



Article

EU Cultural Security Law in an Educational Context

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Abstract: Cultural security is a comprehensive notion that has gained much attention in the recent cultural heritage debates. In terms of the EU, it encapsulates cultural heritage destruction and protection in armed conflicts, post-war cultural heritage management, restitution, illicit traffic of cultural property, cultural diversity, and intercultural dialogue. The article aims to present how cultural security matters appear in the EU legal system and policy. The authors argue that cultural security is present in different policies regarding cultural property and the fight against illicit trafficking, as well as in EU external cultural relations. Digitization in the cultural sector constitutes a challenge, facilitates access to cultural heritage, and is an important tool for future cultural security. Therefore, EU law in the context of cultural security is analyzed. The authors took the Polish law as an example of how cultural security can be safeguarded while promoting an EU Member State's jurisdiction. The paper's educational part offers some ideas on creating and incorporating law and cultural security courses into varied higher education programs.

Keywords: cultural security; cultural heritage; cultural diversity; European Union



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1. Introduction

One can differentiate between the notion of cultural security used by indigenous people, the notion of cultural security in a national context, and cultural security as used in an international dimension [1]. Cultural security is a broad concept with many integrated parts, such a defense security culture [2] (p. 20). The security of cultural patrimony and measures undertaken to safeguard the cultural heritage of humanity as a whole are intertwined. Cultural security therefore constitutes a wide range of matters, including problems such as cultural heritage destruction and protection in armed conflicts, post-war cultural heritage management, restitution, illicit traffic of cultural property, and illegal excavations. When it comes to cultural heritage and cultural heritage assets, both are strongly integrated in economic and social development. Thus, they play a central role in peace building and are of core value for societies, regardless of ethnic or cultural origin.

Cultural security forms an important and growing field of security studies. However, its legal dimension has so far been neglected by academic lawyers, although there are political and security studies authors who address some of the legal aspects of the problem [3–5]. These authors have undertaken extensive studies from the perspectives of their respective disciplines. As a result, there is still a lacuna in legal research to be fulfilled by authors with this particular expertise.

Sustainable use of cultural heritage is perceived as a catalyst for development [6]. It should also be considered as a resource that forms part of a culture important to local communities. Cultural security should be analyzed from the perspective of sustainability, so that the future generations are taken into account. This involves carrying out activities leading to the preservation and maintenance of the cultural identities of Member States, non-state communities and citizens, while creating a common European identity.

Cultural security is strongly linked to the UN Agenda 2030, especially with the following targets:

Agenda 4.7: By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development;

Agenda 11.4: Strengthen efforts to protect and safeguard the world's cultural and natural heritage;

Agenda 13.1: Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries;

Agenda 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

As we can see, the very concept of cultural security is interconnected with the objectives of sustainability. Within the intensification of multicultural dialogue, mobility of cultures analysis of cultural security law from the sustainability angle is necessary.

The authors wish to take a regional perspective and to look at cultural security from the perspective of European Union (EU) law, with reference to international law where necessary. Article 167 paragraph 1 TFEU provides: "The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore". Instead of cultural polarization, the common EU cultural heritage is to be given joint and equal value across Member States. Culture and cultural heritage are assets with considerable value to the EU, which is emphasized in various documents regarding both cultural patrimony and economic development. Apart from social and economic development, culture is essential when it comes to overcoming crises and building resilience. On the other hand, a proper mode of conduct plays a pivotal role when it comes to dealing with migration-related problems and cultural diversity. As stated in Article 167 paragraph 4 TFEU: "The Union shall take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures", though the EU's actions should be assessed through "cultural" lenses. The above article should serve as a compass balancing the tensions brought about by cultural diversity, aimed at ensuring mutual respect and showing cultural diversity as one of the EU's chief strengths.

In our analysis, we will focus on EU law in the context of cultural security and examine Polish law as an example of how cultural security can be safeguarded while promoting an EU Member State's jurisdiction. The educational part of the paper will focus on creating and incorporating law and cultural security courses into varied higher education programs. Given the growing amount of cultural security challenges, both internal and external, the proposed research is needed and the inclusion of cultural security matters in the curricula is an inevitable part of cultural security policy. Therefore, in this paper, our goal is to analyze the areas in which law and cultural security cross paths, and to show the possibilities of implementing cultural security law into law school curricula and the curricula of other degree programs.

