

Short Course: International Cultural Heritage Law

8 – 12 November 2021, 12.00 – 14.00 (UK time)

Course Timetable

Monday 8 November 2021, 12.00 – 14.00 (UK time)

Session 1: Cultural Heritage as a Global Concept

This introductory session will provide an overview to what is 'cultural heritage'. It will discuss the conceptualization of cultural heritage over the past century and how it became a focus of global interest, in particular through the establishment of UNESCO and other international bodies. It will present how international conventions shaped a global heritage protection norm.

Dr Elke Selter (BIICL)

Session 2: Cultural Heritage within the International Human Rights Framework

This session will address the question of cultural heritage as a human right. Is there such a right to cultural heritage? What has been the impact of human rights on the understanding and protection of cultural heritage? This session will analyse cultural heritage from an international human rights perspective, including some relevant case law, in order to assess how courts have addressed violations impacting cultural heritage.

Kristin Hausler (BIICL)

Tuesday 9 November 2021, 12.00 – 14.00 (UK time)

Session 1: The Protection of Cultural Heritage in Armed Conflict

During armed conflicts, historic buildings and other cultural sites have often been under attack. This session will explain how cultural heritage or rather, cultural property, is protected under international law. What are the key rules that national forces must respect when conducting hostilities? Do armed groups have to abide by those rules? Are all cultural objects protected during an armed conflict? This session will respond to these key questions by highlighting the main provisions of relevant international treaties, including in particular the 1954 Hague Convention and its two protocols.

Dr Anne-Marie Carstens (University of Maryland Francis King Carey School of Law)

Session 2: Prosecuting and Redressing Crimes Against Cultural Heritage

In 2012, historical and religious monuments were attacked in Timbuktu, Mali. One of its perpetrators was indicted by the International Criminal Court (ICC). While it was the first time that the ICC indicted an individual of the war crime of intentionally directing attacks against cultural properties, this type of prosecution had already taken place at the international level. This session will review the ICC, as well as other relevant case law. It will also include a discussion of reparations for international crimes against cultural heritage.

Dr Marina Lostal (University of Essex)

Wednesday 10 November 2021, 12.00 – 14.00 (UK time)

Session 1: Combatting the Trafficking of Cultural Objects

This session will go through the key initiatives at the international level to stop the trafficking in cultural objects, starting with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, but also including the 1995 UNIDROIT (UNSC res and EU import ban)

Dr Andrzej Jakubowski (University of Opole and University of Amsterdam)

Session 2: An Economic Perspective on Cultural Heritage: Cultural Objects as Goods

This session will discuss how cultural heritage has been protected for its economic value, i.e. as cultural 'goods'. It will thus cover the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the EU approach to the protection of cultural objects. When the single market was established in the EU, an exception had to be accepted to ensure that EU Member States could still retain what they consider as 'national treasures'. How has the balance between freedom of movement and nationalism towards heritage been struck?

Dr Francesca Fiorentini (University of Trieste)

Thursday 11 November 2021, 12.00 – 14.00 (UK time)

Session 1: World Cultural Heritage

This session will explain how and why the World Heritage listing system was established. It will cover the key provisions of the 1972 UNESCO Convention, most widely ratified heritage treaty, as well as the development of its implementation guidelines following its adoption. It will also look at some issues in practice, including with regard to contested heritage sites or listing that have been endangered because of development projects.

Dr Berenika Drazewska (BIICL)

Session 2: Intangible Cultural Heritage

This session will focus on the intangible dimension of cultural heritage and how it has developed at the international level. It will cover the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and its listing system, considering how it might differ from the listing established for World Heritage properties. This session will also include a minority and Indigenous perspective on cultural heritage.

Kristin Hausler (BIICL)

Friday 12 November 2021, 12.00 – 14.00 (UK time)

Concluding Session (combined): The Restitution of Cultural Heritage

This short course will conclude with a special session on the issue of restitution, which is highly topical. The course will be led by the former lawyer for the Dutch Restitutions Committee for Nazi looted art. The session will not only cover looted art but also the question of the restitution of objects in colonial collections, as well as the return of human remains.

Evelien Campfens (Leiden University), with **Elke Selter & Kristin Hausler** (BIICL)