

EUS 4932/EUS 6932

EU Cultural Policy: Beyond Masters and Museums

Spring 2021

Instructors:

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COURSE DESCRIPTION

In this course, participants will hone their knowledge of EU policy through an analysis of the European approach to the protection and promotion of culture and cultural heritage. What cultural heritage does the European Union consider worthy of protection and promotion, and how does it protect and promote its heritage and culture? Is cultural heritage considered an area in which the Union has competence or are its Member States able to decide what elements of their culture should be protected and promoted, and how? Does culture play a role in Europe's economic integration or its foreign policy? These are some of the questions that this course will address through an analysis of some key European policy and legal developments.

The European Union designated 2018 as the European Year of Cultural Heritage. Join this course to learn why this topic was recently selected as the driver of initiatives to promote a shared sense of identity and belonging among Europeans. Reflecting Europe's diversity, this course will be offered by three European scholars, each hailing from a different European region.

Week 1: Thursday, January 14

[Culture and Cultural Heritage as Evolving Concepts](#)

Francesca Fiorentini

Building on the premise of the evolving character of the concepts of “culture” and “heritage”, always changing according to space and time conditions, this session will provide an account of the historical emergence and development of the legal approach(es) to cultural heritage and their political meaning. It will illustrate how cultural heritage has been defined and protected under international law throughout history and will point to the current challenges to be addressed by the legal regimes in the globalized 21st century. Thus, it will connect the above international law patterns of development with the national approaches to cultural heritage, particularly those developed from the XIX century in connection with the formation of the national states and their need to forge a sense of national identity using narratives about cultural heritage. The reciprocal cross-fertilization between national and international law will be highlighted as a stable feature of cultural heritage law and policy globally. In so doing, this session will provide the historical background needed for the understanding of the EU law and policy about culture and cultural heritage.

Readings:

- Blake, J., ‘On Defining the Cultural Heritage’ (2000) 49 (1) *International and Comparative Law Quarterly*, pp. 61–85.

- Bussani, M., 'The (Legal) Culture of Cultural Property', in J.A. Sánchez Cordero (ed.), *The 1970 UNESCO Convention. New Challenges* (Universidad Nacional Autónoma de México, 2013), pp. 401-410, also available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392759.
- Venturini, G., 'International Protection and Intentional Destruction of Cultural Heritage', in S. Pinton, L. Zagato (eds.), *Cultural Heritage. Scenarios 2015-2017* (Edizioni Ca' Foscari, 2017), pp. 103-118; also available at: <https://edizionicafoscari.unive.it/media/pdf/books/978-88-6969-179-9/978-88-6969-179-9-ch-16.pdf>.

Optional, but recommended:

- Simmons, J.E., *Museums: A History* (Rowman & Littlefield, 2016): Chapter 7, Emergence of the Modern Museum: 1800-1900, pp. 139-175; Chapter 8, Museums in a World Gone Awry: 1900-1970, pp. 177-211.

Week 2: Thursday, January 21

[Culture and Cultural Heritage: Mapping Culture and Cultural Heritage in EU Law and Policy](#)

Andrzej Jakubowski

This session will provide a general overview of the key concepts of the EU's engagement in culture and heritage. It will demonstrate how this engagement evolved over the time. Special attention will be paid to institutional reforms under Treaty of Maastricht (1992) and Treaty of Lisbon (2007).

Readings:

- Consolidated version of the Treaty on the European Union, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016M/TXT-20200301>.
- Consolidated version of the Treaty on the Functioning of the European Union, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016E/TXT-20200301>.
- Council conclusions on the need to bring cultural heritage to the fore across policies in the EU, 2018, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XG0608\(02\)&rid=3](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XG0608(02)&rid=3).
- Decision (EU) 2017/864 of the European Parliament and of the Council of 17 May 2017 on a European Year of Cultural Heritage, 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D0864>.
- Craufurd-Smith, R., 'Europe (EU and Council of Europe)', in F. Francioni and A. F. Vrdoljak (eds.), *The Oxford Handbook of International Cultural Heritage Law* (OUP 2020), pp. 908-930.
- Jakubowski, A., 'Common Cultural Heritage, the European Union, and International Law', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 33-56.
- Mäkinen K., 'Genealogy of the Concept of Heritage in the European Commission's Policy Discourse' (2019) 14(1) *Contributions to the History of Concepts*, pp. 115-139.
- Psychogiopoulou E., 'Cultural Heritage in European Union Law and Policies' (2018) 45(2) *Legal Issues of Economic Integration*, pp. 177-198.