2. Materials and Methods

We have used the classical legal method of black-letter analysis of law for this study. This method focuses on the textual and logical analysis of primary and secondary legal sources and the analysis of patterns and results of application of legal rules to hypothetical and real-life problems. The results of these analyses will constitute part of a wider concept of cultural security, placing it in a socio-political perspective in the spirit of law-in-context research. These methods will also form the basis for the proposed curricula.

The primary sources for this research are legal acts, judgements, "soft" instruments such as, e.g., declarations, guidelines, and programs published by public bodies. Secondary sources are research papers, books and book chapters, and "grey" literature like policy papers, reports and materials connected with citizen's legislative initiatives.

3. Results

3.1. Legal Dimensions of Cultural Security

Surprisingly, there are no academic units specializing in the legal aspects of cultural security at either the European or global levels. In an age of unprecedented migrations, many of them conflict- or climate-related, there will be natural conflicts between “old” and “new” (in-coming) cultures that may result in xenophobic “cultural wars” against the “others” who are seen as enemies or invaders.

At the same time, conflicts between what can be termed “metropolitan” and “peripheral” cultures will arise, leading to the marginalisation or even extinction of the cultural and intellectual capital of peripheral countries. This type of conflict can be interpreted either as a natural process of approximation of cultures or as cultural colonialism. Regardless of which interpretation applies, the law must provide a framework for resolving such conflicts and minimizing the harmful effects of cultural clashes.

3.2. European Dimension of Cultural Security Law

Cultural security, as we understand it, encompasses various areas covered by primary and secondary European law; in particular, the right to preserve and to express a distinct cultural identity (language, customs, religion, lifestyle and other forms of tangible and intangible heritage) and, from a wider European perspective, to simultaneously preserve the common core of European identity [7–10]. On the legal plane, we have distinguished three principal teaching and research areas to be addressed:

(A) European law and policy activities aimed at the protection and preservation of European culture and heritage.

(B) Legal and policy measures aimed at preserving and fostering the cultural capital of Member States: In particular, measures for preventing the so-called brain drain from “new” Member States, and for creating an equal playing field for education and research, making Europe as a whole a major player in the global educational market.

(C) Conflicting cultures: Realization of European cultural security objectives can be endangered by current political and social trends. The emerging alt-right movements and tensions within the EU may foster “national egotism” with Member States focusing on protecting what they perceive as their national culture, as opposed to the cultures of “others” and in opposition to what constitutes a common European heritage [11]. It is very difficult to conflate the two aspects of national and EU identity. While the latter is visible in EU documents, it must not interfere with the respect for national identity [12]. Another issue of extreme importance is the flow of migrants, who should enjoy their right to cultural security under European law, and who bring their unique cultures to the EU. This can be a source of potential conflicts, and some of the main legal and political problems to be resolved are how to accommodate the growing number of migrants and safeguard their cultural security [13], and how to include these cultures into the common European cultural core. The EU embraced culture and heritage as one of its common objectives while transitioning from an economic community to a union of sovereign nations by sharing common European values and, paradoxically, embracing cultural, social and ethnic diversity at the same time. However, the process has not been as straightforward in its practical implementation when compared to its theoretical conception.

Culture is perceived as a catalyst for development and a peace facilitator, and only by strengthening universal peace can the United Nations’ 2030 Agenda for Sustainable Development [14] be fully implemented. The pivotal role of culture and cultural heritage in the EU’s future has been emphasized in many strategic documents (recently in “A New European Agenda of Culture” [15] followed by the “Work Plan for Culture 2019–2022” [16]). Moreover, the notion of security appears several times in the European Commission staff working document “A New European Agenda for Culture” when it comes to international cultural relations and a project run outside the EU in order to safeguard and protect damaged cultural heritage and fight with the illicit traffic of cultural property.

The legal framework at the international and European level is composed of many legal instruments, and is supported by declarations and resolutions. Together, they create a complex net of legal provisions dealing with culture in many spheres. The existing legal net is getting tighter, but new challenges still arise in addition to rapid technological development.

