union," 14.

be based on two assumptions. First: recognition of cultural heritage as a strategic asset in conflict prevention, peacebuilding and mediation. Secondly, the need to incorporate and promote cultural heritage as an integral component of EU's activities all along the conflict cycle by intervening through cultural heritage as entry points.³⁶ The authors also stressed that the effectiveness of the EU's engagement in this field will depend on its ability to work effectively together to achieve its objectives at three levels: bilateral partners, international organisations and international foundations and local partners with whom cooperation is crucial.

In April 2021, EEAS published the document entitled *Concept on Cultural heritage in conflicts and crises. A component for peace and security in European Union's external action*.³⁷ This was the first document since 2016 that singled out the area of cultural heritage from the EU strategy for international cultural relations as an area that, in the context of contemporary conflicts and wars, requires the development of a systemic, strategic approach. The rationale for this approach is clearly formulated. Namely, by adding cultural heritage within EU's toolbox, the EU can strengthen its role in preserving peace, preventing conflict, strengthening international security and presenting an opportunity for the EU to reaffirm its commitment to the principle 'Responsibility to Protect'.³⁸ The document even goes further, as it points to the EU as a value-based actor despite being aware of how politically sensitive this area is and prone to instrumentalisation, manipulation and its weaponisation, needs to engage in this field to a greater extent than before. The idea of more systemic engagement in protection of cultural heritage opened an opportunity to develop a concept on cultural heritage as a powerful and complementary for revitalisation of the EU approach to peace, security and development.³⁹ Therefore, what did the EEAS concept contain? Firstly, the formulation of a policy foundation for systemic rather than fragmented action in this area and the demonstration that this is an area that should be covered by a strategic approach in EU external relations. Secondly, the formulation of an operational framework, type of actions (preventive, safeguarding, recovery measures) and areas for future EU engagement. Thirdly, the articulation of EU principles of engagement for cultural heritage in conflicts and crises. Fourth, setting out tasks for the EU to operationalise the outlined objectives. This is an important element of the concept, as it helps to understand how/why the mechanisms

³⁶ Kathem *et al.*, "The Role of the European," 40.

³⁷ European External Action Service, "Concept on cultural heritage in conflicts and crises. A component for peace and security in European Union's external action," 9962/21, June 18, 2021.

³⁸ European External Action Service, "Concept on cultural heritage in conflicts," 3.

³⁹ European External Action Service, "Concept on cultural heritage," 4.

announced in this document and which appeared in the Council Conclusions of June 2021 have worked, and thus became the formal basis for the EU to launch actions and programmes to rescue and support the Ukrainian heritage, which, as a result of Russia's invasion of Ukraine and the outbreak of full-scale war on 24 February 2022, is being systematically destroyed, looted and appropriated by the Russian side.

Most significant in terms of the potential for EU involvement in the protection and promotion of cultural heritage in crises and conflicts is the observation that the EU recognises the need to take into account cultural heritage thorough all phases of conflicts and crises - in prevention, crisis response, stabilisation and long-term peace-building and recovery process with a cross-cutting approach that includes security, peace, development, humanitarian, economic issues.⁴⁰

The *Concept* has formulated the next steps the EU should take to operationalise the proposed strategy. The tasks for the EU are: integration of cultural heritage in EU's political and diplomatic engagement (Council conclusions included); integration of cultural heritage in crisis management approach, which means updating of relevant operational and political framework and including protection of cultural heritage in the tasks of civilian CSDP missions and operations in line with CSDP Compact, financial support to cultural heritage as component for peace and development through NDCI and its pillars; enhancing the interlinkage between cultural heritage, peace and development with particular attention to the role and capacities of Member States whose experience and role in the world the Union needs to make good use of, as well as cooperation in the framework of EUNIC, the Cultural Relations Platform and cooperation with NGOs, civil society and academia, there is a reference to the creation and support of a European community of practice which will allow the EU to better capitalise on its potential in this area; monitoring of activities and cooperation within an inter-service task force composed of members of EEAS and other Commission services and cyclical reporting on activities undertaken and results achieved.