Week 3: Thursday, January 28

[The Human Right Dimension of Cultural Heritage in Europe](#)

Kristin Hausler

This session will explore the human right dimension of cultural heritage in Europe, with a background on the way cultural heritage has been introduced at the global level and, especially, within the UN framework. More in particular, it will consider the relationship between culture and heritage and other human rights, such as freedom of expression. This will entail a review of the approaches of the European Courts to disputes involving cultural heritage and what they say about heritage protection in Europe.

Readings:

- Bieczyński, M., 'The 'Right to Cultural Heritage' in the European Union: A Tale of Two Courts', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 113-139.
- Donders, Y., 'Cultural Heritage and Human Rights', in F. Francioni and A. F. Vrdoljak (eds.), *The Oxford Handbook of International Cultural Heritage Law* (OUP 2020), pp.379-406
- European Court of Human Rights, Research Division, 'Cultural right in the case-law of the European Court of Human Rights' (2011, updated 2017):
https://www.echr.coe.int/Documents/Research_report_cultural_rights_ENG.pdf

Week 4: Thursday, February 4

Culture, Economic Integration and Sustainable Development

Francesca Fiorentini

This session will explore the interaction between two notions that traditionally have been considered incompatible, that is those of "trade" and "culture", on the basis of the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. It will highlight how culture and cultural heritage can help economic integration and sustainable development and point to the UN practice of using global indicators of culture to measure the economic impact of culture. Opportunities and risks connected with the use of cultural indicators as decision-making tools for future policies at the global level will be presented.

Readings:

- 2005 UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, available at: <https://en.unesco.org/creativity/convention/texts>.
- Culture and Public Policy for Sustainable Development (Forum of Ministers of Culture, 2019), pp. 24-31, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000371488>.
- Nurse, K., 'Culture as the Fourth Pillar of Sustainable Development', in *Small States: Economic Review and Basic Statistics*, Commonwealth Secretariat London, 6/2006, pp. 28-40; also available at:
<https://pdfs.semanticscholar.org/6fcf/5b882d7a57a79e6aecc651db99a3cc290cbe.pdf>.
- Monaco, P., 'Exploring the Links between Culture and Development: New challenges for Cultural Indicators in the European Union', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 143-162.

Optional:

- de Witte, B., 'The Value of Cultural Diversity in European Union Law', in H. Schneider, P. Van den Bossche (eds.), *Protection of Cultural Diversity from a European and International Perspective* (Intersentia, 2008), pp. 219-247.
- Nocca, F., 'The Role of Cultural Heritage in Sustainable Development: Multidimensional Indicators as Decision-Making Tool', in *Sustainability*, 2017, 9(10), pp. 1882, also available at: <https://www.mdpi.com/2071-1050/9/10/1882/htm>.

Week 5: Thursday, February 11

Culture and Cultural Heritage as a Commodity: The EU Common Commercial Policy

Francesca Fiorentini

This session will illustrate the EU Common Commercial Policy and point to the emergence in recent years of a new, unprecedented relation between cultural heritage and trade agreements of the EU with third countries. Through a classification and an assessment of the EU trade agreement so far concluded by the EU with various countries and regions of the world, it will highlight how, to what extent and for

what practical purpose the EU policy seems to be chasing culture and cultural heritage in its international trade relations.

