

EVENTS AND CONFERENCES

Paola Monaco*

Cultural Heritage in the European Union: Legal Perspectives and Contemporary Challenges Warsaw, 20-21 April 2017

On 20-21 April 2017 the second international conference of the Project HEURIGHT¹ on *Cultural Heritage in the European Union: Legal Perspectives and Contemporary Challenges* took place at the Institute of Art of the Polish Academy of Sciences in Warsaw (Poland). It was organized in cooperation with the Editorial Board of the “Santander Art and Culture Law Review”. The main objective of the conference was to present and debate the research which has so far been completed within the framework of the HEURIGHT project. The various presentations analysed the complex organizational and regulatory frameworks in place within the EU insofar as cultural heritage and human rights are concerned, as well as their interactions, cross-fertilization, and possible overlaps.

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¹ The Project HEURIGHT The Right to Cultural Heritage – Its Protection and Enforcement through Cooperation in the European Union is a project co-financed by the European Commission (JPI Heritage Plus – Horizon 2020). It is led by Dr. Andrzej Jakubowski, the Project Leader (PL), based in Poland, and managed by two other Principal Investigators (PIs): Kristin Hausler (United Kingdom) and Prof. Francesca Fiorentini (Italy). The aim of the project is to investigate how human rights guarantees in relation to cultural heritage are being understood and implemented in the EU and in its neighbouring countries. See the project’s website: www.heuright.eu/.

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The conference was opened with the presentations of the HEURIGHT project and of the “Santander Art and Culture Law Review”. After that, the keynote speech “L’héritage européen et l’avenir de l’Europe” was given by Krzysztof Pomian, a philosopher and historian specialized in the socio-cultural history of France, Italy, and Poland.

The rest of the conference was divided into five sessions over two days, covering a wide array of topics. The first session was centred on “Cultural Heritage and EU Law – General Concepts”, and was chaired by Anna Młynarska-Sobaczewska (Professor at the Institute of Law Studies of the Polish Academy of Sciences). The first of the three papers of the session, entitled “Conceptions of a Shared, Common or European Heritage in the European Union: From Unity to Diversity?” was presented by Dr. Cynthia Scott (Claremont Graduate University, California, USA), a historian of modern European culture, cultural heritage, and social memory. Her paper addressed how notions of shared, common, or European cultural heritage have been integral to EU Culture Programs for the past two decades, and considered also the significance of a more recent shift in emphasis – “from unity to diversity” – in EU culture-building and unification goals. The following speaker was Dr. Evangelia Psychogiopoulou (Research Fellow at the Hellenic Foundation for European and Foreign Policy and a legal officer at the Hellenic Ministry of Culture and Sports, Greece) who, in her paper on “Cultural Heritage in European Union Law and Policies”, explored the competences the EU enjoys in the field of cultural heritage and examined the ways in which these means of action have been put to use. The first session was closed by Dr. Andrzej Jakubowski (Assistant Professor at the Institute of Law Studies of the Polish Academy of Sciences in Warsaw, Poland, and HEURIGHT’s Project Leader). His paper “The Notion of Common Cultural Heritage within the Constitutional Law Framework of the European Union – An International Law Analysis” offered a critical re-conceptualization of the present-day understanding and operationalization of the “common European cultural heritage” under the EU constitutional law.

Matteo Rosati (UNESCO Regional Bureau for Science and Culture in Europe, Venice, Italy) chaired the second session of the conference, which was devoted to “Cultural Heritage – Expanding Legal and Policy Boundaries”. Dr. Hanna Schreiber (Assistant Professor at the Institute of International Relations, University of Warsaw, Poland) presented a paper on “Intangible Cultural Heritage (ICH), Europe, and the European Union”. In particular, she examined how the European Union, as an organization gradually expanding in the culture field and continuously developing its cultural policy, reacted to the new Intangible Cultural Heritage (ICH) project, pointing out what are the main obstacles to sensibly “unlock” the ICH potential for the EU, as well as what are the possible challenges for the future of ICH in Europe as a region and in the EU as an organization. The following paper – “The Protection of Cultural Landscapes in the European Union” – by Dr. Amy Strecker (Assistant Professor at the Department of Archaeological Heritage and Society at the University

of Leiden, The Netherlands, and post-doctoral researcher within the ERC-Synergy Project NEXUS1492) dealt with a critical analysis of cultural landscape protection in the EU, aiming to ascertain how cultural landscape protection is considered, and could be considered, within EU policy concerning cultural heritage. The last paper of the session (and of the first day) was the one of Ewa Manikowska (Associate Professor at the Institute of Art of the Polish Academy of Sciences in Warsaw, Poland) and Piotr Jamski (Institute of Art of the Polish Academy of Sciences in Warsaw, Poland) on “Digitisation. Towards a Common European Cultural Heritage?”. Their paper analysed whether new EU definitions of, and approaches to, cultural heritage are the result of European cultural traditions and EU policy, or are rather a part of wider social, cultural, and economic trends, such as globalization, the rise of the information society, and democratization.