The main legal acts regarding cultural property deal with cultural goods and cultural heritage. One could say that they form the core of the EU's legal framework in this field, and they are deeply anchored in cultural security matters. First, we should mention Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods [17]. It was complemented by Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods [18]. The Regulation is a new instrument targeting terrorism financing and the illicit traffic of cultural property, which are closely linked. Another part of the EU net is Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State [19]. The provisions of this Directive were taken into consideration during the drafting process for the 1995 UNIDROIT Convention. It proves the undisputed impact of EU regulation on the development of international legal instruments in terms of cultural property and cultural security. This Directive was replaced by Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State [20], which is meant to address the weaknesses of the previous version based on subsequent studies and reports [21].

The threats to cultural heritage caused by illicit traffic and terrorism financing also resulted in various UN Security Council (UNSC) Resolutions: 2199 (2015) [22], 2253 (2015) [23] and 2347 (2017) [24]; see also [25] (p. 42). The UNSC received strong support from the EU through the (2015) Resolution of the European Parliament [26] on the destruction of cultural sites perpetrated by Da'esh, which called for international cooperation to implement international conventions and resolutions relating to the destruction of cultural property. The dramatic situation in Palmyra was mentioned in the Joint Communication "Towards an EU Strategy for International Cultural Relations" [27], where the European Parliament condemned the attacks and called "on the international community to do everything in its power to protect the civilian population and safeguard the unique cultural heritage of Palmyra, and calls on all parties for an immediate end to hostilities in Palmyra and for the safe passage of civilians fleeing the violence (Paragraph 10)". The cultural values inherent to these civilians and brought along to other countries should be safeguarded and respected as well. Therefore, it is necessary to protect and respect the cultural identity and the cultural spaces of migrants. In the recent European Parliament Resolution of 17 January 2019 on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars [28], many issues relating to cultural security were raised, especially referring to cultural property acquired illegally and the need to create a transparent art market to combat the illegal traffic of cultural goods. It further mentioned that the role of private international law is underutilized in terms of cultural property protection and "considers that EU legislative action, including the dimension of private international law, would be appropriate for future transactions only" (Paragraph 12).

This gives a new meaning to the official motto of the first secular modern republic: *E pluribus unum*, translated as "out of the many, one." As opposed to the original "melting pot" concept that helped to shape the United States of America, the EU sees its strength in fostering a culturally pluralistic union with all the communities inhabiting its Member States contributing to the common good.

This objective has been achieved so far thanks to various tools ranging from the regulation of trade in cultural goods through the Bologna process, to soft initiatives including the European Heritage Label [29] and the European Year of Cultural Heritage [30]. Both projects have a very strong cultural heritage education dimension [31]. Additionally, they encourage debate about common history. The European Heritage Label is an initiative that is sometimes seen as the EU's response to UNESCO World Heritage Sites, but in fact it aims to complement the World Heritage Convention and European Cultural Routes. However,

it has a broader meaning in terms of managing European cultural heritage, and reinforcing citizens' links to it. Since 2011, it has gained world recognition with 48 nominations. The main goal is to build a bridge between EU citizens, encourage discussion about the EU's history, and promote mutual understanding together with intercultural dialogue. As TFEU establishes EU citizenship, this action aims at strengthening this notion through different specific objectives reinforced with the Treaty (Article 3 (3)).

The European Year of Cultural Heritage (2018) was introduced to stimulate debate, build awareness and exchange good practices in the field of culture. The concept of cultural security appeared in paragraph 21 where the reference to conflict zones and the deliberate destruction of cultural heritage was made. In the decision to designate the year 2018 as the "European Year of Cultural Heritage", the following specific objectives should be noted: "[to] highlight the potential of cooperation in matters of cultural heritage for developing stronger ties within the Union and with countries outside the Union and for encouraging intercultural dialogue, post-conflict reconciliation and conflict prevention" (Article 2 (2) k) and "[to] encourage synergies between the Union and the Member States, including by strengthening initiatives to prevent the illicit trafficking of cultural goods" (Article 2 paragraph 2 m).

