Protection of Cultural Heritage in an Armed Conflict. What Poland can Learn from Ukraine?

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Abstract

The protection of cultural heritage is seen as an important element of a country's cultural policy. The article describes the nature of the threats posed by Russian aggression on Ukrainian cultural heritage and the destruction of cultural property. The article was aimed at highlighting the consequences of Russia's deliberate destruction of Ukrainian cultural heritage and an interdisciplinary look at its value and protection during the contemporary armed conflict. This assessment can serve as a starting point for a discussion on the challenges related to the protection of cultural heritage during a potential armed conflict in Central and Eastern Europe. Drawing on practical examples of Ukraine, solutions were proposed to improve the protection of cultural heritage in Poland.

KEY WORDS: cultural heritage, protection of cultural heritage, Ukraine, war, Poland.

1. Introduction

The war in Ukraine has highlighted the problems related to the protection of cultural heritage in the contemporary armed conflict. Ukrainians must not only defend their country, but also protect their cultural heritage, which is important for the identity of this nation. A key element of national power is the morale of a nation, rooted in its culture, historical experience and social structure. As the defense of Ukraine has shown, cultural heritage may, in the event of a threat or armed conflict, facilitate the mobilization of society to a specific, strictly conditioned situation (resistance). Thus, when viewing relations in the international arena as a struggle, cultural heritage should be viewed as potential targets of influence or even destruction. The contemporary armed conflict is becoming more and more multidimensional and complex, which requires an interdisciplinary approach to the analysis of the phenomena taking place in it. Consequently, this has led to the need to define and develop a new approach to the threat of deliberate destruction of cultural heritage.

The protection of cultural heritage is seen as an important element of a country's cultural policy and activities of the international community. Currently, publicly available information provided by the Ukrainian and Polish governments and international institutions can be used to strengthen evidence and present tangible data on the protection of cultural heritage during armed conflict.

War is a radical 'checking' moment that a society entangled in an armed conflict can experience. For several decades, Poles have not faced a challenge of this scale as the conflict in Ukraine lasting from February 24, 2022. Once again in Polish history, it turned out that when thinking about peace, one must adhere to the Old Latin adage: "if you want peace, get ready for war" (*Si vis pacem, para bellum*). In fact, the war in Ukraine has been going on since 2014, but it is only for nearly half a year that we, as a society, are convinced that it may threaten us.

The war in Ukraine is also a time of trial for leaders, institutions and organizations (state, social, local) and a test of their empathy, authenticity, leadership skills and proper functioning. Just as the pandemic triggered hopes for systemic changes, the war carries out a specific vivisection of various structures responsible for crisis management. At the same time, the war outlines new challenges that are to improve or replace the "old" solutions.

2. Hit Targets

The actions of the Russian armed forces are monitored by almost the entire world. Particular attention is paid to them primarily by the states of the North Atlantic Treaty Organization (NATO), to which Poland belongs. The last six months of military action in Ukraine have been dense with events, and many of them are of significant long-term importance. Even though more than eighty years have passed since the outbreak of World War II, the

Kremlin's rhetoric has not changed, and the tactics of fighting are also reminiscent of Soviet actions. In the context of the issues discussed, it should be stated that the method of organization, training, and the effective tactics chosen by the Ukrainians meant that the invaders encountered strong resistance. It is safe to say that the Russian aggressor did not take into account a highly subjective factor, which is the will of the Ukrainian people to fight in defense of their homeland. Due to the determination of the inhabitants, discipline, and the role of the Ukrainian leadership, Ukraine continues to struggle and inflicts heavy losses on the aggressor. The aforementioned human factor - obviously in conjunction with the supply of weapons - is something unusual, which makes it possible to effectively resist the Russian technical advantage [17].

When considering the issues of the human factor, it is necessary to emphasize the importance of cultural heritage, which is nowadays associated with the tradition, history and identity of the Ukrainian nation. Thinking about a common cultural heritage that links the past with current fundamental values strengthens the Ukrainian narrative that has been underestimated by the Russian aggressor. In the Ukrainian example, we can see what happens when there is a synergy of organized, trained and motivated armed forces to fight, and what happens when there is no such motivation. The policy of Ukrainian identity built on the basis of its own cultural heritage makes it a key factor, if not a key one, in motivating the nation and should always be taken into account by both sides of the conflict [15].

