



WHC@50 – Forever Young: Celebrating 50 Years of the World Heritage Convention

WHC@50 Seminar:

The 1972 UNESCO World Heritage Convention and Its Large-Scale Global Implications

Speakers: Francesco Massarenti, Basheer Alzoughbi, Irene Sacchetti, Alessandra Quarta

Chair: Prof. Dr. Elisa Baroncini, Department of Legal Studies, *Alma Mater Studiorum* – Università di Bologna

Convener: Alessandra Quarta, Department of Legal Studies, *Alma Mater Studiorum* – Università di Bologna

Monday 14 November 2022 at 12h30-14h00 CET.

The WHC@50 seminar will be held on MS TEAMS by clicking the following link

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Abstract:

The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage is a key instrument for protecting and enhancing global cultural heritage. The issue is so important that there have been numerous interventions in this regard at both the international and local levels. Despite the wide dissemination of the World Heritage Convention, there are still critical issues related to the topics covered in it and aspects that deserve to be strengthened. The purpose of this seminar is to address both positive and negative facets.

This important Convention made it possible to develop a legal system for the protection of cultural and natural heritage considered to be of “outstanding universal value”. One of the highlights is the creation of the World Heritage List, through which protection is offered to the heritage inscribed therein. Within this List are inscribed numerous heritages of outstanding universal value the majority of which belong to Italy. Among these inscriptions, one of the most recent concerns the Porticoes of Bologna, which will be analysed during the seminar from the point of view of the collaboration between citizens, the main users of the cultural asset, and the administration that personally oversaw the candidacy of the Porticoes. The impact of the 1972 Convention has been so wide-ranging that it has involved most States around the world and has had an impact on situations that differ from one another. An example of this can be found in the protection that is provided even in times of conflict, and a practical example of this will be provided within this webinar through the talk regarding the situation of cultural property in the cities of Bethlehem and Jerusalem. Starting from a conflict context that was based on a war between peoples one has in addition to that gone on to fight a second battle regarding the many cultural assets that are present in the areas affected by the conflict and that for this reason often have negative repercussions. The resonance of this Convention has also affected important international actors such as the European Union; therefore, an analysis aimed at identifying the EU's general policies on cultural property and some of the solutions it has put forward cannot be ignored. In this perspective, the development of the European Heritage Label, an instrument introduced in recent years at the European level and involving member States that voluntarily decided to take part in it, will then be treated in this seminar.



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No less important, when so many actors are involved, is to circumscribe the scope of application of the various instruments prepared. In doing so, one cannot help but refer to and use certain concepts. A reflection on this will be provided in this seminar through the analysis carried out with regard to the conception of heritage that is closely linked to the Western world and this can influence the preservation of cultural heritage.

“The role of citizens and horizontal subsidiarity in the protection of UNESCO sites, with a focus on the Porticoes of Bologna”

Abstract: Although the protection of UNESCO sites is a specific task for the States Party to the 1972 World Heritage Convention, nowadays it looks rather clear that the commitment of public authorities alone is not enough, in order to assure a proper level of protection and conservation to such sites. In fact, the role of local communities and active citizens in taking care of cultural and natural heritage is becoming increasingly important, especially at the municipal dimension. The fundamental principle upon this issue is the horizontal subsidiarity, which is defined by article 118, last comma of the Italian Constitution. According to this principle, all the levels of government are required to encourage the autonomous initiative of citizens aimed at pursuing a general interest. Since it enacts a mandatory discipline, the municipal authorities have soon implemented the horizontal subsidiarity through peculiar local regulations, involving the civic collaboration between public authorities and private citizens (both individuals and associations or even informal groups). These regulations are specifically aimed at taking care of the so-called “urban common goods”, which are functional to the wellbeing of the community as a whole, no matter who is their owner (whether a public or a private subject). The legal tool provided by the regulations is the pact of collaboration, signed by the citizens who spontaneously draft a proposal involving common goods and the local administration, which provides a legal and financial support to the proponents. Bologna was the very first city which adopted this kind of regulation, in 2014, and then has been followed by many other Italian municipalities (nowadays, more than 260). Although many differences can be found among each local regulation (for example, about the possible supports granted by public authorities), most of them reproduce the main features of the model adopted in Bologna. Of course, the civic collaboration represents a significant opportunity for the protection of cultural and natural heritage. Many local regulations provide a specific discipline for such a kind of common goods. At about, a peculiar example of collaboration can be found with regard to the Porticoes of Bologna. Since 2016, many citizens have signed some pacts of collaboration with the municipal authorities, in order to clean the walls of Porticoes from tags and to keep them clean during a long time (from 1 to 3 years). These proponents have played a relevant role within the activities which then contributed to the recognition of Porticoes as UNESCO world heritage. At the same time, they will play an important role as well in keeping this heritage at the right level of conservation.

Francesco Massarenti was born in 1992 in Bologna, the city where he has been living till now. He graduated in Law at the University of Bologna in 2016 (with a thesis on Administrative Law about the role of Municipal Circumscriptions within the Italian legal framework) and then got a diploma of specialization in administrative studies at SPISA in 2019 (with a thesis on Administrative Law about the Pacts of collaboration). Now he is attending a Ph.D. in Administrative Law at the University of Udine, as well as working as social protection consultant at INPS.



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“Cultural Property and Heritage in the two Ancient & Neighbouring Cities of Bethlehem and Jerusalem”

Abstract: This presentation identifies cultural property or heritage in the two cities of Bethlehem and Jerusalem inscribed on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List or Tentative List nominated by one or more of the two sovereigns (Palestine and Israel). In addition, it identifies cultural property or heritage not included in either list to further deepen the knowledge about the struggle over cultural property or heritage. The methodology follows and indicates the 1949 armistice divisional lines and then the emergence of customary international law on that both Bethlehem and East Jerusalem became considered part of the occupied Palestine territory while West Jerusalem became considered part of Israel. As dealing with cultural property or heritage in a situation of international armed conflict, the presentation combines branches of international law with other disciplines, particularly, history, archaeology and religious studies.