There is, however, an emerging, and so far neglected, aspect of culture and heritage law and policy called cultural security. The concept of cultural security understood as the security of personal and collective identity in a postmodern world is relatively new, and is a virtually unexplored area of European legal research. The legal component of cultural security has been identified by practitioners; there is even an Italian military center (*Centro alti studi per la difesa*) focusing on these issues. In 2019, a similar center was established in Wrocław by the decision of Minister of Defence in cooperation with the Minister of Culture and National Heritage. The International Training and Research Center on Cultural Heritage was created in 2020. This is supposed to be one of the state's activities in fulfillment of obligations deriving from the Hague Convention [32,33] and based on the information gathered by military and civil officers. Damien Helly points out that the combined theme of heritage and memory should be further developed in terms of culture defense. He also stresses the need to reinforce links between civilians and the military, with possible use of the Erasmus program and the introduction of new actions [2].

In order to manage these problems, culture is also integrated in the EU Global Strategy on Foreign and Security Policy [34]. Culture is one of the pillars enabling societal resilience, together with education and youth. The work on societal resilience foresees the involvement of many public and private actors, such as cultural institutions. The Joint Communication to the European Parliament and the Council Towards an EU strategy for international cultural relations mentions the central role of culture and cultural heritage in building future societies [27]. Culture is often mentioned in different meanings and collocations in this communication and other documents. Yet, the most important are those sections referring to culture playing an important part in foreign and security policy. The cross-cutting approach to culture is inevitable in sustainable development. Therefore, integrating culture in external EU policies is recommended [35] (p. 22). Notable achievements produced by the cross-cutting approach include cultural heritage restoration actions in Mali, cultural cooperation with the Western Balkans (an art mural in Brussels created by Rikardo Druškić from Bosnia and Herzegovina) [36], and a mission in Iraq to combat the illicit traffic of cultural property [37] (p. 56). The variety of areas where culture is involved in cultural security demonstrate that a broad approach is required in order to avoid the risk of silo policies. In this regard, the European External Action Service and its activity should be referenced.

The analysis of digital potential in terms of culture should be an important part of cultural security law studies. The process of digitization of cultural heritage is strongly supported in the EU policies [38]. For example, the Commission Recommendation on the digitization of cultural heritage and online accessibility of cultural material and digital preservation [39] showed the important role played by digital safeguarding and education.

It took many attempts ranging from the establishment of online platforms such as the digital cultural platform Europeana to other EU-funded projects under Horizon 2020, to build international cooperation and bring the notion of European common digital heritage to the fore. The management of digital assets poses new challenges for cultural institutions when it comes to the conservation and authentication of digital content. These issues are strongly connected to the mechanism regarding virtual content security [40]. The idea of digital cultural heritage and the challenges it poses still remain undervalued in EU policy. Furthermore, the security dimension of this process seems to be underutilized, and future debates on this matter will surely lead to more effective application. The accessibility of digital content may be useful for the cultural engagement of citizens; however, in light of the advancement of new digital cultural goods, it poses real challenges for cultural institutions in how to manage and safeguard those assets.

3.3. *National Dimensions of Cultural Security Law—A Polish Example*

There is a limited number of texts on cultural security law in Polish literature, and even the book that deals with cultural security equates cultural security law with cultural heritage law. As a result, cultural security is used as a concept referring to issues connected with cultural identity and cultural heritage protection [41,42]. In our opinion, it is a much broader notion in reality. Yet, it could be argued that because of the cultural heritage losses during WWII this approach may seem justifiable as it is not ethnocentric or nationalist, given the Polish concept of cultural diversity. Some authors suggest that the scope of cultural security should be expanded to also include natural heritage, as it has a cultural dimension as well [43]. Challenges relating to cultural security are caused by new technologies, cultural mobility and the multicultural dimension of everyday life [44].

Some of the focal points demonstrating many, if not all, of the pitfalls associated with safeguarding the cultural security of vulnerable groups are, somewhat indirectly, depicted in a recent report issued by the Polish Supreme Audits Office (Najwyższa Izba Kontroli, henceforth NIK) regarding the protection of cultural assets of national minorities in Poland [45] and the Ombudsman's intervention regarding the rights of members of a unique ethnic group (Wilamowiczanie and Silesian community members considering themselves a separate ethnic group) [46].