Therefore, the goal of the Russian invasion is not only to destroy Ukraine's critical and military infrastructure, but also to destroy the aforementioned Ukrainian memory and identity. In this way, Ukrainian cultural heritage sites, especially sacred buildings, memorial complexes, monuments, museums, reserves, theaters and libraries have become targets of influence and a target of destruction. This is indicated by the massive shelling, which is an indisputable sign of the war crimes committed by Russia against the Ukrainian nation and its cultural heritage.

Already in the first month of the war, a special session of the UNESCO Executive Council (Paris, March 15-16, 2022) took place in Paris, which adopted a decision unequivocally condemning Russia's aggression against Ukraine. Members of the Executive Council, which includes, inter alia, Poland, denounced the dramatic consequences of the Russian invasion of Ukraine. In addition, the member states expressed their strong opposition to the violation by the Russian Federation of international law obligations, including the protection of cultural and natural heritage. Moreover, they condemned the irreversible destruction of memorials and cultural monuments in Kharkiv, Kiev, Zaporizhia and many other places in Ukraine. They considered scandalous, among others bombing by Russia on March 1 this year. a TV tower located in Babi Jar, a ravine where a German concentration camp was located during World War II, where tens of thousands of Jews died [23].

Without forgetting about the opponent's other goals, we must remember about all historical objects, collected works of art and documents showing the history and achievements of culture, elements extremely important, even inalienable for the identity foundations of each society (nation). This is confirmed by the current actions of the Russian troops in Ukraine, which, according to the documented data of the UNESCO Secretariat, after two months of aggression, led to the destruction of nearly 250 objects of great importance for culture.

This sphere of Russian aggression was especially reminded on April 18, 2022, because it is the International Day for the Protection of Monuments and the Day of Historical and Cultural Monuments in Ukraine. With reference to the analyzed issues, it should be emphasized that Ukraine and the Russian Federation are parties to the Hague Convention for the Protection of Cultural Property in the Event of an Armed Conflict of May 14, 1954 [11]. In this international treaty, both parties undertook to protect cultural property against damage, destruction, theft, looting and illegal seizure in war or armed conflict. Moreover, these countries are also parties to the First Protocol to this Convention, which regulates, inter alia, preservation and movement of cultural goods in the event of occupation and war [20].

In the discussion on the importance and protection of cultural heritage during the current conflict, it should be emphasized that the majority of the Ukrainian population did not believe in the feasibility of a full-blown war. Undoubtedly, that is why the Ministry of Culture and Information Policy of Ukraine, despite numerous appeals from museum workers, has not issued any recommendations regarding the early evacuation of cultural goods. In this situation, the initiators for the protection of monuments were local social activists and three directors of Odessa museums, who initiated the evacuation of the most valuable collections to a safe part of the country. First of all, they were helped by volunteers, who provided their own vehicles and materials for packaging, maintenance and protection. It was social activists who collected and distributed the necessary information, which was then used to evacuate, in the first place, museum collections from small towns and villages. It was dictated by huge needs and limited resources that were at the disposal of the central authorities. The activities of the volunteers were not limited only to evacuation. Ukrainian activists (social organizations, volunteers and entrepreneurs) were also involved in the protection of immovable monuments in various centers, covering them with, for example, sandbags, boards or wrapping them in plastic or protective nets [1]. Moreover, they documented numerous war crimes of Russian soldiers on the property of Ukraine's cultural heritage.

Without going into detailed analyzes of the conclusions from the war in Ukraine, which should be the subject of separate analyzes, one can cite the results of the research carried out on March 17-23, 2022 by ARC Rynek i Opinia

using the CAWI method [5] on a reliable group of Polish respondents and they concerned conclusions for Poland from the war in Ukraine. These studies show, inter alia, that 28 percent. of the respondents considered training of the society as necessary, unfortunately in this group the most important ones are: training related to giving first aid, using weapons or using gas masks [9]. This proves that we approach the armed conflict through the prism of our own survival. Among the respondents there were no answers that could be classified as a nod to their own identity or protection of cultural heritage. The lack of such answers may also prove that the respondents believe that the protection of key facilities will be secured by appropriate state institutions.

