



HEURIGHT

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

The Project has critically investigated how the European Union (EU) frames and addresses cultural heritage in its law and policy. Acknowledging the changing and often contested conceptualisations of cultural heritage, it has endeavoured 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. In particular, it has dealt with the complex organisational and regulatory frameworks concerned with cultural heritage, trade and human rights in place in the EU and its Member States, as well as their interaction, cross-fertilisation, and possible overlaps. Hence the Project's agenda has been designed, on the one hand, to comprehensively explore and substantiate the role of cultural heritage for the regional European integration and, on the other, 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. Drawing upon a matrix of research focused on both theoretical and practical aspects of the EU's action in the realm of cultural heritage, HEURIGHT14 has offered cross-cutting insights on how heritage is currently defined, used and managed in decision- and policy-making. At the same time, it has also proposed avenues to strengthen its protection, access, and governance, thus offering an important contribution to the fields of human rights, EU law, international relations, anthropology and heritage studies.

The Project was implemented by an international consortium, established on 15 June 2015 and comprising three research teams, associate partners and experts. The consortium was chaired 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 University of Fine Arts in Poznan (Poland) was the institutional leader of the Project and formed a national consortium with two research centres of the Polish Academy of Sciences in Warsaw: the Institute of Law Studies and the Institute of Art. The British Institute of International and Comparative Law in London and the Department of Legal Science, Language, Interpreting and Translation Studies of the University of Trieste were the two other institutional members of the transnational research consortium.



The Project HEURIGHT14 had two specific objectives. Firstly, it was 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 as part of its external action. Accordingly, the Project's consortium has 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 of cultural heritage in the EU. It is also important to highlight that the British Team, as a result of the EU referendum in the UK, has added the impact of Brexit on cultural heritage within the remit of its research.



The Project's consortium has also performed its specific case-studies (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). Last but not least, the Project has developed six online exhibitions of historical survey photography collections documenting the non-existent cultural heritage of Europe's Eastern Borderlands, preserved at the Institute of Art of the Polish Academy of Sciences, in Warsaw. The core aim of these galleries has been to foster a discussion on the access to forgotten and contested cultural heritage through digital technologies. This component of the Project was particularly important for the research concerning the EU digital heritage agenda and those relating to contested heritage (in particular the case of Istria and Polish-Ukrainian borderlands).



The Project's results have been widely debated, promoted and disseminated. The consortium has 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.