Basheer Alzoughbi research interests and specialization cores at public international law branches particularly international humanitarian law, international criminal law, State responsibility law, international human rights law, international diplomatic law and international consular law. He has written few academic articles published by Arab Law Quarterly | Brill, University of Bologna Law Review, Cambridge Scholars Publishing, the Canadian Journal of Peace and Conflict Studies, Arab Scientific Publishers, Arab Center for Research and Policy Studies. He has also written several research reports for AlJazeera Centre for Studies. He is currently pursuing a doctorate degree at the Department of Legal Studies at the University of Bologna (Italy).

“Rethinking Cultural Heritage for the Anthropocene”

Abstract: Although the introduction of ‘heritage’ with the UNESCO World Heritage Convention (WHC) in 1972 does represent a relevant conceptual shift in the protection of cultural and natural heritage, it still bears problematic aspects. This is partly because the concept of cultural heritage and its international legal protection are the result of the hegemony of a Western and Eurocentric sensibility. The domination over the protection, preservation, and management of cultural places all over the world does nothing but amplify discrepancies with non-Western thinking systems. It also reinforces colonial legacies through heritage best practices, which silence and marginalize diverse conception of heritage. Indigenous, non-Western understandings of cultural heritage and living heritage conservation practices inspire a revisitation of the traditional parochial concept of heritage anchored in the WHC and replace it with an all-embracing paradigm which is sensitive to alternative worldviews. In this way, a pluralist conceptualization of heritage provides a new model for rethinking heritage for the Anthropocene to address new challenges and realities.

Irene Sacchetti is a Ph.D. candidate in International Law and Decolonial Studies at Nottingham Law School (UK). She holds a Master of Laws from the University of Bologna (Italy); Irene previously joined the Institute of Advanced Sustainability Studies as a research fellow, and she worked for the Czech Academy of Sciences and for the Geneva International Centre for Justice. Irene is part of the NTU Centre for Rights and Justice and the Postcolonial Research Centre and the World Commission on Environmental Law.



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“The European Approach to Culture: The European Heritage Label”

Abstract: Cultural heritage is a theme that has many dimensions, often complementary to each other. Even within the European Union, the topic is developed from different points of view. The involvement of the European Union in the field of culture has been developed over the years in a gradual way and with different actions. This report aims to provide an initial analysis of one of the measures adopted at the European level: the European Heritage Label. Specifically, some cases involving Italy will be analysed to provide also a practical view of how this European initiative is developing in practice.

Alessandra Quarta is a second-year Ph.D. Researcher in Cultural and Environmental Heritage at the University of Bologna (Italy) under the supervision of Prof. Pieralberto Mengozzi. She is also part of the first cohort of Una-Her-Doc Doctoral Candidates. She holds a Single Cycle Degree in Law from the University of Bologna. Her doctoral dissertation intends to examine the development of the concept of cultural heritage in the European Union and the development of initiatives in this field.

Chair

Elisa Baroncini is PhD in EU Law and Full Professor of International Law at the University of Bologna. Co-Chair of the ESIL IG on International Economic Law, and Coordinator of the IEL Interest Group of the Italian Society (DIEcon), Elisa teaches International Law, International Economic Law, and International Law on Sustainable Development at the Bologna School of Law. She has been Visiting Professor at the China-EU School of Law, speaker and organizer of many international conferences, Visiting Researcher at the European University Institute. Elisa manages and participates in international and national research projects. She has been recently awarded the Jean Monnet Module “Re-Globe - Reforming the Global Economic Governance: The EU for SDGs in International Economic Law” and she is the Coordinator of the UNA Europa Seeds Research Project “WHC@50 - Forever Young: Celebrating 50 Years of the World Heritage Convention”. Member of the “Centro Interuniversitario sul Diritto delle Organizzazioni Internazionali Economiche” (CIDOIE), Elisa is also part of the Promoting Committee of the University of Bologna to honour the 1972 UNESCO Convention, and Member of the Scientific Committee of the Institute of Advances Studies (ISA) of the University of Bologna. In June 2022 she has been appointed by the European Commission TSD Expert for the dispute settlement mechanisms of the new generation of EU free trade agreements. She published extensively in Italian and English, and her main fields of research include: the reform process of the WTO dispute settlement mechanism; the relation between free trade and non-trade values; transparency in IEL; the new generation of EU FTAs and their enforcement; the participation of the European Parliament and the Commission in the EU treaty-making power; economic sanctions and IEL.



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The WHC@50 Una Europa Seed Funding Project

In 2022 the **World Heritage Convention (WHC)** celebrates 50 years. Thanks to its 194 State Parties, the WHC represents a major tool for International (Cultural Heritage) Law, a powerful promoter of cultural identity, and a formidable boost for national economies.

The **Una Europa Seed Funding Project “WHC@50”** aims to retrace how the WHC was conceived, to present its current formulation and application in practice, to illustrate its meaning for the preservation and enhancement of world heritage governance, to analyse its strengths and weaknesses, and to indicate its needs for reviews and reforms.

By combining the **insights of jurists, political scientists, historians, architects, and economists**, WHC@50 embarks on a multi-perspective analysis through a series of eight WHC@50 seminars. All these seminars are open to scholars affiliated to the UNA Europa partner universities.

WHC@50 Scientific Committee

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