Bearing in mind the above considerations, it can be concluded that the introduction of numerous legal regulations, based mainly on the activities of a specialized United Nations organization - UNESCO, in order to limit the destruction of the most valuable cultural monuments during an armed conflict, did not contribute to ensuring security against possible damage by the aggressor [10]. The devastation of the country is not limited to critical infrastructure [13]. On the contrary, cultural heritage sites are victims of a carefully planned campaign aimed at depriving the people of Ukraine of key elements of their national identity. They have become the subject of a "hybrid war, the aim of which is to lower the morale and fighting spirit of the Ukrainians [12]. On the other hand, in the protection, security or evacuation of national heritage sites, the local community plays a special role, identifying itself with its history and being a kind of leader of all initiatives.

3. About the essence and importance of cultural heritage

The unfavorable changes in the security environment of the Eastern European area, initiated after the aggression against Georgia in 2008, have restored the topicality of questions about the protection of cultural heritage during the armed conflict. This assessment is confirmed by the current aggression by the Russian Federation against Ukraine, which began with the annexation of Crimea in 2014.

The above premises prompted the author to deal with the issue of cultural heritage, which is of an interdisciplinary nature. It is therefore necessary to familiarize the reader with what it is and what value monuments of history and culture, known as cultural heritage, have for the state and state.

The concept of "culture" is one of the most important and at the same time the most indefinite terms. It is variously defined and associated with every human activity, not only intentional. It inspires creative searches of scientists representing many fields of knowledge, starting with philosophers and sociologists, and ending with historians, archaeologists, political scientists and media scholars. It should be mentioned that the word "culture" comes from the Latin *cultus*, which means: cultivating, nurturing, and initially it referred only to farming - *cultura* agri [27]. As rightly noted by G. Żuk, culture is peculiar to every human being, common to all people and has accompanied us since the dawn of time. It concerns everything that man has created by the effort of his will, reason and work. Both in the mental and artistic sense as well as in the technical sense. With reference to the studied issues, it is also worth quoting the opinion of the American anthropologist Edward T. Hall, who claims that culture intensely influences the human psyche, which in turn determines the way people look at the world around them, their political views, the way of making decisions, the value system, the organization of their private life and, finally, the way they think [3]. Moreover, the most important bond of culture, according to, for example, L. Dyczewski, are values. He claims that culture is a world of values that guide human desires and actions, and are the basis for evaluating everything that a person thinks, wants and does [2]. Conclusion: the relationships between culture and values make it impossible to get to know culture while isolating the sphere of values. Conversely, one cannot analyze the value of a given community (nation) in isolation from its culture. In addition, the analysis of the literature on the subject confirms the belief that communication is necessary for the creation of culture, and in a form dependent on the conditions prevailing in a given community.

In relation to the described issues, culture, both material and spiritual, is one of the most important components of a human (community) identity, and preserving its heritage is an important factor that allows a given individual to feel like a member of a specific community (nation). Cultural heritage is a specific testimony of memory. It contains both a material and an immaterial component, which is filled with various manifestations of human creativity and expression.

Cultural heritage as an issue of normative regulation can be characterized in a multifaceted way. It can be presented by comparing both to the sphere of the law in force in a given country and to the legal norms in force in another country (alliance). In a broader sense, legal issues of protection and management of cultural heritage are determined by separate international bilateral agreements. However, the legal basis for the international protection of cultural property is the *Convention on the Protection of Cultural Property in the Event of Armed Conflict*, signed in The Hague on 14 May [11]. And yes, within the meaning of the Hague Convention, cultural goods are primarily movable or immovable goods which are of great importance to the cultural heritage of a nation, e.g. monuments of architecture, art or history, works of art and other objects of artistic, historical or archaeological importance, as well

as scientific or buildings whose primary purpose is the storage or display of movable cultural property, as well as shelters for the purpose of storage in the event of war.

Considerations on legal norms, with the changing system of law making and application in the state, are issues that require separate analyzes and should constitute a special source of knowledge for modern public administration. Moreover, its knowledge should be characteristic not only of the administration responsible for the protection of cultural heritage, but also of the conventionally called conservation environment, i.e. entities predisposed to care for monuments.

