

ESIL Annual Conference 2019

Public International Law Center at the National and Kapodistrian University

'Sovereignty: A concept in a state of flux?'

Athens, 12-14 September 2019

International Law of Culture Interest Group –Call for Papers

Agora Proposal Title: Culture As or Against Sovereignty

Culture's relationship to international law is ambiguous: it oscillates between embrace and rejection. On the one hand, there is a clear mandate in international law to safeguard culture, whether it is through the work of specialized bodies like UNESCO, the right to culture identity in international human rights law, or references to culture in the World Trade Organization's treaties, to name but three examples. On the other hand, the very idea of culture, because of its attachment to context and localism more generally, flies in the face of international law's claims to universality. All the while, the concept of sovereignty reflects this duplicity, by either using culture as a cornerstone of or proxy for sovereignty, or using culture as a means to challenge sovereignty.

From the standpoint of culture as a regulatory object, UNESCO Conventions on tangible and intangible heritage appear as a place where the definition of culture, and the ability to define it, has significant implications. The tensions between experts and non-experts in this area, and the way states engage with either set of actors, is still under-appreciated, and has implications as to how culture is regulated and used to springboard a range of claims in international law.

Further, disputes like the one over the Parthenon Marbles highlight these tensions, as Greece's arguments seek to protect their own sovereignty (and the identity of the Greek nation) through re-claiming the marbles. On the other hand, situations involving minority or indigenous peoples' claims to self-determination and cultural sovereignty are often seen as underscoring the uses of culture as a means to challenge sovereignty in international law. And countries like China invoke cultural diversity norms in international law to reaffirm state cultural sovereignty at the expense of internal cultural diversity that does not align with a state narrative of their own culture.

This agora aims to query these ambiguities. We wish to bring together a set of papers that illustrate the duplicity of international law's modes of engagements with sovereignty through culture. A few questions that can be illustrative of these modes include:

- What do historical constructions of culture as a means to galvanize self-determination efforts say about the nature of sovereignty in international law?
- How does the mandate of international organizations in the field of culture frames or approaches sovereignty?
- What do current cases like Al Mahdi (International Criminal Court) and EC-Seals (World Trade Organization) tell us about the role of culture in enforcing or creating exceptions to universal international law?
- Is there a general cultural exception in international law?

- Can culture make a claim to universality that facilitates its existence as an international regulatory object? Does it need to make such claim?
- How does the right to cultural life in international human rights law make sense of sovereignty, given international human rights law is premised on the idea of a challenge to unbridled state sovereignty?
- What does the concept of cultural diversity recognized in international law mean for sovereignty?
- Who defines culture in international law? How the human right of individuals and peoples to define their cultural identity and practices affect sovereignty in the cultural sphere?

We are open to papers that engage with any (or several) of these questions, as well as papers that address other questions altogether, as long as they connect international law's relationships to sovereignty as read through the analytical prism of culture.

This is a proposal for an Agora within the ESIL meeting. As such, the Agora slot has not yet been secured, and will depend on the proposal we put forth on the basis of accepted abstracts. Further, we unfortunately are not in a position to provide financial support to presenters.

Should you be interested in joining us in this Agora, please submit a 250-500 word abstract, as well as a CV, to l.lixinski@unsw.edu.au by January 10th.

Should you have any queries, please do not hesitate to contact us.

Sincerely,

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