

REPORT ON THE ACTIVITIES AND PLANS OF THE ESIL INTEREST GROUP ON INTERNATIONAL LAW OF CULTURE 2024-2025



**International
Law
of Culture
Interest
Group**



Presentation

The ESIL Interest Group on International Law of Culture (Group) was established on 15 September 2018 at the ESIL 14th Annual Conference in Manchester. Since then, the activities of the IG have greatly developed focusing on a wide range of themes relating to this growing area of international law. Indeed, the main objective of the Group is not only to study the legal regulation of the spheres of culture and heritage but also to provide a platform for deep reflection on the cultural conditions and foundations of international law, its making and operationalisation.

Coordinating Committee

Giovanni Carlo Bruno (National Research Council of Italy, Naples) * Andrzej Jakubowski (Polish Academy of Sciences, Warsaw) * Lucas Lixinski (University of New South Wales, Sydney) * Sophie Starrenburg (Leiden University).

Group's activities (October 2024 – October 2025)

Workshops

- **"Cultural Heritage, Social Resilience and Crisis Response in International Law". ESIL Pre-Research Forum Workshop. 17 March 2025 (online)**

In the context of the 2025 ESIL Research Forum in Catania, the IG organised a pre-Forum Workshop online.

Over 20 years ago, Hilary Charlesworth famously described international law as a discipline of crisis. In finding the momentum for evolution and change in crises, international law has maintained its relevance. It has also, however, normalized crises, and a specific version thereof. As human-induced disasters due to climate change and conflict increase, so does the destruction of heritage and culture. In times of crisis we focus on physical human survival over preservation of culture and heritage. However, this approach might be shortsighted and neglect the role that culture and heritage can play in securing social resilience and cohesion. An examination of the intersection of cultural heritage law and related legal regimes on which the international community relies for responses to change and crisis is now overdue.



Cultural heritage often forms the foundation of social resilience. When societies are faced with significant social change, the factors that triggered this change tend to become the differentiators that germinate into a new identity. This was the course of action of countries in Africa and the Middle East when they forged new identities to resist, and ultimately reinvent themselves against, their European colonial oppressors. Much earlier it was the story of the founding of the United States of America. Today, the threats to social resilience are no longer

just external human factors; they are disasters, internal civil wars, or our decision to be a multicultural dynamic society open to migration. As disasters, civil wars, and migration (often related to the previous two) increase, we need to urgently reassess how the international community, through law, safeguards heritage, and the mutually reinforcing relationship between heritage and social resilience.

On the one hand, heritage safeguarding is dependent on socially resilient societies. On the other hand, the law also confirms the types of heritage we want to safeguard and celebrate by creating inventories that select the heritage, by funnelling funds to safeguard it, and determining the tools to do so. Because of this effect, the law also holds the key to the identity that is central to social resilience. Cultural heritage law is thus a central lever which governments can pull to bolster social resilience. In Japan, for instance, government passed laws to safeguard Second World War sites like the Hiroshima Peace Memorial to create and bolster social resilience and a message of peace. Similarly, climate change now threatens many communities and their territories. The destruction of their heritage sites is a loss that can be soothed by deeper engagement with the heritage these communities take with them, with attendant implications for the law both in heritage and in migration.

Despite the importance of heritage and the necessity for law to safeguard it, in times of change and crisis, other areas of law eclipse cultural heritage law. The law on change and crisis focuses on the needs of humans as biological units, instead of (rather than in addition to) their needs as collective social entities brought together by culture. It creates a binary division that says biology is to be protected urgently, and culture may be protected afterwards (but rarely is, because the international community shifts its focus away to the next crisis). The ongoing conflict between Israel and Palestine testifies to this paradigm: as the international community focuses on protecting civilians in war through international legal instruments, preventing the destruction of heritage receives little to no attention, except after the fact.

The Workshop examined how climate change, art, and law expose the vulnerabilities of cultural heritage and international governance amid environmental and political upheavals, addressing Greenland's melting glaciers and Indigenous cultures, Sert y Badia's *Lesson of Salamanca* and the crisis of international law, and refugee-like protection for cultural property through temporary relocation and legal frameworks.

The workshop's programme is attached.