The value of cultural heritage is multi-dimensional and can be measured on many scales. Some of the values of heritage are universal, transcendent, objective and unconditional [20]. For example, the objective value of cultural heritage is therefore its existence and its diversity. Other objective values of cultural heritage are, for example, cognitive values, thanks to which cultural objects also function as historical evidence, making it possible to learn about the relatively distant past. A separate group is made up of relative values depending on the specific social or cultural context of the recipient. Such a relative value is, for example, a symbolic-associative value that allows one to gather around a specific ethnic group or evoke specific patriotic feelings. Another group are issues related to environmental protection, especially with regard to the properties of certain goods or resources, such as, for example, water or unique vegetation.

The analysis of various aspects of a very complex problem of cultural heritage comes down to the conclusion that heritage must be public property in the sense that every citizen (member of a given community) should have equal access to these goods, and thus feel responsible for their protection. Moreover, the problems of the protection of cultural heritage will not be resolved by any legal regulations. The key to success is the local environment (community), which has unlimited access to the use of its tangible and intangible values.

Hence, heritage is not a state (fact), but a constantly occurring process influenced by the environment (community) that changes it depending on its evolution. It was the beginning of the 21st century that brought the expansion of the understanding of heritage to include intangible heritage. This heritage includes customs, rituals, legends, dance, traditional knowledge, and in particular includes customs, forms of presentation and expression, knowledge and instruments, objects, human products and related cultural spaces that communities and individuals recognize as part of their cultural heritage [21].

Cultural heritage is recognized as a response to the need for antiquity. It is a category of description of cultural, social and natural reality, it refers to analytical concepts used by existing sciences and draws from them. These terms are: history, monument, tradition and folklore, memory and places of remembrance, museum facility, cultural landscape with elements of culture, fauna and flora as well as geography, resources and cultural goods. Heritage combines these concepts and grows into a very rich symbolic form through which reality is described and explained both at the level of individuals and communities (nations, states) [8].

Summarizing this stage of considerations, it should be concluded that the same material and non-material resources constitute the foundation for shaping both the size of the state and its strength (power). This is confirmed by the analysis of the literature on the subject, which, while delineating the elements that build the power of a given state in a key place, in addition to economic and military aspects, lists the fighting spirit of the nation, i.e. the quality of leadership, the unity and cohesiveness of the nation, awakened respect and friendship as well as spiritual (morale) and intellectual abilities [17]. The unity and cohesiveness of a nation as well as moral abilities mentioned by experts derive directly from the cultural heritage of a given nation (community). An issue that raises no doubts and at the same time finds confirmation in the current resistance of the Ukrainian nation is the use of spiritual elements related to the nation's morale. These are non-quantifiable issues, so they cannot replace, for example, military potential, but only enhance the effectiveness of using the remaining material components, contributing to the maximization of the will to fight and survive. In relation to these considerations, an element inherent in any armed conflict is the population residing in a given territory, and we cannot consider it only quantitatively, but also qualitatively.

The words of J.G. Stoessinger: *power in international relations is the ability of a state to use its tangible and intangible resources in a way that will influence the behavior of other states* [18]. And so, from the point of view of the discussed problems, cultural (national) heritage can ensure the ability of a given organism to use its material and non-material resources in order to create conditions ensuring military domination in the moral and mental sphere. Moreover, an effective system of promoting cultural heritage adds value to the state's tangible and intangible resources. It also allows to create an effective component of the deterrent system of a potential aggressor. All these conditions can be used in times of peace, crisis or war. According to experts, the effect of actively demonstrating one's own cultural heritage is also important. This is primarily to increase the credibility and strengthen the potential opponent of the nation's determination to defend its history, tradition and values.

Thus, it can be considered that cultural heritage is the history of the places and people who live in these places. It is an "inheritance" from the ancestors, so important as it determines the identity, which in turn is responsible

for the integration of the local community and is an impulse to mobilize in defense of one's own values. Therefore, when building a state's defense system, its cultural heritage should be taken into account, which is a kind of bond between the development of the socio-cultural and economic spheres and the need to defend one's (state) values.

