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Cultural Heritage Protection in crises: strengthening the EU's role

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In 2021, the EU embarked on a new external action journey, with the adoption of Council Conclusions on the protection of cultural heritage in its external action. EU Member States have created a specific Group of Friends to follow-up on this agenda. Heavily marked by the war in Ukraine, this policy process is rapidly evolving: EU Member States and institutions have quickly responded to Ukrainian requests for support. Yet, in our turbulent times, they will have to upscale their commitments and coordination to consolidate the EU's global contribution to the preservation of societies' memories and resilience. A community of practice on cultural heritage protection, with a sound balance between crisis response and lessons-based action, would help the EU Group of Friends for cultural heritage to mobilise EU political leadership, strengthen national staff capacities, EU funding, EU coordination, and diplomatic engagement worldwide.

Background and policy process

Cultural Heritage protection is an essential component of communities' resilience and coherence. It ensures the transmission of tangible and intangible cultural expressions that define a cultural group,¹ by avoiding their loss, damage or neglect, thus contributing to the safeguarding of societies' collective memories. As such, cultural heritage protection (CHP) has

gradually entered EU external policy frameworks, and more decisively since the 2021 Council Conclusions dedicated to CHP in crises and conflict. Until the war in Ukraine, the EU focused mostly on the Middle East and the Western Balkans.

The EU Member States have a wealth of know-how in CHP. They have started to cooperate on common EU policies within the EU. With the development of cultural heritage diplomacy and international cooperation, the untapped potential of CHP

We would like to thank the EU Institute for Security Studies (EUISS) for their cooperation in the organisation of our joint round table on cultural heritage protection in crisis situations in Brussels on 12 October 2022.

1. European Commission, Cultural heritage, <https://culture.ec.europa.eu/cultural-heritage>.

in EU external action is now on the radar screen of EU policy makers. At the crossroads of security, diplomacy, civil protection and cultural policies, CHP requires a multidisciplinary approach and multistakeholder coordination.

Following the 2021 Council conclusions, the EEAS published, in September 2022,² a first yearly progress report on their implementation. This progress report presents various facets of the EU efforts in the CHP realm:

- the measures taken by the EU to respond to protect cultural heritage in Ukraine,
- the progress made in EU crisis management missions and in long-term EU international cooperation,
- the latest achievements against the illicit trafficking of cultural property,
- and a recap of recent EU-funded CHP actions.³

A group of like-minded EU Member States (Group of friends) is now monitoring and taking this agenda forward in EU external action, and has asked the EUISS to contribute to its work. With culture Solutions, the European think and do tank specialised in EU international cultural relations, the EUISS co-organised a roundtable on 12 October 2022. This Brief summarises the latest debates on the EU as a cultural protection actor in crisis situations.

First, it takes stock of the EU and the Member States' engagement in this field.

It then gathers key lessons identified since the adoption of the 2021 Council conclusions, and points at short-term needs for concrete action. Finally, the Brief provides forward-looking suggestions for the the EU to deliver on its policy commitments.

EU and MS engagement and cooperation

Some EU Member States have a strong working culture in CHP⁴. It is in particular the case of France, Germany and Italy, which have developed solid archaeological expertise on tangible heritage. Italy has prioritised its international engagement in CHP through its specialised Carabinieri department⁵ and the support for a UN specialised Taskforce. Together with France, Italy has launched a UN Group of friends on cultural heritage protection. At EU level, Hungary is coordinating the EU group of friends of member states.

The most spectacular move made by EU Member States, in the last few years, has been the creation of ALIPH (International Alliance for heritage protection in conflict areas), by France, together with partnering Gulf countries. ALIPH has run 150 projects in 31 countries worth \$50 million⁶.

As part of counter terrorism and the fight against terrorism financing, Member States have strengthened their legal framework on the import of cultural property and the

2. European External Action Service, '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', September 2022, <https://data.consilium.europa.eu/doc/document/ST-12398-2022-INIT/en/pdf>.

3. Council of the European Union, 'Council Conclusions on EU Approach to Cultural Heritage in conflicts and crises (9678/21)', 21 June 2021, <https://data.consilium.europa.eu/doc/document/ST-9837-2021-INIT/en/pdf>.

4. See box in the ECDPM/culture Solutions report, page 13 in Mehiyar Kathem, Giovanni Fontana Antonelli, Elke Selter and Damien Helly, with the support of Sophie Desmidt, 'The role of the EU in the protection of cultural heritage in conflict & post-conflict contexts in the Middle East', ECDPM/culture Solutions, 1 October 2020, <https://www.cultureinexternalrelations.eu/2020/10/06/the-role-of-the-eu-in-the-protection-enhancement-of-cultural-heritage-in-conflict-post-conflict-contexts-in-the-middle-east-region/>.

5. The Carabinieri is a military branch of the Italian police. Its department specialised in cultural heritage protection (Tutela Patrimonio Culturale – TPC) was created in the 1969. See Laurie Rush, Benedettini Millington, The Carabinieri Command for the Protection of Cultural Property, Boydell and Brewer, 2015, 220p.