The ultimate path in establishing a political framework for EU involvement in the protection of cultural heritage in crises and conflicts in EU external action was the adoption of Conclusions on the EU approach to cultural heritage in times of conflict and crisis.⁴¹ The adoption of this document in June 2021 represents a further important step in the process of integrating international cultural relations in the EU's Foreign and Security Policy, with a particular focus on the role that the EU - given its capacities and those of its Member States - can play in efforts to protect cultural heritage in crises and conflicts. The clear expression of will by the Council in

⁴⁰ European External Action Service, "Concept on cultural," 5.

⁴¹ "Council conclusions on EU approach to cultural heritage in conflicts and crises," 9837/21, June 21, 2021.

this regard was an important signal that cultural heritage is to be further integrated into strategic and programming documents, which translates in the EU into the possibility of activating concrete mechanisms and actions. The expected effect is to mainstream the protection and safeguarding of cultural heritage within CFSP. The starting point for the position taken by the Council was the *Concept on Cultural heritage in conflicts and crises* discussed above. The Council in its conclusions adopted the key orientations and framework approach, leaving the detailed solutions in the concept paper, which it also considered binding.

The Council agreed with the *Concept's* understanding of the complexity of cultural heritage's roles in peacetime and in times of crisis and identified its positive and negative functions, of which the EU must always be aware in planning its actions. The guiding principle for the EU must therefore be a conflict sensitive approach and a readiness to engage in heritage protection throughout all phases of conflict and crises and to include cultural heritage in the mediation process.⁴² The Council reaffirmed the three main vectors of EU engagement in this area, i.e. protection, preservation and promotion. It pointed out that the object of EU engagement must be tangible and intangible heritage, and the principle of recognising local ownership and local needs when supporting partner countries in ensuring the protection of cultural heritage. The Council linked this point to the need to support education and digitisation as key EU capacity-building activities in the field, especially for heritage at risk. The EU approach to the protection of cultural heritage in time of crises and conflicts must be: value-based, respecting the 'do-no harm' principle in the light of UN international norms Responsibility to Protect, inclusive and non-discriminatory, grounded in rules-based and international norms and multilateral approach. The importance of cooperation with UNESCO, CoE and relevant intergovernmental, international and non-governmental organisations is emphasised.

What is very important in the Council's position in these Conclusions is to emphasise that the EU approach to cultural conflicts and crises is part of the EU's Integrated Approach to External Conflict. The intention of the Council is to reinforce the (realistically weak and secondary) importance and place of cultural heritage in this concept by indicating that it is part of a politically and operationally coherent EU response in the context of the EU's Global Strategy. Since part of the EU's approach is to create and foster synergies with Member States' actions, the conclusions therefore emphasised the importance of coordination between Member States' respective instruments and initiatives to improve the ability to respond quickly in relation to the protection of cultural heritage and preventing its destruction during and after crises with the objective of stabilisation and peace (Council, 2021, p.5). This means that the Council is aware that the EU approach to cultural heritage in crises and conflicts will consist of synchronising EU action with that of Member States that have the substantive, organisational, financial capacity and

⁴² Reference to heritage was made in the Council Conclusions on EU Peace Mediation of December 7, 2020.

experience in implementing actions for the protection of cultural heritage in areas of conflict and crises.

How does the EU want to build a more distinctive identity? Where is there room for adding EU added value in the field of the protection of cultural heritage in crises and conflicts? The Council Conclusions indicate that one of the measures should be the integration of cultural heritage into the EU's toolbox for conflicts and crises, including in Common Security and Defence Policy and other areas from the EU's external action. The Council also points to financial instruments that should serve this purpose, including the NDICI - Global Europe. The Council was quite cautious and conservative in its formulation of cultural heritage issues, where they relate to security issues, should enter into the mandates of CSDP missions and operations. The Council also called for a mini-concept in line with Civilian CSDP Compact.

Much emphasis is placed in the Conclusions on combating illegal excavation, looting and trafficking of cultural property as a way of tackling the security threats that these acts have become due to their association with the financing of the activities of terrorist and extremist groups. This subject had to be included as one of the elements of the EU's approach to protection of cultural heritage in crisis and conflicts, as it is one of the most prominent themes so far in the cooperation of many different international actors, implementing the legal frameworks adopted to date. The Council encouraged to make available and use the accumulated knowledge, experience and initiatives for cultural heritage that all EU stakeholders have gathered both in conflict and crisis, as well as in post-crisis environments. Operationally, the Conclusions also referred to the need for EEAS, the European Commission, EU Agencies to work together to streamline cultural heritage and its protection in Conflict Prevention and Crisis Management. A novelty was the obligation for EEAS and the Commission to submit annual reports to the Council on the activities and implementation of the tasks described in the EU Concept on Cultural Heritage in conflicts and crises, which thus became a reference document for future activities.