As previously emphasized, the legal system obviously plays a key role in the process of identifying cultural heritage. Usually, however, changes in the law do not keep up with the changes in conservation thought and the actual processes of socio-cultural expansion of the scope of cultural heritage. In addition, it should be remembered that the cultural heritage also includes objects that have not yet been officially categorized and function in the so-called A "living" socio-cultural system. It should be clearly emphasized that heritage areas defined in this type of approach evolve in meaning, depending on what is defined as heritage for a given community.

Nowadays, when we talk about cultural heritage, we most often mean the so-called material culture as remnants of long-dead ancestors. However, we rarely realize that culture is what simply penetrates deep into the human soul and blends with it every day. Each day brings new challenges. This is particularly evident when, for example, we celebrate Ukraine's Independence Day (August 24) and at the same time six months of the resistance of Ukrainian society to the Russian aggressor pass. Each day brings new challenges to the cultural heritage of Ukrainians, exemplified by the heroic attitudes of soldiers and ordinary people.

It is enough to quote the words of the heroic border guards from the Snake Island that the whole world has heard about, and their "violent soldier response", which has become a symbol of Ukrainian resistance. An excellent example of a cultural heritage that connects history and the present is the hundred-year-old song *Red Kalina*, sung by the Ukrainian musician Andriy Chyłniuk. After the invasion of Russia, this artist joined the territorial defense. A furore was caused by his recording of which, dressed in a uniform, he sings *Red Kalina* in the deserted center of Kiev, with the Cathedral of God's Wisdom behind his back. The culmination of this event was the single released on April 7 by Pink Floyd, which spread the song and the artist all over the world.

This stage of deliberations on the role of cultural heritage can be summed up in the words of the President of Ukraine, Volodymyr Zelensky, who in an emotional speech on the already mentioned Independence Day of Ukraine said: *the Ukrainian people inspired the whole world with their courage. We have given mankind hope that justice is not yet lost on this cynical globe. That it is not strength that wins, but truth. Not money, but values.*

4. A month of war more important than years of deliberation. Conclusions for Poland

Years of theoretical considerations did not provide as many answers to key issues for Poland as every month of the war. The lessons learned from protecting cultural heritage against Russian aggression are invaluable to the countries of Central and Eastern Europe. Poland and other countries in the region can improve their assessment of the threat to cultural heritage, and the conclusions will increase their resilience against deliberate destruction in an armed conflict [4]. Russia's aggression against Ukraine is too much of a shock in our part of the world for Poland to afford to ignore what it makes visible.

The value of cultural goods, apart from the acts of international law, has also been noticed in Polish legislation, starting with the highest-ranking documents. Already in the Constitution of the Republic of Poland of April 2, 1997, its preamble emphasizes the state's obligation towards ancestors. We owe them our culture and values that need to be nurtured in order to further popularize and disseminate it. The place of such entries in the introduction underlines the connection of the entire document with over a thousand years of Polish culture and history [7]. The lack of respect for cultural heritage was also included in the provisions of the Penal Code [25]. It is worth noting that before the Act on the *Protection of Monuments and the Guardianship of Monuments* of 2003 came into force [24], the *Act on the Protection of Cultural Property* [23] was in force in Poland, which closely followed the *Hague Convention* of 1954 [15] and was limited only to monuments [26]. The presented documents currently provide an interpretation of the legal situation of entities protecting cultural property in Poland [6].

According to the provisions of official Polish documents, the purpose of the actions of state authorities in the field of protection of cultural heritage is primarily to respond to emerging threats, which until February 24, 2022, amounted to catastrophes or terrorist threats. The conflict in Ukraine is a kind of "cold shower", which has not yet translated into new legal provisions with regard to the protection of cultural heritage.

Changes in the security environment have triggered mechanisms aimed at modernizing institutions and organizations responsible for the protection of cultural heritage. Unfortunately, only in the sphere of discussion. The discussion shows that public organizations must take into account changes in society and the local environment on an ongoing basis. These changes must also take into account new standards of public service provision. They have to move away from the traditional, bureaucratic style of old scenarios. Moreover, new threat scenarios should take into account those of a hybrid nature and not be limited to one *ad hoc* adjustment.