6. ALIPH, Projects, <https://www.aliph-foundation.org/en/projects>.

EU is preparing a new action plan in this realm, in coordination with international partners and organisations⁷.

Since the 2018 European Year of Cultural Heritage, Member States have intensified their cooperation. The EU follow-up action plan on cultural heritage included an international pillar, which materialised through a number of EU initiatives in the field of cultural heritage diplomacy (for instance the Ilucidare project, which produced specific policy recommendations⁸).

The September 2022 progress report lists the recent EU CHP actions in Africa, the Middle East, Asia and the Eastern European neighbourhood, amounting to more than €152 million. In comparison, CSDP financial investments in CHP are for now much smaller, consisting mostly in CSDP missions' staff brain power and operational capacity (one advisor in Iraq with an explicit mandate on cultural heritage, criminal cases covered by EULEX Kosovo, monitoring by EUMM Georgia). Programmes comprise a variety of interventions from rehabilitation and capacity building projects to cooperation against illicit trafficking and intangible heritage documentation and transmission.

Within the EU, the Union's Civil Protection Mechanism (UCPM) is the go-to body to collectively tackle major threats to cultural heritage. As such, the UCPM was initially activated to engage in Ukraine following the start of the conflict. In parallel, some EU external action funding was also channelled to on-the-ground interventions via ALIPH.

Lessons identified and learned: international organisations cannot parachute in

Recent debates co-organised by the EUISS and culture Solutions on CHP have highlighted a number of what militaries called "identified but not necessarily learned" lessons. Some are already well-known, learned and published in EU policy documents, others have emerged from the most recent conflicts and research.

A first reminder: urgency requires informed and skilful action on the interrelations between communities and their cultural heritage. EU support to cultural heritage protection not only has to be fast and concrete, but also based on research and methodological experience to avoid doing harm, and to adjust to communities' actual connections with their heritage. ALIPH fast interventions in Ukraine have relied on the expertise of Ukrainian and Polish experts.

The Ukraine case has revealed that the existence of national cultural heritage protection plans is a pre-requisite to facilitate rapid reaction and intervention with local communities and international partners. When local cultural managers do not have clear training or guidance on emergency situations (which for instance was the case for museum managers in Ukraine), they operate in a decision-making (and sometimes legal) vacuum that hampers swift action.

Another lesson is that effective protection may come with a political cost. In Ukraine, although the government has requested EU support on cultural heritage protection, the

7. European Parliament, Council of the EU, 'Regulation 2019/880 on the introduction and the import of cultural goods', 17 April 2019, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0880&qid=1639488073938>.

8. ILUCIDARE, Policy Recommendations, <https://ilucidare.eu/resources/database/ilucidare-policy-recommendations>.

legal framework does not allow cultural property to leave the country.

This has raised the question of finding safe heavens for cultural goods. The prioritisation of effective on-the-ground crisis response has also led certain CHP actors to put aside potential disagreements, and to cooperate pragmatically with wealthy – yet illiberal or undemocratic – international partners.

For instance, ALIPH provides its European members with some opportunities to develop international and transactional cooperation on CHP with certain Gulf countries or China.

Action is also always messier than plans on paper. Various cases (in the Middle East, in Haiti) from the 2000s have seen the inevitable overlap of various local and international organisations trying to intervene. Inclusion and – unavoidable – exclusion dynamics at play bring their own frustrations among those who feel disenfranchised and not listened to. Some UNESCO experts have also put forward the 4D lessons from Mossul on CHP approach: Debris management, Decontamination, Damage Assessment, Documentation.

As a matter of fact, there is ample literature on methodologies and best practice that could be better circulated among EU circles. In particular, ICCROM has published a number of practical tools in that regard, such as the First Aid to Cultural Heritage in Times of Crisis Handbook and Toolkit (with the Prince

Claus Fund), and a Guidance Toolkit for Impact Assessment, to name but a few⁹. ICCROM is also developing a smartphone app to collect data on damaged cultural heritage.

Recent studies produced by EU Member States' experts in the framework of the Open Method of Coordination show that climate-induced threats and related natural disasters, combined with concurrent man-made disasters, will be the main challenges to be anticipated by cultural heritage protection. As such, climate change is a security threat against societies' symbolic and identity resilience.

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While the community of international cultural heritage protection experts has learned over time on best practices, there is still room for the EU to develop its own more homogeneous community of practice to move towards more convergence between national traditions of cultural protection. The experience of the civil

protection Proculther network shows that coordination and convergence will take time and will require long term efforts¹⁰.

Action now: give us the people!

Immediate EU action can be taken by Member States and EU institutions in several areas, so as to upscale EU engagement and impact.

- The first proposal relates to the ongoing update of the EU policy against illicit

9. See ICCROM's publications webpage <https://www.iccrom.org/resources/publications>.

10. Union Civil Protection Knowledge Network, ProCulTur-NET, <https://civil-protection-knowledge-network.europa.eu/projects/proculther-net>.

