INTERNATIONAL CULTURAL HERITAGE LAW

BIICL SHORT COURSE

Thursdays 25 Sep, 2, 9, 16 and 23 October 2025

13.00-15.00 UK time

This Course will offer an introduction to cultural heritage as an international legal concept. It will include discussions of the key threats to cultural heritage at present, including trafficking, armed conflicts, and development. In doing so, it will also cover international instruments that have been adopted over the past decades to protect cultural heritage. Finally, the course will conclude with a session on the restitution of disputes concerned with cultural heritage, including inter-state disputes as well as a session that will be focused on restitution.

At the end of the course, participants will be able to understand:

- What is 'cultural heritage' under international law?
- How has the conceptualization of cultural heritage changed overtime?
- How does international law protect cultural heritage, including in situations of armed conflict?
- What is the role of States and non-state actors in protecting cultural heritage?
- How is accountability provided for international crimes against cultural heritage?
- Who is the victim of an international crime against cultural heritage and what forms of reparations are available?
- What are the mechanisms used to settle cultural heritage disputes?

Each session takes place on Fridays and lasts one hour, with Session 1 starting at 1pm (UK time) and Session 2 starting at 2pm (UK time).

Thursday 25 September

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.

Elke Selter (ALIPH)

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.

Prof Lucas Lixinski (University of New South Wales)

Thursday 2 October

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 Baltimore)

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 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)

Thursday 9 October

Session 1: Combatting the Trafficking of Cultural Objects

This session will scrutinise the global agenda and current international initiatives designed to curb the trafficking of cultural objects. It will thus explain how the initial legislative efforts to balance the interests of export (source) countries and import (market) countries have now been translated into the global goals of maintaining peace and security and protecting human rights. Alongside the basic treaty law (the 1970 UNESCO and 1995 UNIDROIT Conventions on stolen or illegally transferred cultural property), regulatory frameworks at the regional level and actions undertaken by the UN and other international organisations will be discussed. In this context, the session will also address global governance issues such as the multiplicity and diversity of law-making and law-enforcing actors.

Dr Andrzej Jakubowski (Polish Academy of Sciences)

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 16 October

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 Sophie Vigneron (University of Kent)

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)

Thursday 23 October

The Settlement of Inter-State Disputes concerned with Cultural Heritage

This session will present the existing mechanisms for resolving disputes between states over cultural heritage. It will include disputes that have been raised before the International Court of Justice, as well as ad hoc mechanisms.

Dr Alessandro Chechi (Catholic University of Lille)

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.

Dr Evelien Campfens (University of Amsterdam)