- **“The Future and Past of ‘Progress’ in Cultural Heritage Law”. ESIL Pre-Conference Workshop. Berlin, 11 September 2025, morning**

Cultural heritage law has a complicated relationship with the past. On the one hand, the field seeks to protect the ‘past’ for future generations through the act of heritage preservation. However, the state in which the ‘past’ needs to be transmitted to future generations is in itself a dynamic concept which has changed over time, influenced by evolving notions of ‘authenticity’ and ‘integrity’, alongside changing professional sensitivities. As such, in the present-day, the international law of culture is as much concerned with the relationship between people and their heritage in the here and now, rather than with mediating between the past and present. In these debates, the future moreover often recedes to the background.

On the other hand, one can also view the relationship of cultural heritage law to the ‘past’ with respect to the past of the field itself. The history of the international law of culture has often been characterised as one of progress – much akin to broader histories of public international law – in which ever more manifestations of cultural heritage have been protected over time through the proliferation of international legal instruments. Simultaneously, critical heritage scholars have demonstrated the shadow sides of this purported progress. Even then, at times the field seems to be characterised by a yearning for a purported ‘golden age’ of cultural heritage law, one unburdened by the spectre of politicisation and the demise of expert-led decision-making.

The international law of culture also often characterises itself as closely tied to overall human progress. The UNESCO Constitution famously noted that ‘[s]ince wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed’; the protection of culture was accordingly envisaged as a tool to secure enduring peace. This principle is echoed in many of the key cultural conventions. Although the ways in which this goal have been formulated may have evolved over time, the field remains steadfastly committed towards the idea that to protect culture is to secure the overall progress of humanity in the long term.

Further, many of the core legal instruments have celebrated important milestones in recent years: the 70th anniversary of the 1954 Hague Convention, the 55th anniversary of the 1970 Convention, the 50th anniversary of the World Heritage Convention, and the 20th anniversary of the Intangible Cultural Heritage Convention – alongside a wealth of regional instruments. As such, cultural

heritage lawyers are often keen to point out that what is needed now is not more legal instruments, but better implementation of the existing legal instruments and collaboration between them. Conversely, others have argued that the international law of culture remains unable to resolve some of its key problems, with states remaining reluctant to internationalise cultural governance in favour of preserving cultural heritage within the domain of exclusive state sovereignty. Similarly, the law remains hampered by its extensive reliance upon framework conventions, which prevent the emergence of a legal regime in which states can be held responsible for non-compliance with their international obligations in the field of culture.

The international law of culture thus finds itself at a critical juncture: where should the field go from here? This raises the critical question: what does 'progress' look like for cultural heritage law in 2025 and beyond? In light of the above, this workshop invites participants to reflect on the notion of 'progress' in the field of cultural heritage law in light of the theme of this year's ESIL Annual Conference: 'Reconstructing International Law'.

The Workshop's participants explored the following questions:

1) Historical perspectives on the international law of culture:

- To what extent can the field of cultural heritage law draw upon its past to shape the future of the field? Are there any proposals from this past which should be revisited in the present-day? Conversely, are there any mistakes which should be avoided?
- Can the history of cultural heritage law be characterised as one of progress and promise?
- Which actors were marginalised by cultural heritage law in the past? How are their contributions to the field and wishes for the future glossed over in the histories which cultural heritage law tells itself?

2) The concept of 'progress' in the international law of culture:

- Is cultural heritage law itself a tool of progress? For whom?
- What does 'progress' look like for cultural heritage law in relation to the challenges the field faces with respect to implementation and enforcement?
- How can we unpack the idea of 'progress' in relation to cultural heritage law? What does 'progress' look like for the field of cultural heritage law in an era of degrowth, ecological collapse, and faltering international institutions? Can we envisage an international law of culture for a post-human era?

3) **The institutional dimensions of 'progress' in the international law of culture:**

- What is the role of regional organisations vis-à-vis international organisations with respect to facilitating progress within cultural heritage law? Is the future of cultural heritage law regional, rather than international?
- How might non-state actors, such as Indigenous peoples, NGOs or private actors, envisage 'progress' in cultural heritage law in ways that might differ from states or international organisations?