- trafficking of cultural goods and the human capacity to implement its upcoming action plan 2022-2025. Some EU policy makers consider that more effective results could be achieved by a slight increase of dedicated staff from national law enforcement bodies (customs, border, judges and prosecutors). More human resources at Member States level, to work on European CHP initiatives, would strengthen EU's relevance.
- To upscale their commitments, Member States would need to appoint dedicated EU CHP focal points in their capitals. These focal points could be in charge of: advocating for increased budget for CHP in external action programming, enhancing EU and international coordination in multilateral frameworks (including with the military within NATO and the EU); providing more national staff to EU programmes, delegations overseas and CSDP missions; contributing to the establishment of a community of practice gathered around the current Group of Friends, currently coordinated by Hungary.
- The third immediate action to take is to earmark EU funds for decolonising EU Member States' cultural relations and diplomacy through joint EU programmes on cultural heritage policies and protection¹¹. Belgium, France, Germany and the Netherlands have all already made steps towards decolonisation processes.

All these immediate measures would further consolidate EU capacities to contribute to cultural heritage protection in Ukraine in a more coordinated and effective way.

A long journey ahead

In the currently strained geopolitical context, the EU and its Member States still have significant margin of manoeuvre to contribute to cultural heritage protection in the long term.

First of all, the EU and Member States should develop EU-wide training schemes on cultural heritage protection. The stakeholders who debated with us on 12 October acknowledged the need for a common approach and common language on cultural heritage protection. They also recognised the need for more training, for the circulation of know-how and best practices among EU Member States' personnel. The institutionalisation of specific European basic training curricula would enable EU Member States to staff the EU headquarters, Delegations and CSDP missions with skilled professionals.

The following stakeholders should be involved and informed, to ensure effective coordination in training initiatives:

- The European Security and Defence College and the EUISS,
- the EU Group of friends on CHP,
- Commission's intra-service groups on training and international cultural relations,
- the Open Method of Coordination expert groups
- the EU Civil Protection Mechanism
- and any relevant EU institutions, bodies and networks such as DG EAC, the EEAS, DG HOME, ECHO, INTPA, NEAR, EUROPOPOL, CULTNET, etc.

Second, and as a complementary approach, a community of practice could include and build on the ProCulther network and the Union Civil Protection Mechanism (UCPM). One could imagine a first series of sessions organised around Ukraine and other topics identified in this Brief, such as climate

11. culture Solutions, Colonial memories, <https://www.culturesolutions.eu/colonial-memories/>.

change and concurrent events, heritage specific conflict analysis, inventories and threats assessments, common standards, legal challenges and solutions, UN and/or OCHA cultural cluster, human resources and training, financing, etc.

Thirdly, the EU and Member States should continue to activate and mobilise their diplomatic channels to enhance partner countries' (and their own) international commitments to cultural heritage protection, via the participation in existing international legal frameworks, treaties and conventions. In that regard, international partnerships and burden sharing with UNESCO, the UN, NATO and other partners is key to ensure efficient use of resources. International diplomacy may also play a deterrence role: in the case of Ukraine, analysts have observed Russia's caution not to target (so far) world heritage sites with its numerous missile strikes.

Some experts recommend the creation of a specific cultural cluster within UN humanitarian response clusters, to ensure

effective coordination of culture-related initiatives in conflict and crisis situations.

Engaged diplomacy (sometimes in the shape of realpolitik and "transactional multilateralism" with illiberal regimes) and enhanced international coordination are both achievable objectives for the EU, because of the remaining political clout of (some) EU Member States.

Finally, the EU and Member States can ring-fence EU funding, via budgets earmarked

for international cooperation and managed by DG INTPA, for cultural heritage protection and prevention in the last years of the current 2021-2027 budget cycle. There is still time. Such long-term investment could be directed towards supporting the development of CHP national response plans (comprising the identification of commonly agreed criteria for protection, crisis response scenarios, data-based inventories and documentation, pre-defined protocols and the set-up of situation rooms in case of an emergency).

A specific cultural cluster within UN humanitarian response clusters could ensure effective coordination of culture-related initiatives in conflict and crisis situations.





Conclusion: more leadership and coherence to better engage with partners

A year after the adoption of an EU policy framework on cultural heritage protection in crises, the EU has the potential to become a more integrated, more context-sensitive and therefore a more influential global player in this realm. The lessons from the war in Ukraine, and other international interventions confirm the

potential EU's added value to support states, communities and societies in cultural heritage protection. However, they also underline the need for EU Member States to engage more decisively in the set-up of resilient and skilful communities of practice that are ready to respond effectively and in a coordinated fashion to future crises. EU crisis response systems and organisations protecting cultural heritage already exist and function. They could better communicate and act together, were they channelled towards concrete joint objectives defined by high-level officials and political leaders.



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