

EVENTS AND CONFERENCES

Aliki Gkana*

Interest Group on International Law of Culture at the 15th ESIL Annual Conference Athens, 12-14 September 2019

On 12-14 September 2019 the 15th Annual Conference of the European Society of International Law (ESIL) took place in Athens (Greece), hosted by the National and Kapodistrian University of Athens and Athens PIL Research Centre, under the auspices of H.E. the President of the Hellenic Republic. Under the prism of the core theme “Sovereignty: A Concept in Flux?”, participants had the opportunity to delve into various aspects of this fundamental principle of Public International Law, with the aim of revisiting its concept and mapping the challenges it faces within different areas of International Law. In this context, the ESIL Interest Group (IG) on International Law of Culture signalled the completion of the very first year of its existence with the successful organization of two events, namely a Conference Agora and a Pre-Conference Session focusing on a somewhat underexplored thematic area and one which was quite new for an ESIL Conference.

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During the third day of the Conference, following the selection of the Group's proposal for a panel discussion under the title "Culture As or Against Sovereignty", Agora XI took place, chaired by Hanna Schreiber (Assistant Professor, Faculty of Political Science and International Studies, University of Warsaw). By highlighting the ambiguous relationship between International Law and culture in general as a regulatory object, the Agora set out to examine how the latter is potentially used either as a cornerstone of sovereignty or as a means to challenge it. Following a welcoming address by Andrzej Jakubowski (Assistant Professor, Institute of Law Studies, Polish Academy of Sciences), member of the IG Coordinating Committee, the speakers presented their papers, which attracted the interest of the audience, composed of not only experts but also academics, researchers, students, and lawyers experiencing their initiation into the field within an ESIL conference.

Firstly, Sophie Starrenburg (Ph.D. Candidate, Grotius Centre for International Legal Studies, Leiden University) defined the general framework of the subject matter of the Agora with her speech on "The 'Cultural Heritage of Mankind' and the Construction of State Sovereignty". She centred on the provisions of certain international legal instruments (1954 Hague Convention, 1972 World Heritage Convention, 2001 UNESCO Convention) and examined the conceptual relationship between sovereignty and culture through the notion of the "common heritage of mankind". In discussing the distinction between a "thick" and "thin" cultural heritage value, she questioned where a State's sovereignty ends in cultural affairs and the rights or duties of the international community start. Secondly, Aliki Gkana (Ph.D. Candidate, Faculty of Law, National and Kapodistrian University of Athens) moved on to a more specific context with her presentation titled "Peoples' Heritage or States' Heritage? Sovereignty in the UNESCO Mechanism for the Safeguarding of Intangible Cultural Heritage". She pointed out some of what she called the "sovereignty guarantees" in the conventional mechanism, while addressing the particular issue of dealing with transboundary elements of intangible cultural heritage within the UNESCO protection system. She concluded on possible responses in terms of International Law towards a more effective safeguarding of "shared" heritage manifestations even beyond that system, including a human rights approach. The presentations motivated a range of intriguing questions, which led to an in-depth analysis of some of the points raised by the speakers and to a lively debate between them and numerous attendees.

In addition to the scheduled conference, on 12 September, the IG also held a Workshop under the title "Approaches to Culture and Sovereignty in Different Areas of International Law" as a Pre-Conference event.

In the first part, a set of selected papers were presented initiating the attendees into some of the most interesting aspects of the topic and inspiring a fruitful discussion among the Group's members, leading scholars specialized in the field, and early career researchers. In particular, Frederick Cowell (Lecturer, School of Law, Birkbeck University of London) analysed the issue of the construction of a state

definition of culture in Human Rights Law in relation to the notions of state absolutism and defensive relativism, founding his arguments with reference to selected case law. Subsequently, Hanna Schreiber examined the notions of Nation and Sovereignty in the practice of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, explaining how UNESCO, on the one hand, and States, on the other, “understand” or “use” them. Finally, Andrzej Jakubowski addressed the question of cultural heritage governance discussing all entities involved and the subject of state sovereignty, while looking into the relevant legal and policy boundaries giving emphasis to the EU agenda and recent developments in the EU legal framework.

In the second part, taking the opportunity of meeting each other as well as getting to know the Group’s conveners in person, participants discussed possible future activities and plans of the IG. Among the several proposals made, those concerning the publication of a specialized issue with papers relevant to the Group’s interests and the Conference’s general theme, as well as the organization of a meeting/workshop within ESIL Research Forum in Catania, Italy (April 2020) or ESIL 16th Annual Conference in Stockholm, Sweden (September 2020), were warmly received. The concluding discussion explored the idea of gradually getting involved in the UN Human Rights protection mechanism especially contributing to the work of the Special Rapporteur in the field of cultural rights. This too was also warmly endorsed. It seems that a creative first year could be the best omen for the continuation of a productive course of the IG work in the world of International Law pertaining to culture.