4) **Future challenges and expanding legal frontiers of the international law of culture:**

- How should cultural heritage law develop with respect to the protection of cultural heritage in areas beyond the territorial jurisdiction of states, such as heritage created in or located in outer space?
- How can we imagine the future of cultural heritage law? Can we imagine the field of cultural heritage law without some of its key present-day characteristics, such as ever-expanding international heritage lists?
- What will the impact be of technological progress on cultural heritage law? How can we regulate the protection of technological cultural expressions, such as those created by artificial intelligence?

The Workshop's programme is attached.



Webinars

- **“Culture Heritage and International Disaster Law: Risk Reduction and Recovery”. 27 November 2024**

This webinar addressed the international law framework for safeguarding cultural heritage during natural disasters. It was co-organised with two Interest Groups of the American Society of International Law (ASIL): the Cultural Heritage and the Arts Interest Group, the Interest Group on International and Comparative Disaster Law. The topic of the webinar is timely, as recent disasters—such as floods, droughts, and earthquakes—have severely impacted communities and their cultural heritage worldwide. These events, often linked to human activities like climate change, deforestation, and industrialisation, raise questions about how to effectively address and mitigate risks to cultural heritage. There is a pressing need for robust tools for prevention, risk reduction, and the sustainable recovery of cultural life in affected communities. The webinar explored these challenges in light of existing international law and institutional frameworks. Insights were shared by two leading experts, Professor Amra Hadzimuhamedovic (Director of the Centre for Cultural Heritage, International Forum Bosnia in Sarajevo, Bosnia and Herzegovina) and Professor Giulio Bartolini (Professor of International Law at Roma Tre University, Italy, ESIL Board Member), followed by a Q&A session (available on [YouTube](#)). The discussion was moderated by Andrzej Jakubowski (ESIL IG ILC convenor) and Caleb MacDonald (Chair of ASIL International and Comparative Disaster Law IG).

- **“The Legal Dimension of Provenance Research: International, Comparative, Indigenous”. 25 February 2025**

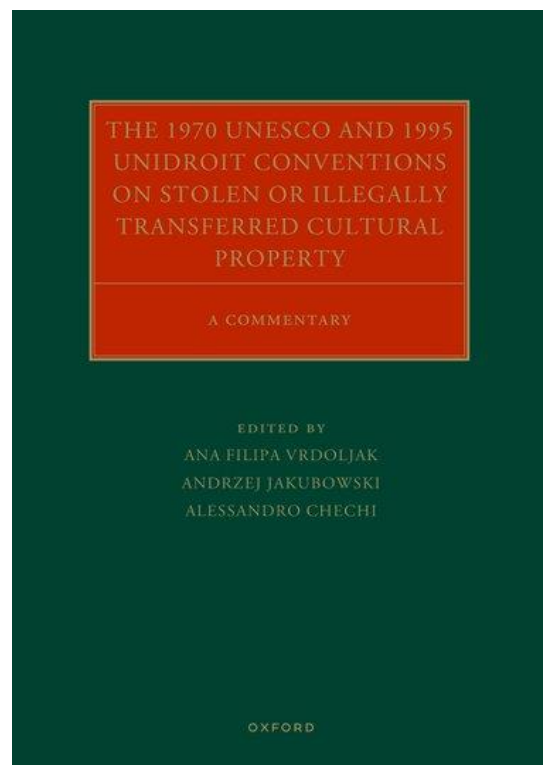
This webinar, co-organised with the ASIL Cultural Heritage and the Arts Interest Group explored the meanings and significance of provenance research in the current legal debate on the return and restitution of cultural objects. It highlighted that provenance research is an invaluable tool for addressing past cultural injustices and wrongs against individuals, groups, and communities that have been subjected to genocidal acts and legislation, colonial exploitation, and discriminatory practices. The webinar discussed the significance and practice of provenance research in ensuring justice for victims of the Holocaust, colonialism, and discrimination against Indigenous Peoples. The webinar facilitated a debate on the return of cultural objects, bringing together experts from different fields to identify shared pathways for advocacy. The format of this event was a roundtable to encourage dialogue across these areas, followed by a Q&A

session. It gathered four experts: Dr Afolasade A. Adewumi, Department of Jurisprudence and International Law, University of Ibadan; Dr Evelien Campfens, University of Amsterdam; Dr Tess Davis, Antiquities Coalition; and Professor Rebecca Tsosie, James E. Rogers College of Law, University of Arizona. The discussion was moderated by two ESIL IG ILC Convenors: Andrzej Jakubowski and Lucas Lixinski. For more information, see [ESIL website](#); the event is available on [YouTube](#).