The concept adopted by the Council in June 2021 implies the participation of many different actors inside the EU, who should cooperate with each other in different configurations: inside the EU institutions, at the level of EU - Member States, EU - international organisations, expert communities, etc. This raises coordination challenges, questions of how to divide tasks between different actors in this process and what is the added value of the EU becoming formally involved in the field of cultural heritage protection in conflicts and crises in practice.⁴³ In the case of the EU Concept on Cultural Heritage in conflicts and crises, from the very beginning, a

⁴³ See more comments on, K. Hausler, "EU approach to cultural heritage in times of conflict and crisis," *The EU approach to cultural heritage in conflict and crisis: an elephant in the room?* *Santander Art Cult Law Rev*, 2/2021(7), 193–202, <https://doi.org/10.4467/2450050XSNR.21.025.15270>; D. Helly, "cS Brief #12, Cultural Heritage Protection in crises: strengthening the EU's role," November, 2022, <https://www.culturesolutions.eu/publications/cs-brief-12-cultural-heritage-protection-in-crises/>.

number of Member States with extensive experience and interest in adopting solutions in this field were involved in its creation and adoption at the EU level, as it was clear that in many cases it would be their commitment and political, diplomatic and military capabilities associated with their presence in the area, as well as their organisational, logistical and expert capacities, that would determine the success of the planned actions. As a result, a number of Member States including Italy, Germany and France, Poland, and Austria, Italy, Greece, Cyprus, Lithuania, Poland, Slovenia, Czech Republic, Luxembourg have set up an informal Group of Friends to monitor and operationalise the EU strategy for the protection of heritage in crises and conflicts.

The document that confirmed the fact of the integration of the protection of cultural heritage in the area of EU security and defence policy was *Strategic Compass for Security and Defence. For a European Union that protects its citizens, values and interests and contributes to international peace and security* announced in November 2021 by Joseph Borell.⁴⁴ In the document in which the High Representative/Vice-President of the EU presented the EU's defence and security reform package, the section on the EU's commitment to human security and compliance with International Humanitarian Law and Human Rights Law included, for the first time, a reference to cultural heritage and the statement that the EU will 'continue to contribute to the protection of cultural heritage, including through our CSDP missions and operations'.⁴⁵ The strategy was formally adopted by the Council on 21 March 2022, one month after the outbreak of a full-scale war in Ukraine triggered by the Russian military invasion of the country.

To conclude this part of the analysis, it is important to note that the EU, as of 2022, has for the first time formal tools for immediate actions for the protection of cultural heritage in conflicts and crises and the possibility to activate various financial and institutional mechanisms for this purpose. The check came very quickly in 2022. Russia's war with Ukraine and the scale of the destruction of Ukrainian cultural heritage and the threats to which it has been subjected since the first day of Russian aggression became a test case for the European Union's ability to effectively activate mechanisms for the protection of cultural heritage, as indicated in the EU approach to the protection of cultural heritage in conflicts and crises.

How did these mechanisms work? On the implementation of the EU strategy in the context of the full-scale war in Ukraine after 24 February 2022

EU Member States, international organisations, associations, foundations, cultural institutions and individuals have been involved since the beginning of the war in

⁴⁴ European External Action Service, "A Strategic Compass for Security and Defence. For a European Union that protects its citizens, values and interests and contributes to international peace and security," https://www.eeas.europa.eu/sites/default/files/documents/strategic_compass_en3_web.pdf.