The idea behind the NIK report was to examine the level of protection granted to the cultural heritage of minorities under Polish law. The results were somewhat surprising, because one of the report's final conclusions was that Polish heritage law does not recognize "cultural heritage of minority groups" as a separate legal category. Current law and practice seem to place all heritage in Poland under an umbrella term of "constitutionally protected national heritage." Therefore, from this perspective, all cultural heritage in Poland is considered equally "national." This is the aftermath of the country's complex history equating "Polishness" with a subject's adherence to a common set of political values, and not necessarily with their particular ethnicity. As a result, in this context you could be a Swiss national like Samuel Linde (author of the first modern dictionary of Polish language) and choose to be Polish without surrendering your ethnic identity. The conclusion of the report was that, regardless of cultural and ethnic connotations, Polish law guarantees the same level of protection to all tangible heritage objects as well as intangible heritage. This is generally true in practice, and the legal protection goes as far as safeguarding the vestiges of now extinct ethnic groups like the Słowińcy (see below). Despite this noble intention, there is an assumption that equal treatment of majority and minority cultures will fail in two cases: first in the case of vulnerable minorities, and second in the case of emerging ethnic minorities.

The case of vulnerable minorities is best explained by the case of the Słowińcy and Wilamowiczanie ethnic groups. Neither of these groups forms a national minority per se, but they still distinguish themselves from the rest of the population. Słowińcy is the name of a Slavonic group that lived in a small village of Kluki. They had their own dialect, or rather ethnolect, and formed a Slavonic enclave in then German-speaking region until the

first half of the 20th century. During the turbulent post-war era (the region became part of the Polish People's Republic under communist control) and amidst the new government's general suspicion of people speaking a strange dialect, the hostile circumstances led to an abandonment of the language and customs of this community. Its members dispersed and migrated, and what remains are mostly recordings and artifacts collected by ethnographers trying to preserve the remnants of this group's culture [47] (p. 120), [48]. Another unique ethnic group are the Wilamowiczanie, descendants of German or Dutch migrants who moved to southern Poland several centuries ago intending to find jobs in newly established textile works in the Bielsko region, now in southern Poland. They lived in the small township of Wilamowice, forming an enclave surrounded by a mixed Polish and German speaking populace (a mirror reflection of the Słowińcy). They managed to keep their distinct language, Wymysorys (which is of Germanic origin, but not German) and culture, although, like in the case of the Słowińcy, they were on the edge of cultural extinction. The younger generation had become less interested in maintaining this distinct cultural identity, but in the recent years a cultural Renaissance has taken place, supported by the local Polish population and linguists from various Polish universities [49,50] and NGOs [51]. The Wilamowiczanie do not qualify for protection as an ethnic or national minority, because they consider themselves Polish while maintaining the language and customs of their migrant forefathers. Their situation is not a good fit in the existing heritage laws, because protection of intangible heritage, like unique ethnolects and customs of such groups, is not as embedded in the heritage protection system as more tangible aspects of cultural heritage. As the Ombudsman's report states, had they been classed as an ethnic minority, the case would have been somewhat different, because they would have been granted special status within the national system of minority protection [46,52].

The case of the Silesians as an emerging minority group is an interesting and more complex one. Silesia is a southern region of Poland with its own dialect(s), customs and culture. Usually perceived as plebeian and not subscribing to the idea of Polish nobility as culture carriers (some areas had self-made men and blue-collar intellectuals as civic leaders) this borderland was for several centuries under German, Austrian or Czech rule. In the interwar era, the Polish part of the region formed an autonomous region of the Second Republic, and after World War II, the region along with annexed former areas of Germany, became a part of the People's Republic of Poland. Despite the less-than-friendly attitude of the Communist government towards the Silesians, they have managed to maintain their dialect and as much as possible of their old customs. However, by the beginning of the 21st century, for some Silesians being an ethnic group of Poles was not enough. They started to think of themselves as members of a separate nation as a minority that should be recognized by the government as such. This has not occurred as yet, but Silesians can register as a separate nationality for the purpose of the national census conducted by the national statistics authority. The status of the Silesian population remains in a type of limbo and is now being fiercely debated in the region [53–56]. In this case, as the Ombudsman's report points out, there is no particular legal protection in the national framework for emerging ethnic minorities. Furthermore, even if Silesians considered themselves distinct from the rest of the Poles and those identifying themselves as ethnic Poles shared the same set of customs and spoke the same dialect, they would do it with a limited government support, because, as in the case of Wilamowiczanie, the government assumes that the entire population's heritage needs require the same standard of care and protection, meaning that there is no need to identify and prioritize vulnerable and emerging groups deserving additional support.