Book launches

- **“The 1970 UNESCO and 1995 UNIDROIT Conventions on Stolen or Illegally Transferred Cultural Property: A Commentary (OUP 2024)”. 18 February 2025 (online)**

This event offered a book launch of the [Oxford Commentary](#) on the 1970 UNESCO and 1995 UNIDROIT Conventions on Stolen or Illegally Transferred Cultural Property, edited by Ana Filipa Vrdoljak, Andrzej Jakubowski, and Alessandro Chechi (Oxford University Press 2024). The volume is part of the “Oxford Commentaries on International Cultural Heritage Law” [series](#). This webinar provided an opportunity to critically consider the public and private international law aspects of multilateral efforts in Europe to address the illicit trade in cultural goods on the 55th anniversary of the adoption of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit



Import, Export and Transfer of Cultural Property, and the 30th anniversary of the adoption of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. The insights were shared by Professor Clémentine Bories, Professor of International Law, Toulouse Capitole University (contributor); Professor Bert Demarsin, Director, KU Leuven Heritage Office (contributor); and Dr Zeynep Boz, Head of the Anti-Smuggling Department, Turkish Ministry of Culture and Tourism (contributor). The event was moderated by Dr Alessandro

Cechi, editor of the Oxford Commentary. The recording of the webinar is now available [online](#).

Other activities

Interest Group's future activities

The Interest Group's agenda for the forthcoming months comprises the following activities:

- **Support for initiatives by Group members**

The Group's Convenors regularly invite all IG members to submit their proposals for scholarly meetings and seminars, and encourage them to consider promoting their academic activities within the Group and among the wider ESIL community.

In addition, the IG created a Bluesky account (ESIL IG on International Law of Culture @esiligculture.bsky.social) to be an information channel on relevant issues on heritage and culture, and on initiatives of IG Members and of the Group.

- **The multilingual scholarship bibliography on International Law of Culture**

The Group endorsed during its meetings the idea of creating and sharing a bibliography on International Law of Culture. While preparing a first version of the bibliography, with a specific attention to linguistic, cultural and geographical diversity, all Members are invited to submit ideas and entries.

- **2025-2026 ESIL events**

IG members have been invited to share ideas and topics to be developed in workshops, roundtable, seminars for the next ESIL events, in the forms (online, hybrid and in presence) envisaged by the ESIL Board and local organisers. The IG also plans to co-host 2-3 webinars with other ESIL IGs and with other learned societies, including ASIL, and to organise book launches. The IG is also considering introducing a new award to honour the best essay on the international law of culture.

Annexes



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ESIL Research Forum 2025 – Catania (Italy), March 20-21 2025

“International Law in the Age of Permacrisis”

ESIL Interest Group on International Law of Culture

Pre-Forum Workshop:

Cultural Heritage, Social Resilience and Crisis Response in International Law

17 March 2025, 13.00-14.45 (CET)

13.00 – Introduction –Lucas Lixinski (University of New South Wales, IG Convener)

13.15 – Hitomi Kimura (Otsuma Women’s University), *Climate Change Impact on the World Cultural Heritage in Greenland and Indigenous Peoples’ Cultures*

13.35 – Daniel R. Quiroga-Villamarín (University of Amsterdam), *Within International Law’s Sistine Chapel: José María Sert y Badia’s “The Lesson of Salamanca” in, and as, International Legal History (1936)*

13.55 – Nuray Ekşi (Marmara University, Istanbul Bar), *Key Obligations of the Parties Involved in the Quasi-Refugee Protection of Endangered Cultural Property*

14.15 – Discussion – Sophie Starrenburg (Leiden University, IG Convener)

14.35 – Future meetings and other initiatives – Andrzej Jakubowski (Polish Academy of Sciences, IG Convener)

Abstracts:

- *Climate Change Impact on the World Cultural Heritage in Greenland and Indigenous Peoples’ Cultures* – UNESCO warns of the potential complete disappearance of glaciers by 2100 from almost half of 46 World Heritage sites, especially in the Arctic region, where climate change devalues their potential OUV and threatens Indigenous peoples’ culture such as hunting and fishing. However, the World Heritage Convention does not have any solution other than delisting of the site nor the climate change observatory, and the World Heritage Fund for the World Heritages in Danger is meaningless for lost glaciers. The presentation focuses on the impact of climate change on the World Cultural Heritage in Greenland affecting indigenous peoples’ cultures based on the biology/cultural binary hypothesis.
- *Within International Law’s Sistine Chapel: José María Sert y Badia’s “The Lesson of Salamanca” in, and as, International Legal History (1936)* – in this essay, I analyze the place of José María Sert-y-Badia’s mural “The Lesson of Salamanca” (1936). This colossal artwork was commissioned by the fledging

Second Spanish Republic to adorn the meeting hall of the League of Nations' highest organ: its Council. By glorifying the memory of the Spanish theologian Francisco de Vitoria, "The Lesson of Salamanca" also told a story about the past, present, and future of international law. I trace how Sert's homage to peace instead became its funeral oration, highlighting the connections between this painting, the Spanish Civil war, and the crisis of the League's "imperial internationalism."

- *Refugee-Like Protection for Cultural Property At Risk* – This paper will explore the temporary protection of cultural property as refugees, focusing on the measures taken by countries that host these collections. It will explore the legal responsibilities of both sending and receiving nations, addressing issues like transportation, insurance, conservation, and maintenance. The research will also investigate whether host countries can exhibit these objects. Furthermore, it will review relevant international treaties, national legislation, and guidelines set by NGOs and intergovernmental organizations. The study will conclude by discussing the legal challenges that may arise between lending countries and destination countries, with particular emphasis on conflict resolution and cooperation.

Bios:

Hitomi Kimura is Associate Professor at Otsuma Women's University, Tokyo, teaching International Environmental Law.

Daniel R. Quiroga-Villamarín serves as the managing editor of the *Journal of the History of International Law* and is currently a Scholar in Residence at the University of Amsterdam (The Netherlands)

Nuray Ekşi is a former Lecturer in Private International Law at Marmara University and current legal consultant.



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ESIL Annual Conference 2025 – Berlin, Germany
Pre-Conference Workshop of the International Law of Culture Interest Group

The Future and Past of 'Progress' in Cultural Heritage Law

11 September 2025, 09:00-12:00

Free University of Berlin, Faculty of Law, Boltzmannstraße 3, Room no. 1122, ground floor

09:00 – 09:10	Introduction
09:10 – 09:45	Panel 1: Heritage in the Crossfire: Rethinking Progress Through Protection Maddalena Cogorno (University of Florence): <i>Shielding the Past, Unfolding the Future: The Role of Peacekeepers in the Protection of Intangible Cultural Heritage</i> Anne-Marie Carstens (University of Baltimore School of Law): <i>Collective Defense of Cultural Heritage</i> Moderator: Sophie Starrenburg
09:45 – 09:55	<i>Break</i>
09:55 – 10:45	Panel 2: Non-Linear Progress: Contested Custodians, Fractured Pasts Lauren Bursey (London School of Economics): <i>Beyond Silos: Reimagining Cultural Heritage Law for Non-State Actors and Unified Protection</i> Nehir Arslan (Paris 8 University Vincennes Saint-Denis): <i>Exploitation of Trauma: Usage of Dissonant Heritage for Development</i> Emma Dhondt (University of Edinburgh/KU Leuven): <i>A Myth of Progress: Historical Perspectives on the Past and Future of Post-Conflict Properties on the World Heritage List</i> Moderator: Andrzej Jakubowski
10:45 – 11:00	<i>Break</i>

11:00 – 11:50 **Panel 3: Progress at the Margins: Heritage Law's Liminal Futures**

Caecilia Alexandre (Université de Montréal): *Protecting and Safeguarding Heritage in the Age of Degrowth: Between a Human-rights Based and a Decolonial Approach*

Iris Richer (Université Laval): *Childhood, Cultural Life and Technological Progress: Reflections on the Future of International Law of Culture*

Ayla do Vale Alves (University of South Australia): *International Indigenous Heritage Safeguarding: Rethinking the Scope of Legal Protection through Indigenous Worldviews*

Moderator: Sophie Starrenburg

11:50-12:00 **Final remarks and IG announcements**

Convenors

Andrzej Jakubowski – Giovanni Carlo Bruno – Lucas Lixinski – Sophie Starrenburg