⁴⁵ European External Action Service, "A Strategic Compass for Security and Defence," 28.

organising aid and rescue of cultural heritage at risk. There were direct initiatives between institutions and organisations as well as actions taken at national and state level. The role of the European Union - in the spirit and along the lines of the strategy adopted - was to take immediate action through the use of existing mechanisms in synergy and partnership with other actors and to mobilise funding and programmes within its remit and mandated tasks.⁴⁶

At this point, it should be recalled that the EU Approach to Cultural Heritage in Conflicts and Crises implies the active involvement of EU institutions and services at each stage of the conflict and crisis phases: prevention, crisis response, stabilisation and long-term peace-building/recovery in line with the EU Integrated Approach to External Conflicts and Crises⁴⁷ This interpretation, formulated and confirmed in the Conclusions in force since June 2021, created a framework and formal justification for taking action immediately after the outbreak of war within the framework of crisis response mechanisms and for developing new, previously unplanned solutions, e.g. the announcement of a special call for Ukraine within Creative Europe, the reprogramming of EUDEL Ukraine activities, Culture of Solidarity Fund - EUNIC Ukraine etc. Despite the continuing war, EU-funded projects related to planning for the reconstruction and revitalisation of damaged tangible cultural heritage and support for the development of threatened and war-affected intangible cultural heritage also started in 2024.

The available data show that, the activities of the EU can be divided into strictly crisis emergency response, immediate support measures, support actions for capacity building and expertise in the area of protection, recovery and post-war restoration of cultural heritage. The authors of the important report for the European Parliament published in 2023 on this issue, divided international actions for cultural heritage in Ukraine into five types: (1) monitoring of damages and risks; (2) emergency relief measures such as the delivery of protective or storage materials to cultural institutions; (3) training of heritage professionals and officials; (4) digitisation of inventories and archives; and (5) support of the cultural and educational sector, in Ukraine and abroad.⁴⁸

The following classification of taken measures since 2022 is a combination of these two means of categorising the available data and activities that can be approached in

⁴⁶ “European Commission reports that by the end 2022, it has provided circa EUR 10 milion of suport for protection and preservation of Ukrainian cultural heritage,” 1.

⁴⁷ “Council Conclusions on the Integrated Approach to External Conflicts and Crises,” 5431/18, January 22, 2018.

⁴⁸ E. Campfens *et al.*, “Protecting cultural heritage from armed conflicts in Ukraine and beyond,” European Parliament, Policy Department for Structural and Cohesion Policies, Brussels, 2023, 50, [https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2023\)733120](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2023)733120).

terms of the implementation of the EU Strategy for Cultural Heritage protection, also taking into account activities under the CSDP.⁴⁹

- EU emergency response to the crisis through the activation of separate actions for physical rescue and protection of endangered tangible cultural heritage in the framework of the Union Civil Protection Mechanism (UCPM) and Neighbourhood, Development and International Cooperation Instrument (NDICI) - Global Europe/Rapid Response. Launched in 2022–2023: response of EU Member States and other countries in the framework of the UCPM, the implementation by ALIPH tasks under the call 'Support to the protection of civilians and safeguarding cultural heritage in Ukraine' (NDCI) and by TUSTAN 'Crisis inventory and leap to digitalisation of museum registers' (NDCI).⁵⁰
- EU emergency response to the crisis by launching emergency measures under Creative Europe, the first ever ad hoc activation of the EU's cultural policy instruments in favour of a single third country. In 2022 the extension of the call for cooperation projects to allow the participation of Ukrainian partners and launch of the call 'Support to Ukrainian displaced people and the Ukrainian cultural and creative sectors', with a single beneficiary U-RE-HERIT Architects for Heritage in Ukraine project (2023–2026).⁵¹
- EU support for immediate multi-institutional actions to documentation and digitisation projects as part of preserving measures the cultural heritage of Ukraine: Save the Ukraine Monuments (SUM 4CH), Europeana and Laptops for Ukraine actions.⁵²

⁴⁹ Detailed information on the activities carried out and their descriptions can be found in EU documents, reports, beneficiaries' websites, etc.

⁵⁰ For details see EEAS reports: *2022 Report on the progress in the implementation of the "Concept on Cultural Heritage in conflicts and crises. A component for peace and security in European Union's external action" and the dedicated Council Conclusions*, 12398/22, September 14, 2022 and *2023 Report on the progress in the implementation of the "Concept on Cultural Heritage in conflicts and crises. A component for peace and security in European Union's external action and the dedicated Council Conclusions*, 11054/23, June 26, 2023, (NDICI) – Global Europe Exceptional Assistance Measure regarding Ukraine: (2022), annex, NDICI CR 2022/19 and (2023), annex, NDICI CR 2023/20 and ALIPH - International Alliance for the Protection of Heritage in conflict areas, Protecting cultural heritage in Ukraine, <https://www.aliph-foundation.org/en/projects/aliph-action-plan-for-ukraine>, Tustan, <https://tustan.org.ua/en/programa1>.

