



HEURIGHT

The Right to Cultural Heritage
Its Protection and Enforcement through Cooperation in the European Union

The transnational consortium of the Project was established on 15 June 2015 and comprised three research teams (Poland, the United Kingdom, Italy), associate partners and experts. The core objective of the Project was to investigate how human rights guarantees in relation to cultural heritage are being understood and implemented in the European Union (EU) and in its neighbouring countries. Acknowledging the changing and often contested nature of the right to cultural heritage (or more precisely the right to access or enjoyment of cultural heritage), it endeavoured to map how this right's evolving content affects the forms of protection, access to, and governance of cultural heritage, within the institutional, operational and legal structures of the EU. In particular, it dealt with the complex organizational and regulatory frameworks concerned with cultural heritage and human rights in place in the EU Member States, as well as their interaction, cross-fertilization, and possible overlaps. Accordingly, the Project HEURIGHT14 attempted to answer to the following research questions: 1) how is cultural heritage defined within the EU, including EU law?; 2) is there a right to cultural heritage?; 3) how does cooperation work in the field of cultural heritage within the EU (including at the institutional and policy levels)?; 4) how is cultural heritage protected from a legal perspective (including within the human rights framework)?; how is access to cultural heritage realised and enforced?; 5) what funding is available (considering a top down approach)?; 6) how is individual, community and minority participation realised with regard to access to cultural heritage (considering a bottom up approach)?; 7) how do contemporary challenges within the EU (migration 'crisis', challenges to democracy and to the EU framework, etc.) impact on cultural heritage and human rights attached to it?



The Project HEURIGHT14 had two specific objectives. Firstly, it intended to provide a theoretical re-conceptualization of the right to cultural heritage, focusing not only on positive law and jurisprudence, but also on soft-law rules, diplomacy and cultural cooperation as possible alternative devices for fostering inter-cultural dialogue and understanding. Secondly, in its practical perspective, the Project was designed to analyse how the technical tools used to manage and protect cultural heritage, in particular digitization processes with the development of databases, virtual museums, etc., are currently considered and how they could be further developed to strengthen the enforcement of the right to cultural heritage throughout the EU, including its external action.

Accordingly, the consortium's research agenda was built primarily on the interdisciplinary analysis of law and policy, involving the methodology of legal studies, art history, international relations, anthropology, cultural economy and heritage studies. Indeed, the major achievement of the Project consists in its critical approach analysis on how the EU frames and addresses cultural heritage. It has comprehensively explored and substantiated the role of cultural heritage for the regional European integration. It has also attempted to explain and debate the uniqueness of the EU model of cultural heritage governance *vis-à-vis* global efforts aiming to respect and safeguard cultural heritage and diversity around the world as global commons. In such a guise, the members of the transnational consortium conducted research in the following interlinked areas: i) EU constitutional law; ii) EU cultural heritage cooperation with other international organizations (including the recent



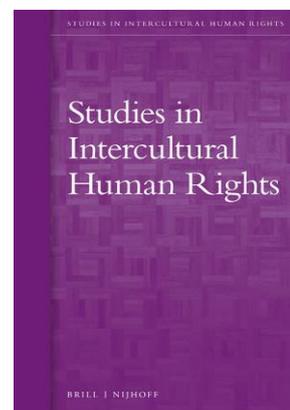
cultural heritage involvement of the UN Security Council); iii) the case law of the European Court of Justice and European Court of Human Rights in relation to cultural heritage and the rights attached to it; iv) cultural heritage and EU investment agreements; v) cultural heritage within the EU's External Action; vi) the safeguarding of intangible cultural heritage in the EU ten years after the entry into force of the 2003 UNESCO Convention; vii) the movement of cultural objects in the EU; viii) the EU's cultural heritage agenda in neighbourhood policies; ix) the digitisation in the EU and cultural heritage. It is also important to highlight that the British Team, as a result of the EU referendum in the UK, added the impact of Brexit on cultural heritage within the remit of its research.

Although the consortium experienced serious problems stemming from the delayed payment to the Italian Team, all the objectives of the Project's research agenda have been achieved. The Project's results have been widely debated, promoted and disseminated. The consortium hosted three large conferences, four large public events and several smaller events. These activities have led to engagement with a variety of stakeholders, including scholars, policy-makers, representatives of public institutions, and the general public. In 2018, the Project's events have been granted the label of the European Year of Cultural Heritage (EYCH). The key findings have also been presented in a number of international scientific conferences. The consortium has published a number of research papers. In particular, the consortium in cooperation with the Editorial Board of the *Santander Art & Culture Law Review* (SAACLR; indexed at ERIH+) have prepared two important thematic research series: 'The



Return of Cultural Objects within the European Union – Implementing the Directive 2014/60/EU' (2016, vol. 2, no 2); and 'Intangible Cultural Heritage – Successes, Problems and Challenges 10 Years After the Entry into Force of the UNESCO 2003 Convention' (2017, vol. 3, no 2; forthcoming). Both publications gathered the leading experts in the fields of the movement of cultural goods and the safeguarding of intangible heritage, respectively. Alongside these topical research series, the members of the consortium published their work in peer-reviewed edited volumes and first-tier international journals in the field, including the *International Journal of Cultural Policy*, *Italian Yearbook of International Law, Art, Antiquity & Law*, *International Journal of Cultural*

Property, *Chinese Journal of International Law*, *European Journal of Comparative Law and Governance*, and *International Journal of Intangible Heritage*. In 2017, the contract for the Project's final peer-reviewed monograph was signed with BRILL-Nijhoff. As a result, the volume titled *Cultural Heritage, Cultural Rights and the European Union: A Critical Inquiry*, edited by Andrzej Jakubowski, Kristin Hausler and Francesca Fiorentini, will be published by the end of 2018 in 'BRILL Studies in Intercultural Human Rights'. The Project's consortium intends to present and promote it in December 2018, during the final events of the EYCH.



Another key objective of the Project was to continue the development of its website, as well as the associated webpages set up by each partner to the Project. This has successfully been completed. In addition, the Polish research team has launched a new digital platform on historical survey photography collections documenting the non-existent cultural heritage of Europe's Eastern Borderlands.

Last but not least, the Project completed its studies relating to specific cases (Polish Team: Poland-Ukraine and Eastern Partnership, Poland-Germany cultural heritage legal relations; British Team: access of cultural heritage in the UK, including in its external relations (with the EU but also with former colonies) and through digitisation; Italian Team: EU and Western Balkans: Slovenia, Croatia and Serbia).

<http://www.biicl.org/culturalheritage>
<http://www2.units.it/heuright>
Contact: heuright@gmail.com