This case shows how difficult it is to safeguard cultural security across the board. The one-size-fits-all policy of the Polish government is not an example of an action with malicious forethought. On the contrary, the system works just fine for officially recognized (or soon-to-be-recognized) minorities. Smaller groups that do not fit easily into the existing heritage and minorities protection framework may escape notice. On the other hand, these cases show that loopholes in cultural security system can be identified with good internal

quality control; this went unnoticed during the NIK audit but was indicated and noted in the Ombudsman's report. Additionally, having taken into account that the research on Słowińcy, Wilamowiczanie and Silesian cultures and heritage is publicly funded, one must conclude that the system is not perfect but is able to identify and correct its own flaws.

3.4. Cultural Security Law as a Teaching Subject

Creating a curriculum, not to mention a syllabus for a new course, is always a challenge. Especially if, as in the present case, we are dealing with an area of law not covered by traditional curricula. This paper is by no means an attempt to create a template of such a course that could be incorporated with minimal or no changes into college study programs. What we present below is thus more of a general framework for creating tailor-made courses rather than a generic solution. In this way, potential users will be free to adapt it to the needs of the programs they teach. The aim is to set out the most important components and to put them in the most effective order to enable students to follow the course.

There are at least three different types of degree programs which can potentially incorporate law and cultural security courses: law degrees (both first professional and advanced), criminal justice and homeland security degrees, and liberal arts programs with culture-related curricula. Each program, even those covering similar themes, will require a different approach and adjustment to the needs of varied audiences.

Law students are future attorneys, public prosecutors, judges and public officials. What they need is a thorough analysis of laws in force at both national and supranational levels, supplemented by setting the formal rules in a wider policy context. Therefore, such a course will be aimed at people potentially responsible for policy formulation and its implementation.

On the other hand, cultural security law courses for students in more vocationally orientated degree programs should focus on the practical side of the problem. Thus, students enrolled in these courses should get the general theoretical overview of principles underlying the cultural security law, and get a more detailed tutorial in the application of the law within the context of their chosen vocation. These students will learn to effectively apply the law, because their professional life will be highly influenced by legal norms.

Finally, liberal arts students and students taking these courses as a part of a general education requirement will not benefit from either of the previous two approaches. What they need is mainly a law-in-context approach in the spirit of providing students with enough knowledge to raise their awareness of the problem. This could serve as a basis for future studies and more detailed specialization.

As far as the course structure is concerned, it should follow the same pattern regardless of the type of audience. The difference will be in the topics that get stressed and the relevant teaching methods. Additionally, the course for a non-legal audience should include an introductory part, or perhaps this will not be needed if an EU law course is taken in advance. Therefore, a generic syllabus for this course should include a general introduction to law and cultural security, placing it in the right context and adjusted to the specific needs of the audience, followed by a presentation of international, European and national frameworks for safeguarding and promoting cultural security. The third part of the course should be devoted to the analysis of selected legal aspects of cultural security. This part should be adapted to the needs of students enrolled in different degree programs, be it LLB/LLM or BA/MA. For instance, themes related to the protection of cultural heritage of minorities, cultural security and criminal justice or the cultural security of women and LGBTQ communities could be included in such a course. The fourth and final part should be devoted to the problem of conflicting cultures. The cultural security of various groups can be irreconcilable as the dominant culture will be interested in imposing its values on minority cultures, as in the case of the *Leitkultur*, or, as in is the case of the EU, strive to create a pan-European culture while preserving the cultural identity of individual Member States. Given the 30 h duration of the course and the individual work expected from the student, the proposed course could have four ECTS (European Credit Transfer and

Accumulation System). (Table A1: Syllabus European Cultural Security Law); Table A2: Course Schedule).