Readings:

- EU documents and videos at: <https://ec.europa.eu/trade/policy/policy-making/>.
- Bell, J., 'Path Dependence and Legal Development' (2012-2013) 87(4) *Tulane Law Review*, pp. 787- 810.
- Fiorentini, F., 'Cultural Heritage in the EU Trade Agreements: Current Trends in a Controversial Relationship', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 184-212.
- Greener, I., 'The Potential of Path Dependence in Political Studies' (2005) 25(1) *Politics*, pp. 62-72.
- Mackenzie-Gray Scott, R., 'The European Union's Approach to Trade Restrictions on Cultural Property: A Trendsetter for the Protection of Cultural Property in Other Regions?' (2016) 2(2) *Santander Art and Culture Law Review*, pp. 211-236, also available at: [https://www.ejournals.eu/SAACLR/2016/2-2016\(2\)/art/8760/](https://www.ejournals.eu/SAACLR/2016/2-2016(2)/art/8760/)
- Psychogiopoulou E., 'The External Dimension of EU Cultural Action and Free Trade: Exploring an Interface' (2014) 41(1) *Legal Issues of Economic Integration*, pp. 65-86.

Week 6: Thursday, February 18

[Financing Culture – the Mosaic of EU Funding Schemes](#)

Andrzej Jakubowski

This session will explore the matrix of available funds for the protection and enhancements of culture and heritage (including education and research) in the EU.

Readings:

- Funding for culture, https://ec.europa.eu/info/live-work-travel-eu/culture-heritage-sport-eu/funding-culture_en.
- Aymerich, 'Towards an Integrated Approach to Funding Cultural Heritage for Europe' (2017), <http://www.europanostra.org/wp-content/uploads/2017/04/2015-FundingCulturalHeritage-EIB.pdf>.
- Klamer, A., Petrova, L., and Mignosa, A., 'Funding the Arts and Culture in the EU' (2007) 5(4) *Journal of Cultural Economics*, pp. 1-6, available at <http://www.klamer.nl/wp-content/uploads/2017/08/cultureInDeEU.pdf>.
- Klamer, K., Mignosa, A., 'The Financing of Cultural Heritage: A Value Based Approach', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 163-183.

Week 7: Thursday, February 25

['Cultural Goods' and 'National Treasures': The Circulation of Cultural Objects and the Fight Against Illicit Trafficking in the EU Perspective](#)

Francesca Fiorentini

This session will deal with the analysis of EU law and policy pertaining to the circulation of cultural objects within and beyond the internal market of the EU. After defining the two central notions of "cultural goods" and "national treasures", it will illustrate the web of relevant rules from the EU Treaties, to the EU secondary legislation on circulation, restitution, import and export of cultural goods to the case law of the European supranational courts. These rules aim, on the one hand, to set a difficult limit to the legitimacy of national restrictions on trade of cultural goods based on national cultural considerations and, on the other hand, to the fight against illicit traffic in cultural objects. The session will also (i) account for the problems of implementation of the EU rules into the national laws

of the Member states, (ii) put the EU regime in the wider context of the multi-layered dimension of the law(s) of trade in cultural objects, and (iii) trace the relationship existing between the EU regional regime with the other relevant international regimes especially those set out by UNESCO and UNIDROIT.

Readings:

- EU import and export legislation on cultural goods: https://ec.europa.eu/taxation_customs/business/customs-controls/cultural-goods_en
- EU legislation on return of cultural goods: https://ec.europa.eu/growth/single-market/goods/free-movement-sectors/return-cultural-goods_en
- Text of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, available at: <https://www.unidroit.org/instruments/cultural-property/1995-convention>
- Text of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the illicit Import, Export and Transfer of Ownership of Cultural Property, available at: http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html.
- Fiorentini, F., 'A Legal Pluralist Approach to International Trade in Cultural Objects', in J. A. R., Nafziger, R. K. Paterson (eds.), *Handbook on the Law of Cultural Heritage and International Trade* (Edward Elgar, 2014), pp. 589-621; also available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2473970.
- Magri, G., 'Directive 2014/60/EU and Its Effects on the European Art Market' (2016) 2(2) *Santander Art and Culture Law Review*, pp. 195-201; also available at: [https://www.ejournals.eu/SAACLR/2016/2-2016\(2\)/art/8759](https://www.ejournals.eu/SAACLR/2016/2-2016(2)/art/8759).
- Pasa, B., Graziadei, M., 'The Single European Market and Cultural Heritage: The Protection of National Treasures in Europe', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 79-112.
- Voon, T., 'National Treasures at the Intersection between Cultural Heritage and International Trade', in F. Francioni, A.F. Vrdoljak (eds.), *The Oxford Handbook of International Cultural Heritage Law* (OUP, 2020), pp. 507-527.