⁵¹ European Commission, European Education and Culture Executive Agency, *Supporting Ukraine's arts and culture – EU values and solidarity at work* (Publications Office of the European Union, 2024), <https://data.europa.eu/doi/10.2797/813500>.

⁵² SUM 4CH, "Save Ukrainian Monuments," <https://www.4ch-project.eu/sum/>; Europeana, "Laptops for Ukraine," <https://pro.europeana.eu/page/laptops-for-ukraine>.

- EU financial support for training projects during the war for Ukrainian professionals and volunteers in the field of cultural heritage protection and cooperation with specialised organisations: ICCROM project.⁵³
- Inclusion of cultural heritage protection in the mandate of European Union Advisory Mission Ukraine (2022–2027). EUAM Ukraine's activities include: support in documenting Russia's war crimes against Ukrainian cultural heritage, supporting the fight against organised crime and smuggling cultural artefacts, enhancing capabilities of Ukrainian prosecutors in investigation and prosecution in this field, creating relevant legal frameworks and implementing operational approaches at national and international levels.⁵⁴
- Inclusion of issues related to the protection, preservation and restoration of Ukraine's cultural heritage as a separate priority in the EU's cultural policy priorities for 2023–2026: Work Plan for Culture.⁵⁵
- Collection of experts' knowledge and opinion on the directions of the EU's involvement in the post-conflict restoration of cultural heritage in Ukraine as part of the EU's cultural policy tasks within Work Plan for Culture 2023–2026. Appointment in May 2023 of a group of 26 experts to the European Commission for a three-year term.⁵⁶

The aforementioned types of actions illustrate how the European Union has operationalised the principles of its approach to cultural heritage in conflict and crisis, in accordance with the priorities adopted and the available mechanisms. Evaluating the effectiveness of these activities requires further multidimensional research, including an examination of how the activated forms of engagement are assessed by Ukrainian partners, what objectives have been achieved at EU level and to what extent they correspond to the structural needs of the sector in Ukraine. The war has not only posed a physical threat to people and cultural heritage, but has also led to a deep crisis for many cultural institutions in Ukraine, also in the social context, with difficult working conditions and low salaries. These phenomena have been exacerbated by the war and pose a major challenge also in terms of rescue, digitisation

⁵³ International Centre for the Study of Preservation and Restoration of Cultural Property, “Ukraine gets its first National Team of Cultural First Aiders to support Cultural Recovery,” 2024, <https://www.iccrom.org/news/ukraine-gets-its-first-national-team-cultural-first-aiders-support-cultural-recovery>.

⁵⁴ “European Union advisory mission Ukraine,” <https://www.devex.com/organizations/european-union-advisory-mission-ukraine-euam-ukraine-191698>.

⁵⁵ “Council resolution on the work plan for culture 2023–2026,” 2022/C 466/01, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022G1207\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022G1207(01)).

⁵⁶ “Register of Commission Expert Groups and Other Similar Entities,” Reference also should be made to the multi-faceted report on protection of cultural heritage from armed conflicts in Ukraine commissioned by the European Parliament in September, 2022, <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&fromMainGroup=true&groupID=103852>; Campfens *et al.*, “Protecting cultural heritage from armed conflicts in Ukraine and beyond,” 50.

of collections and documentation of damages, and should be taken into account when assessing the EU's actions to date and determining further engagement.⁵⁷

Conclusions

Russia's aggression and the outbreak of a full-scale war in Ukraine in 2022 have caused massive damage to cultural heritage and infrastructure, the weakening or making impossible of cultural heritage workers to operate. The scale of destruction and the permanent, systemic nature of the Russian Federation's actions make it appropriate to speak of an attempted cultural genocide against Ukraine by the aggressor. The crimes committed are documented, must be trialled and the perpetrators punished. The scale of the destruction and threats to cultural heritage is so enormous that it requires a significant mobilisation on the part of Ukraine's supporting states, international, state, local, public and private organisations and institutions, foundations, associations, NGO's and individual donors.