On the second day, the conference resumed with the keynote speech by Dr. Adam Bodnar (Poland’s current Commissioner for Human Rights), who focused on the “Right to Culture – Current Challenges in Poland”. It was then up to Roger O’Keefe (Professor of Public International Law at University College of London, UK) to chair the third session of the conference, devoted to “Cultural Heritage and Cultural Rights”. Two papers were presented in this session; one by Dr. Mateusz Bieczyński (Vice-Rector of the University of Fine Arts in Poznań, Poland), and the other one by Alexandra Xanthaki (Professor of Law and Director of Research at Brunel University London, UK). Dr. Bieczyński dealt with many issues in his presentation on “Enforcing the ‘Right to Cultural Heritage’ in the EU: A Matter of Two Courts”, where he scrutinized the interpretations given by the European Court of Justice in Luxemburg (ECJ) and the European Court of Human Rights in Strasbourg (ECtHR) to cultural heritage in the context of human rights. Xanthaki’s paper on “Cultural Heritage of Minorities and Indigenous Peoples in the EU: Weaknesses or Opportunities?” explored the European standards on minority cultural heritage. She looked first at EU Member States’ obligations deriving from the international standards on human rights, and then evaluated whether EU instruments on cultural heritage offer adequate protection to minorities and whether they incorporate international standards on the protection of indigenous cultural heritage.

The fourth session, on “Cultural Heritage, Institutions and Development”, was chaired by Mauro Bussani (Professor of Comparative Law at the University of Trieste, Italy, and Adjunct Professor at the University of Macao, Faculty of Law, Macao, People’s Republic of China). The first paper in this session was “The Financing of Cultural Heritage Matters: A Value Based Approach”, co-authored by Arjo Klamer (Professor of Cultural Economics at the Erasmus University in Rotterdam, The Netherlands) and Dr. Anna Mignosa (Researcher at the University of Catania, Italy, and visiting lecturer at the Erasmus School of History, Culture and Communication, Rotterdam, The Netherlands). In this work, a model of five spheres for the financing of cultural heritage was presented, illustrated using several cases to verify whether the model was useful when making choices about cultural heritage.

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The next paper presented was “Education in the European Union and the Concept of Common Heritage and History”, an essay by Dr. Alicja Jagielska-Burduk (Assistant Professor and head of Cultural Heritage Protection Law at the Institute of Law, Administration and Management, University of Kazimierz Wielki in Bydgoszcz, Poland), who pointed out the crucial role played by the European Union as an initiator of changes in cultural heritage management and the use of available cultural resources by Member States. The session was closed by Dr. Paola Monaco (Post-Doctoral Fellow at the University of Trieste, Italy) with her work on “Exploring the Links between Culture and Development: New Challenges for Cultural Indicators”, assessing the link between culture and tourism, and analysing how that link can be strengthened to support sustainable development through the use of soft-law instruments such as the UNESCO and UNWTO indicators.

The chair of the fifth (and final) session on “Cultural Heritage, Movement and the EU External Relations”, which included four papers, was Dr. Damien Helly (European Centre for Development Policy Management in Maastricht, The Netherlands). The first paper was “Mobility of Cultural Professionals: Self-evident?” by Andreas Wiesand (Executive Director of the European Institute for Comparative Cultural Research (ERICarts), Germany), who focused on the issue of cultural mobility, with particular attention paid to the mobility of cultural professionals as a strategic objective of the European Agenda for Culture. The next paper presented was the essay “National Treasures: How EU Member States Protect the Circulation of Cultural Property”, co-authored by Michele Graziadei (Professor of Comparative Law at the University of Turin, Italy) and Barbara Pasa (Associate Professor of Comparative Law at the Iuav University of Venice, Italy). The essay highlighted how European and international laws are contributing to the protection of cultural property, finding a compromise between the logic of market rules and promotion of cultural heritage. Kristin Hausler (Dorset Senior Fellow in Public International Law at the British Institute of International and Comparative Law, UK, and UK team leader of the HEURIGHT project) and Francesca Fiorentini (Associate Professor of Comparative Law at the University of Trieste, Italy, and Italian team leader of the HEURIGHT project) closed the session and the conference. Hausler presented her work entitled “Cultural Heritage in the European Union’s External Action”, highlighting how cultural heritage has so far been considered and incorporated into the external action of the European Union. Finally, Fiorentini’s paper, “Culture in the EU Trade Agreements: Current Trends in a Difficult Relationship”, offered an operative analysis of the EU’s Trade Agreements in order to better understand how culture, and particularly cultural heritage, is dealt with in the EU trade policy with third parties.

The final part of the conference was devoted to announcements, updates, and reports from participants. One of the most important regarded the forthcoming publication of the book *Cultural Heritage, Cultural Rights and the European Union: A Critical Inquiry*, edited by Andrzej Jakubowski, Kristin Hausler, and Francesca

Fiorentini. The volume is intended to investigate how the European Union frames and addresses cultural heritage in its law and policy. Acknowledging the changing and oft-contested conceptualizations of cultural heritage, the book endeavours to map how its evolving notion affects the forms of protection, access to, and governance of heritage, within the institutional, operational, and legal structures of the EU. The book will be published by BRILL-Nijhoff in September 2018.