Bearing in mind the changes in public institutions, we say, inter alia, on introducing the principles of strategic and marketing management, measuring the effects of activities carried out by public administration units

in the short and long term, implementing a quality assurance system, measuring the satisfaction of conservators and the local community, or introducing modern management concepts that take into account the local environment. By focusing again on the protection of historical and cultural monuments, the use of the existing electronic administration (e-government) can be a way to increase awareness and knowledge in the society on this subject. It is about the "Alert RCB" system, which is an SMS warning system against threats. By means of short text messages, important information can be sent to citizens about the monuments in the area and their value to the public. And in case of an emergency, you can also provide short descriptions of how to protect them.

Another important element strengthening the system of protection of cultural heritage is greater involvement of local government administration by organizing additional initiatives for the protection of cultural heritage. People responsible for this task should be charismatic and authoritative. It should be remembered that the lower the level, the greater their recognition and charisma should be. Moreover, they should be people honored with respect from the local community.

Another way to improve the quality of protection of cultural heritage is proper education for security, which aims to prepare the society for rational behavior in the face of possible threats, as well as mobilization to actively participate in various projects, both in times of peace and potential threats.

In the era of the knowledge society, education takes on a new face and it is the most urgent and at the same time the most difficult challenge for those responsible for the protection of cultural heritage. It is a challenge of gradual modernization of the school education system from the lowest levels. Research shows that currently not only the school itself is changing, but also its teaching. It should be remembered that the effectiveness of education in the field of education for the protection of heritage depends primarily on the substantive and didactic knowledge of teachers, their specialist competences regarding the selection of educational content, knowledge of modern methods and forms of education, and the ability to use the available didactic aids.

Education for cultural heritage must aim to prepare society for rational behavior in the face of changing threats and challenges. It should mobilize for active participation in various local projects, e.g. sports, defense and education with the participation of not only schools, but also relevant state and local government bodies. This challenge is complex and has many challenges. It should take into account, for example, the age, specificity, culture and history of a given population. In addition, ensure individual development and teamwork skills. Moreover, this knowledge should be useful, i.e. take into account and explain various social, natural and technical phenomena, and be a chance for the promotion of a given person or group of people. It should be remembered that the core of education for cultural heritage is identified with all organizational and didactic-educational projects aimed at increasing competences, and each recipient has different needs.

The main goal of education for the protection of cultural heritage should also be to develop readiness for decisive and rational action in the event of a real threat and to acquire the ability to undertake a decisive and effective rescue action in providing help. Summing up this stage of considerations, the basic step, and at the same time having the greatest importance for the effective protection of monuments against destruction, is comprehensive education aimed at preparing the society for actions taking into account various risk scenarios. It is also worth noting that the 21st century brought many technical solutions that should constitute a separate source of analysis and research.

Summing up, there is no doubt that the protection of cultural heritage is an important element of national identity. Hence, an extremely important task of many entities responsible for it is to counteract the phenomena of destruction, devastation and the plunder of the components of the national heritage. Moreover, in relation to the presented subject matter, it has been proved that the above-mentioned issues necessitate undertaking multifaceted actions for the protection of cultural heritage, which is treated as secondary. The protection of cultural heritage is a special challenge for the supreme state organs, which play a servant role towards citizens.

5. Conclusions

The war against culture still has its new versions. Its victims fall on priceless goods of humanity, counting on killing the identity of a given nation (society). The challenges for the effective protection of the cultural heritage of a given nation (state), as evidenced by the current conflict in Ukraine, force further improvement of the law and the creation of international, national and non-governmental organizations whose task will be to prepare the protection of cultural goods during conflicts. The most appropriate approach to the protection of cultural heritage is, in addition to developing plans of the sequence of decisions made and the reactions of designated persons, close cooperation with the local community. Research shows that without sufficient community involvement, the protection of cultural heritage often turns out to be fruitless. Improving the protection of cultural heritage based on the local community should take into account the development of methods of increasing public awareness of the damage caused to cultural heritage and the promotion and development of new forms of risk management not only among persons responsible for cultural heritage.

The author intentionally devotes a large part of the article to social issues, as his research shows that it is the local community that plays a dominant role in the protection of cultural heritage. Finally, it is worth emphasizing that the mere mobilization of volunteers is not enough - it is necessary to build an effective synergy between public institutions and civil society. In summary, cultural heritage has a value that needs to be nurtured and is an important deterrent to a potential aggressor.

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