Week 8: Thursday, March 4

[Towards Joint European Cultural Heritage: Heritage Listing and Cross-border Initiatives](#)

Andrzej Jakubowski

This session will deal with those initiatives of the EU and of Member States aimed at enhancing common values of Europe's cultural heritage.

Readings:

- European Heritage Label, https://ec.europa.eu/programmes/creative-europe/actions/heritage-label_en.
- European Framework for Action on Cultural Heritage, <https://ec.europa.eu/culture/document/european-framework-action-cultural-heritage>
- Čeginskas, V. L.A., 'The Added European Value of Cultural Heritage. The European Heritage Label' (2018) 4(2) *Santander Art and Culture Law Review*, pp. 29-50; also available at: <https://www.ejournals.eu/SAACLR/2018/2-2018/art/14287>.
- Lähdesmäki, T., et al., 'Heritage and bordering: Unity in diversity and difference', in T. Lähdesmäki et al. (eds.), *Creating and Governing Cultural Heritage in the European Union: The European Heritage Label* (Routledge, 2020), pp. 96-116.
- Prutsch, M. J., 'The European Parliament and the European Year of Cultural Heritage 2018' (2018) 4(2) *Santander Art and Culture Law Review*, pp. 19-28; also available at: <https://www.ejournals.eu/SAACLR/2018/2-2018/art/14288>.

Week 9: Thursday, March 11

[The Missing Link? Intangible Cultural Heritage](#)

Kristin Hausler

This session will explore the incorporation of intangible cultural heritage with the EU's actions and policies. It will in particular consider the way the EU has considered intangible cultural heritage in light of the development of the concept at the international level and in particular within UNESCO. The session will also include a discussion of the concept of landscapes and 'cultural landscapes', and its link with other EU policies such as the agricultural policy or those pertaining to environmental protection.

Readings:

- Schreiber, H., 'Intangible Cultural Heritage, Europe, and the EU: Dangerous Liaisons?', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 325-364.
- Strecker, A., 'The Protection of Cultural Landscapes in the European Union', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 395-416.

Short video:

- Prof. Máiréad Nic Craith, 'Intangible Heritage – Why should we care?' (TedxHeriotWattUniversity, 2015): <https://www.youtube.com/watch?v=d9ZHj4ihTog>

Week 10: Thursday, March 18

[Participatory Governance of Cultural Heritage in the EU](#)

Andrzej Jakubowski

This session will explore the meaning, content, and practices of participatory governance of cultural heritage in the EU. It explains the relation between cultural rights, cultural policy and legal regulation of culture and heritage.

Readings:

- Council conclusions on participatory governance of cultural heritage, 2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014XG1223%2801%29>
- Decision (EU) 2017/864 of the European Parliament and of the Council of 17 May 2017 on a European Year of Cultural Heritage, 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D0864>.
- 'Participatory governance of cultural heritage' - Report of the OMC (Open Method of Coordination) working group of Member States' experts, <https://op.europa.eu/en/publication-detail/-/publication/b8837a15-437c-11e8-a9f4-01aa75ed71a1/language-en>.
- Lähdesmäki, T., et al., 'Multilevel and participatory governance of European cultural heritage in the EU' and 'Participation: Inclusive and exclusive heritage' in T. Lähdesmäki et al. (eds), *Creating and Governing Cultural Heritage in the European Union: The European Heritage Label* (Routledge 2020), pp. 33-54, 119-139.