The European Union, activated on an emergency based mechanisms and instruments that it could have used to support efforts to protect, preserve and support the endangered cultural heritage in Ukraine. The war in Ukraine thus became a real test for the EU's strategy of engagement with cultural heritage in the EU's external relations, which had been taking shape since 2016. As originally conceived, the role of the EU in this area was to be that of a regulator, a promoter of knowledge and expertise, and an actor involved in risk and damage assessment activities, primarily in the context of post-disaster and post-conflict measures. Already since 2017, under the influence of several EU Member States with experience in the protection of cultural heritage in the framework of international missions and various civilian and military formats, there has been an expansion of the assumptions made. The mechanisms and modalities of the EU's involvement in the protection of cultural heritage in times of conflicts and crises and the inclusion of this area in the tasks of the civilian and military missions of the CSDP have become the subject of reflection and directional political decisions.

Since 2018, there has been a process of conceptualising the principles of this engagement in line with the EU Integrated Approach to External Conflicts and Crises. At the level of political decisions, the belief that the protection and support of cultural heritage in a situation of crisis or conflict should enter the EU's tasks in its external relations was solidified. The Concept on Cultural Heritage in conflicts and crises adopted in the 2021 Conclusions preceded the outbreak of war in Ukraine by only a few months. It must therefore be concluded that, at the outbreak of war, the EU was formally ready to mobilise action in accordance with the adopted strategy.

⁵⁷ This aspect of the current challenges to the protection and preservation of cultural heritage in Ukraine was brought to my attention by O. Ostrovska-Liuta, Director of Art Arsenal in Kiev during the discussions at ICCPR 2024 in Warsaw.

Were the EU institutions and services as well as the Member States operationally ready to do so? EU assistance is supposed to be of a targeted nature to ensure maximum synergy of action and efficiency. A report prepared for the European Parliament shows that the lack of formal mechanisms to coordinate tasks at the level of the EU services, communication and effective division of tasks among actors operating in Ukraine, including cooperation with UNESCO, ICCROM, CoE and others, remains a problem. An element that needs to be improved is the lack of mechanisms for cultural emergency response with the humanitarian aid system.⁵⁸

Two years and 8 months of war and the EU actions allow some further conclusions and observations to be made. Firstly, from the point of view of the effectiveness of the available mechanisms, the EU has successfully launched two mechanisms (UCPM and NDICI-Global Europe) for the protection and rescue of cultural heritage in Ukraine. Secondly, from the available data, it occurs that the implementation of the EU strategy for the protection of cultural heritage in Ukraine means, in practice, financially supporting institutions and organisations from EU's Member States that have the organisational capacity and experience needed in these conditions. Thirdly, the EU can play an important, partnering role to the large international organisations like UNESCO. Fourthly, the European Union has also been able to use/expand and re-programme ongoing actions and cultural projects in favour of specific activities in Ukraine. Fifthly, the EU's involvement as normative actor in preserving and supporting the cultural heritage sector, especially in lawmaking and standards setting for heritage protection and cultural policy, also has an integrative dimension with a view to Ukraine's future EU accession. And finally, the EU has been able to formally launch heritage protection activities in Ukraine under EUAM Ukraine mandate, in line with the post-2020 approach developed on this issue.

To Ukrainian check, the EU responded with a readiness to activate instruments operating at EU level through various policies and mechanisms to protect and preserve cultural heritage in times of crisis and conflict. The form and scope of activities, synergies and the appropriate response to Ukraine's needs and expectations will be assessed. It will also be necessary to ascertain whether, as a consequence of the actions implemented, the EU's international image as a significant actor in heritage protection and promotion has been enhanced, and whether the strategic prioritisation of this field is a sound decision. At present, however, with the ongoing war in Ukraine, the question of a more explicit visibility of the EU's commitment to the protection of cultural heritage in Ukraine is not at the forefront. Still, what counts most is a financially concrete and increasingly operationally effective EU response to Ukraine's needs in this area, unfortunately still in the mode of ongoing war and not of post-war reconstruction and recovery.

⁵⁸ Campfens *et al.*, "Protecting cultural heritage," 68.

Ethics and consent statement

Ethical approval and consent were not required.

Data availability statement

No data are associated with this article.