EVENTS AND CONFERENCES

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HEURIGHT14 Conference
European Union and Cultural Heritage: Legal and Policy Dilemmas
Trieste, 17-18 May 2018

On 17-18 May 2018, the closing conference of the Project HEURIGHT14[1] on "European Union and Cultural Heritage: Legal and Policy Dilemmas" took place at the Department of Legal Sciences, Language, Interpreting and Translation Studies (IUSLIT) of the University of Trieste, Italy. The event was awarded the European Year of Cultural Heritage 2018 (EYCH) label, as an initiative capable of enabling people to become closer to and more involved with their cultural heritage.[2]

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[1]   The Project HEURIGHT The Right to Cultural Heritage – Its Protection and Enforcement through Cooperation in the European Union was 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 was to investigate how human rights guarantees in relation to cultural heritage are understood and implemented in the EU and in its neighbouring countries. See the project's website at: www.heuright.eu.

[2]   The aim of the EYCH is to encourage more people to discover and engage with Europe's cultural heritage, and to reinforce a sense of belonging to a common European space. The slogan for the year was: "Our heritage: where the past meets the future". Further information can be found at: europa.eu/cultural-heritage/european-year-cultural-heritage_en.

The main objective of the conference went further than just presenting and discussing the final outcomes of the HEURIGHT14 project. The organizers wanted to add some other (final) bricks to the wall built during the three-year project, enriching the existing research by investigating some of the major challenges that cultural heritage governance is facing today and will face in the upcoming years, both within and beyond the European Union (EU). Among these challenges, special focus was devoted to, *inter alia*, the illicit trafficking of cultural objects, digital access to cultural heritage, and the European Heritage Label initiative. Nor were operational aspects neglected at the conference. For example, the conference discussed the regional and structural funds the EU devotes to cultural heritage projects. In this regard, the conference tried to substantiate the axiological, political, and societal considerations driving the EU's involvement in cultural heritage, both regionally and at the global level.

The conference was opened with the presentation of the HEURIGHT14 project by Francesca Fiorentini (Italian team leader of the HEURIGHT14 project). This was followed by the keynote lecture, entitled "The Politicization of Global Cultural Heritage Considerations", delivered by Lynn Meskell (Professor in the Department of Anthropology at Stanford University, CA, USA, and Honorary Professor at the Rock Art Research Institute, University of Witwatersrand, Johannesburg, South Africa). This speech examined the social, cultural, and ethical dimensions of heritage research and practice, particularly at the UNESCO level, and the international politics underlying the protection of cultural and natural resources around the globe.

The conference was divided into three sessions over two days, and covered a wide array of topics. The theme of the first session was "Global Perspectives on Cultural Heritage", and the session was chaired by Mauro Bussani (University of Trieste, Italy and University of Macao, People's Republic of China). The first of the four papers presented during the session was entitled "UN Security Council Approaches to the Global Safeguarding of Cultural Heritage", which was presented by Manlio Frigo (State University of Milan, Italy). It addressed how the Security Council has gradually incorporated cultural heritage protection as a key element in the maintenance of international peace and security, including through its combat against terrorism financing. Considering the wider context of escalated attacks against cultural heritage in armed conflict, the paper analyses, among other things, Resolution 2347, and highlights that this Resolution is unique as it is the first dedicated exclusively to the destruction and trafficking of cultural heritage in situations of armed conflict in general and at the hands of terrorist groups in particular. This is significant as it means that attacks against cultural heritage are now considered on a similar level as other threats to international peace and security which have been addressed in specific resolutions, such as the proliferation of weapons of mass destruction or arms trafficking.

The following speaker was Mira Burri (University of Lucerne, Switzerland). In her paper on "Cultural Heritage and International Economic Law" she explored

the development of the relationships between trade, on one hand, and culture and cultural heritage on the other, at the global level, particularly in the World Trade Organization (WTO) context. Her paper emphasized the move from a "trade and culture" approach towards a "trade versus culture" approach. It argued that both the domain of trade and that of culture have suffered from the aspirations to draw clearer lines between the WTO and other trade-related issues, charging that to some extent the conflict leaves few opportunities for practical solutions.

Next, Paola Monaco (University of Trieste, Italy) presented her work on "Cultural Heritage and Sustainable Development", in which she explored the relationship between cultural heritage and sustainable development and analysed how that link can be strengthened through the use of soft-law instruments such as cultural indicators.

The first session was closed by Dr. Hanna Schreiber (University of Warsaw, Poland) who delivered a paper on "Intangible Cultural Heritage (ICH), Europe and the European Union". In particular, she examined how the EU, as an organization gradually expanding in the culture field and continuously developing its cultural policy, has reacted to the new Intangible Cultural Heritage (ICH) project, pointing out what are the main obstacles to sensibly "unlock" the ICH's potential for the EU, as well as what are the possible challenges for the future of the ICH in Europe as a region and within the EU as an organization.

The second session of the conference, devoted to "Cultural Heritage in the European Union Law and Policy", was chaired by Andrzej Jakubowski (Institute of Law Studies of the Polish Academy of Sciences in Warsaw, Poland, and HEU-RIGHT14's Project Leader). The first talk was given by Markus J. Prutsch (Senior Researcher and Official at the European Parliament, Responsible for Culture and Education Policies, Brussels, Belgium) who presented the EU Parliament's perspective on the links existing between cultural heritage and European identity, in the context of the current challenges to the European integration project, in his paper on "Culture, Heritage and Identity in the European Union: European Parliament Perspectives". He also examined whether new EU definitions of, and approaches to, cultural heritage are the result of European cultural traditions and EU policy, or are they rather a part of wider social, cultural, and economic trends, such as globalization, the rise of the information society, and democratization.