Week 11: Thursday, March 25

[The Cultural Heritage of Minorities and Indigenous Peoples in the EU](#)

Kristin Hausler

This session will focus on the protection of national minority groups in the EU, including Indigenous communities living in the North of Europe, the Sámi people. It will include a discussion of the relationship between the protection and promotion of cultural diversity and the protection of minority heritage.

Readings:

- European Commission, 'A New EU Roma Strategic Framework – Factsheet' (October 2020): https://ec.europa.eu/info/sites/info/files/factsheet_-_a_new_eu_roma_strategic_framework_en.pdf
- European Parliament, 'Regional and minority languages in the European Union' (Briefing, 2016): <https://www.europarl.europa.eu/EPRS/EPRS-Briefing-589794-Regional-minority-languages-EU-FINAL.pdf>
- Xanthaki, A., 'The Cultural Heritage of Minorities and Indigenous Peoples in the EU: Weaknesses or Opportunities?', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 269-293.

Additional suggested reading:

- Beqiraj, J., 'Indigenous Peoples' Cultural Identity under EU law and the ECHR: A Non-trade Interest or a Human Right?', in F. Ippolito, and S. Iglesias Sánchez (eds.), *Protecting Vulnerable Groups: The Human Rights Framework* (Hart, 2015), pp. 158–79.

Short videos:

- Will this be the last generation of Sami reindeer herders? (Fusion, 2017): https://www.youtube.com/watch?v=3_54QymKWyc
- Who are the Roma? (Open Society Foundations, 2019): <https://www.opensocietyfoundations.org/explainers/roma-and-open-society>

Week 12: Thursday, April 1

[The Cultural Heritage of Migrants in the EU](#)

Kristin Hausler

This session will focus on the cultural heritage of migrants and how it shapes the heritage of Europe. It will also discuss how the EU and its Member States ensure that migrants can access and enjoy their cultures, as well as consider the benefits of migrants' heritage for the EU.

Readings:

- Chechi, A., 'Migration, Cultural Heritage, and Cultural Rights: A Critical Assessment of European Union Law and Policy', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 294-323.
- Gsir, S., Mescoli, E., 'Maintaining national culture abroad Countries of origin, culture and diaspora', Research Report Conceptual Paper (INTERACT RR 2015/10): https://cadmus.eui.eu/bitstream/handle/1814/35881/INTERACT-RR-2015_10_Culture.pdf?sequence=1&isAllowed=y.

Short videos:

- Migration Museums Network (International Coalition of Sites of Conscience, 2020): <https://www.youtube.com/watch?v=az6CJBYKQb0>
- Looking back at the Europeana Migration Campaign (2019): <https://pro.europeana.eu/post/looking-back-at-the-europeana-migration-campaign>

Week 13: Thursday, April 8

[Cultural Diplomacy: Heritage within the EU External Action](#)

Kristin Hausler

This session will cover the EU's external relations, distinguishing it from the concept of 'cultural diplomacy'. It will present a few key heritage projects that have been funded by the EU outside its borders. Finally, it will detail the strategy that the EU eventually adopted in 2016, as well as how it has been implemented since its adoption. This will entail a discussion of the role of the EU in combating trafficking in cultural objects, as well as in protecting heritage from the effects of conflicts, in particular in the Middle-East.

Readings:

- Council of the European Union, Council conclusions on an EU strategic approach to international cultural relations and a framework for action (21 March 2019) <https://data.consilium.europa.eu/doc/document/ST-7749-2019-INIT/en/pdf>
- European Union, Preparatory Action, 'Culture in EU External Relations' (2014): <https://op.europa.eu/en/publication-detail/-/publication/f159b71e-a7e4-11e7-837e-01aa75ed71a1>.
- Hausler: H., 'Cultural Heritage within the European Union's External Relations: More than a Policy Objective?', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 265-394.