4. Conclusions

The brief EU legal framework analysis above demonstrates that the notion of cultural security is present in many legal acts and policy documents. The fact that it embraces a variety of issues prompts the need to extract it from different areas of EU activity. From the cultural heritage management perspective, recent legal developments are geared towards fighting the illicit traffic of cultural property. Together with new legal instruments regarding financial regulation (such as anti-money laundering AML directives market in terms of transactions) [57], these are leading to a more responsible and transparent art market. Others are being developed in order to support EU external policy. At the same time, these actions show the EU's responsibility for cultural heritage under threat and constitute the Union's response to cultural heritage destruction on a larger scale, which is integrated with global initiatives and built partnerships. For example, UNESCO and UE projects—"Engaging the European art market in the fight against the illicit trafficking of cultural property", training the European judiciary and law enforcement on the fight against the illicit trafficking in cultural property, and ongoing projects including Western Balkans and European Neighbourhood Instrument (ENI) South Partner countries inter-regional and crosscutting action—aiming to strengthen the fight against illicit trafficking of cultural property [58].

The next issues inherently connected with the topic are the cultural rights of migrants, the need to create a safe, respectful cultural space for them and to build strength from diverse cultural identities in the EU. This is integrated with the EU's external cultural policy and all actions with an educational dimension originating from the EU. The aspect of cultural security dealing with defense strategies is still under development. In the progress reports, it seems that much has been done. However, the strategy's fragmentation may hinder its implementation. The digitization of culture and use of digital tools used in the creative sector provides myriad opportunities when it comes to cultural security. Reaching out to audiences online could be a cornerstone of new policy engineering, especially in the COVID-19 and post COVID-19 periods.

The syllabus template offers a thorough approach regarding cultural heritage and cultural property. While the latter form a core of the course, they do not exist in a vacuum and the picture is much more complex. Therefore, within the course the following issues also appear organically: cultural identity, cultural diversity and mutual understanding and respect, and cultural values of migrants. External cultural relations should be presented together with cultural diplomacy activities and cultural cooperation for a holistic approach.

Another important part of future tasks should be a research project under the auspices of the EU. A multidimensional research project on the legal regulation of cultural security at the European, international and national levels is needed. The cultural perspective of law and security has not yet been analyzed thoroughly, and virtually no academic legal research has been conducted on the tensions between national, European and migrant populations' cultural security in this context. The principal objective of the research should be to examine if the existing European law (hard and soft) comprises a coherent body of rules on the protection of cultural security and if these rules are fit for purpose; i.e., do they allow the achievement of the objectives: ensuring cultural security both on European and Member States levels.

This task seems difficult, if not self-contradictory. EU law protects the rights (including cultural rights) of its minorities and the unique heritage of the Member States, and strives to maintain and protect European culture, heritage and values, with the latter concept resembling the old German idea of the *Leitkultur*, subordinating the cultures of migrants and religious and ethnic minorities who should accept it, even if it is incompatible with their views. In consequence, especially in the migrant-friendly EU, there will be a plethora

of often conflicting cultures and an urgent need to find a way in which these cultures can not only coexist, but also enrich and appreciate each other.

The research should concentrate on the protection of tangible and intangible cultural artefacts, including security measures to protect them in case of war, terrorist activities, natural disasters and more conventional criminal activities. Law and policy measures directed at the protection and promotion of common cultural heritage and, at the same time, at the protection of Member States' heritage will be analyzed. Furthermore, the research should focus on tensions between the preservation of European cultural heritage and the cultural security of "others"—migrants, refugees and other communities whose cultures deserve protection, and should have their respective place in European cultural security law and policy. The last part of the project aims to provide an analysis of legal means for resolving cultural security conflicts.

It is advisable to conduct parallel research while establishing a new course on cultural security. Perhaps the research would additionally benefit from involving students undertaking legal studies, in the spirit of promoting undergraduate and graduate student research. For now, cultural security and its legal dimension is not visible enough, but it may soon develop into a separate subfield of legal studies.