The following speech – "Cultural Heritage in Audiovisual Form in the EU" – by Fiona Macmillan (Birkbeck, University of London, UK, and Visiting Professor at the Universities of Roma Tre, Italy, and Gothenburg, Sweden) dealt with the EU's legal and policy actions in audio-visual goods and products as a special sector where the trade versus culture debate traditionally takes place.

Next came Francesca Fiorentini's speech on "Cultural Heritage in the EU Common Commercial Policy", as well as that of Hildegard Schneider (Maastricht University, The Netherlands), who addressed the audience with her paper on "Endangered Cultural Heritage and Illicit Trafficking of Cultural Goods". Francesca

Fiorentini 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 EU trade policy with third countries, while Hildegard Schneider focused on the links between illicit trafficking and terrorism and how they have recently been addressed at the international level through a series of legal and policy actions, particularly including the Council of Europe's Nicosia Convention of 2017, aimed at reinforcing the criminalization of illicit trafficking and related aspects. In particular she pointed out the need to strengthen operational collaboration between bodies and authorities dealing with these issues at national level, particularly in the customs sector.

The last paper of the session, "Financing Cultural Heritage in the EU" by Mario Aymerich (Former Director of the Environment and Regional Development, Projects Directorate, European Investment Bank, Luxembourg), offered an overview of the technical aspects of financing cultural heritage projects provided both in the past and at present by the European Investment Bank.

The second day of the conference resumed with the third (and final) session entitled "The European Union and Cultural Heritage: Extending the Boundaries", which was chaired by Francesca Fiorentini. Five papers were presented in this session, addressing topics in which the EU's dealing with cultural heritage transcends borders, in particular the EU's borders, either in geographical or in conceptual terms. The first paper, by Ewa Manikowska (Institute of Art of the Polish Academy of Sciences in Warsaw, Poland) addressed "Digital Access to Cultural Heritage in the European Union". She analysed the EU's cultural heritage digitization policies and projects, and highlighted how digitization allows for the instrumental use of cultural heritage by EU institutions, aimed at reinforcing the idea of a common European identity. She also highlighted the risks posed to cultural heritage by digitization, which by selecting which pieces of heritage are to be digitized leaves others out, which may end up curtailing the representativeness of a (European) cultural heritage.

Next, Kristin Hausler (British Institute of International and Comparative Law, UK, and UK team leader of the HEURIGHT14 project) delivered a speech on "Cultural Heritage in the European Union's External Action". She highlighted how cultural heritage has so far been considered and incorporated into the external action of the EU. In particular, she underlined how, in addition to fulfilling foreign policy objectives, external action in the field of cultural heritage may also contribute to the fulfilment of international legal obligations pertaining to the safeguarding and protection of cultural heritage, and thus go beyond cultural diplomacy. All EU Member States, as well as the EU itself, have international obligations with regard to cultural heritage, stemming from their participation in treaties addressing various aspects of cultural heritage, as well as human rights treaties. These treaties also include the duty of international assistance and cooperation in order to fulfil the aims contained therein. While the EU may not fulfil these duties in lieu of its Member States,

its external actions in these areas may support and complement their international legal obligations to provide assistance and cooperation.

Next Tuuli Lähdesmäki (Academy of Finland, and University of Jyväskylä, Finland) presented a paper on "Construction and Meaning-Making of a European Cultural Heritage in European Union's Heritage Initiatives: The European Heritage Label". She made a comparison of how various local heritage actors choose to narrate the transnationally launched European Heritage Label. Thus, within an initiative to foster Europeanization, she finds actors formulating European identities in different moulds.

Żaneta Gwardzińska (Independent researcher, Poland) then presented her paper on "Cultural Heritage and the Eastern Partnership", providing interesting insights on the EU-Eastern Partnership Culture and Creativity Programme, funded under the European Neighbourhood Instrument and aimed at supporting the cultural and creative sectors' contribution to sustainable humanitarian, social, and economic development in Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine.

Finally, Ivana Kunda (University of Rijeka, Croatia) closed the session by delivering a speech on "The EU Approach to the Protection of Cultural Heritage in the Western Balkan Countries", whereby the EU's policies adopted in this particular area were analysed together with the national approaches developed by the interested countries with respect to dealing with cultural heritage, which in the region is linked with the protection of linguistic and ethnic minorities and of religious freedom.

To put the results of the conference in a constructive perspective, a closing Round Table then took place, moderated by Francesca Fiorentini. In this Round Table, Andrzej Jakubowski, Diego Marani (Policy Coordinator for Cultural Diplomacy at the European External Action Service [EEAS], Brussels, Belgium) and Elisabeth Niklasson (Postdoctoral Fellow in the Archaeology Center at Stanford University, CA, USA) critically discussed the HEURIGHT14 project's outcomes and perspectives, together with the ideas gathered through the speeches delivered during the conference, in order to point out a possible research and policy agenda aimed to improve the safeguarding and protection of cultural heritage in the EU.