Short video:

- Tetiana Filevska (Ukrainian Institute), Cultural diplomacy tools (EU-Eastern Partnership Culture and Creativity Programme, 2019): <https://www.culturepartnership.eu/en/publishing/cultural-diplomacy/lecture-18-2>

Week 14: Thursday, April 15

[The EU as a Global Actor from the Perspective of the Audiovisual Policy](#)

Francesca Fiorentini

On the basis of the patterns of development of both the EU Common Commercial Policy and the External Action as showed above, respectively in Session 5 and 13, stressing an ever-larger role for culture and cultural heritage in the EU international relations, this session will focus on global trade law, particularly on the economically relevant sector of the audiovisual law and policy (television and film mainly). It will illustrate and compare the EU regime with that of the WTO, pointing out similarities and differences. Further aim of the session is to stress how strong is in the EU policy the link between audiovisuals and cultural diversity. This link also connects the economic potential of culture (audiovisuals) with core political values of the EU, such as pluralism and democracy, and shows how the audiovisual policy is functionally used by the EU in geopolitical terms, as part of a larger strategy to compete on the global arena with other strong actors – such as, for instance, the USA – thereby spreading off throughout the world the “European way of life”.

Readings:

- EU Commission Audiovisual policy: <https://ec.europa.eu/culture/sectors/audiovisual>
- EU Commission: The International Dimension of Audiovisual Policy: <https://ec.europa.eu/digital-single-market/en/international-dimension-audiovisual-policy>
- European Audiovisual Observatory, Data and Figures Key-trends of the EU Audiovisual Sector 2019/2020, available at: <https://rm.coe.int/yearbook-keytrends-2019-2020-en/16809ce58d>
- European Expert Network on Culture and Audiovisuals (financed by the Creative Europe Programme): <http://www.eenca.com>
- Text of the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, available at: <https://en.unesco.org/creativity/convention/texts>
- The European Audiovisual Observatory: <https://www.obs.coe.int/en/web/observatoire/about>

- Burri, M., 'The European Union, the World Trade Organization and Cultural Diversity', in E. Psychogiopoulou (ed.), *Cultural Governance and the European Union* (Palgrave Macmillan, 2015), pp. 195-209.
- De Vinck, S., Pauwels, C., 'Cultural Diversity as the Final Outcome of EU Policymaking in the Audiovisual Sector: A Critical Analysis', in H. Schneider, and P. Van de Bossche (eds.), *Protection of Diversity from a European and International Perspective* (Intersentia, 2008), pp. 263-316.
- Bussani M., 'Deglobalizing Rule of Law and Democracy: Haunting Down Rhetoric Through Comparative Law', 67 (2019) *American Journal of Comparative Law*, pp. 701-744.

Optional reading:

- Lehne, S. 'How the EU can Survive in a Geopolitical Age, article of 25.2.2020', Carnegie Europe, available at: <https://carnegieeurope.eu/2020/02/25/how-eu-can-survive-in-geopolitical-age-pub-81132>.

Week 15: Thursday, April 22

[Traveling Heritage and the Issue of Restitution](#)

Andrzej Jakubowski

This session will address the challenges faced by the EU in relation to the mobility of art and collections vis-à-vis a global agenda for struggling illicit trade in cultural objects. In this regard, the action of the EU and of Member States for a more safe and ethical art market will be presented.

Readings:

- 'Encouraging Collections Mobility – A Way Forward for Museums in Europe' 2010, https://uk.icom.museum/wp-content/uploads/2015/03/Encouraging_Collections_Mobility_A4.pdf.
- European Parliament, STUDY Requested by the CULT committee, 2018 [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/617500/IPOL_STU\(2018\)617500_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/617500/IPOL_STU(2018)617500_EN.pdf)
- 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, https://www.europarl.europa.eu/doceo/document/TA-8-2019-0037_EN.html.
- Van Woudenberg, N., 'Enhancing the Mobility of Collections in the European Union', in A. Jakubowski, K. Hausler and F. Fiorentini (eds.), *Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy* (Brill Nijhoff, 2019), pp. 213-240.