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Appendix A

Table A1. Syllabus: European Cultural Security Law.

	<p>Course Overview/Course goal</p> <p>This course is for legal students reading for a master’s degree in homeland security and an elective course fulfilling advanced courses with an English requirement for law and public administration students. The course will be composed of 15 units.</p> <p>This course focuses on European cultural law—protecting national and maintaining regional identities, focusing on “soft” initiatives aimed at promoting European heritage and identity while maintaining what is unique for local and regional communities, and the means of cultural conflict resolution. This course situates Cultural Security Law in a wider European and global context. It will present a survey of European and international law relating to the security of cultural goods, dealing with traditional heritage protection against new types of threats connected with globalization, organized crime and cultural colonialism.</p> <p>Prerequisites</p> <p>Elective course, completed courses on EU law complete.</p> <p>Methods</p> <p>Presentations (power point presentations), discussions with participants, case studies, course handout.</p> <p>Description of knowledge and skills</p> <p>After completing this course, the student will broaden his/her knowledge and should have: knowledge of cultural security as a general concept and cultural security law in the EU. The student will demonstrate knowledge and awareness of the protection of tangible and intangible cultural heritage, and interconnections between national cultural identity and EU citizenship. The course was designed to enable students to understand the role of cultural heritage protection, digital heritage in cultural security and potential conflict resolution mechanisms. The student will be able to identify and critically appraise elements of cultural security law, reflecting critically on EU law in terms of cultural security.</p> <p>Required Texts</p> <p>Cultural Security: Evaluating Power of Culture in International Affairs, London 2015 <i>Erik Nemeth</i>. Art treasures and war: a study on the restitution of looted cultural property, pursuant to public international law [Reissued]. London: Institute of Art and Law, 2014, <i>Wojciech Kowalski</i>. Cultural Heritage in the European Union 2019, <i>A. Jakubowski, K. Hausler, F. Fiorentini (eds)</i>. Cultural Property Law and Restitution. A Commentary to International Conventions and European Union Law, 2011, <i>Irini Stamatoudi</i>.</p> <p>Additional Course Materials</p> <p>Selection of papers by the teacher, course handouts.</p>
Instructor	
Phone	
Email	
Office Location	
Office Hours	

Table A2. Course Schedule.

Week	Subject	Practice Problems
Week 1	Introduction	Why do we regulate security
Week 2	Evolution of the concept of security	How the policymakers perceive security?
Week 3	International legal framework	Culture as (in)tangible political asset
Week 4	Council of Europe and cultural security	Protection of cultural assets on a wider, European plane
Week 5	The European Union as creator of the cultural security policy	Upholding the common European Core while preserving national cultural identities.
Week 6	Cultural heritage in the turbulent times	Protection of cultural assets in the law of war and in the case of modern threats (hybrid war, terrorist attacks)
Week 7	Illicit trade in cultural artifacts	How is cultural security achieved with respect to protection of the integrity of national cultural heritage
Week 8	Mid-term student paper presentation	
Week 9	European framework of cultural security legislation—UE and CoE	The EU and CoE as two sides of the same coin—do we have a complementary system of cultural security law?
Week 10	European framework of cultural security law—Member States legislative actions	How do Member States deal with implementing cultural security law and policy?
Week 11	Protection of the tangible	Do the existing measures safeguard protection of tangible cultural assets?
Week 12	Protection of intangible—crafts, languages and the digital heritage.	Do the existing measures safeguard protection of intangible cultural assets?
Week 13	Return and restitution of cultural goods	Public- and private international measures aimed at return of cultural assets to the place of origin.
Week 14	Cultural conflicts	How to solve cultural conflicts on supranational and national levels? Application of ADR to cultural disputes. Cultural conflicts in the age of populism, illiberal democracies and migrant crisis
Week 15	Final student paper presentations	

Exam Guidelines

Evaluation methods should combine two outputs in order to verify the requisite knowledge, qualifications and skills. The course is to be evaluated by a short essay and a group research project. Students shall present their research findings to their peers and part of the final grade will depend on peer-review/peer-grading of the presented papers. The grading system is as follows: individual essay—50% of the final grade; group project—50% of the final grade.

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