



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

WHC@50 Seminar:

Recent Developments in the International Cultural Heritage Law: Politicisation and Technological Evolution

Speakers: Joshua Davis, Raquel Regueiro Dubra

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

Convenors: Francesco Cunsolo, Department of Legal Studies, *Alma Mater Studiorum* – Università di Bologna;

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

Thursday 19 January 2023 at h.14.00-15.30 CET.

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

[click here to join the meeting](#)

Abstract

The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) is part of the global framework established by UNESCO for the protection of cultural heritage and is also the most effective instrument to date, due to its scope and characteristics. This Convention has enabled the development of a legal system for the protection of cultural and natural heritage considered to be of “outstanding universal value”, protected through inscription on the World Heritage List (WHL) and based on the international cooperation for the transmission of this universal heritage to future generations.

One of the strengths of the World Heritage Convention is its modernity, which makes this international instrument still the most important agreement for the protection of immovable cultural properties, fully applicable in wartime as well as in peacetime. Today the value expressed by the Convention finds clear evidence in the number of States Parties (194), proving that the protection of cultural heritage approaches to be a truly universal goal. However, its application is not exempt from the developments undergone by States and, more generally, society. Through the years, indeed, the Convention has faced many different challenges concerning the protection of cultural and natural heritage, from rapid urbanisation and consequently issues relating cultural heritage’s management, climate change problems, mass tourism, terrorism acts and other international emergencies, to military technological development which constantly exposes cultural heritage integrity to concrete dangers. And the fact that these challenges are going on today testifies the vitality of the World Heritage Convention and its pivotal role in the international debate on cultural heritage protection.

Today’s workshop, which is part of a European research project devoted to the celebration of the 50 years of the World Heritage Convention, aims to introduce and analyse some existing issues of the most importance in the field of world heritage management, with two different presentations: the first will explore and analyse the process of inscription of cultural and natural properties in the WHL, and how this process can be influenced by politicisation and lobbying activity, proposing some potential strategies for mitigating or reducing the impact of



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political interests on the evaluation and selection process of outstanding universal properties. On the other hand, the second presentation will focus on another compelling topic, concerning the use of lethal autonomous weapon systems in armed conflicts and the developments of robotic warfare. This sensitive issue, which introduces new considerations into the debate regarding the dehumanization of war, is particularly relevant for the risks of intentional destruction of cultural heritage by war machines.

The politicisation of the process of inscription into the UNESCO World Heritage List

Abstract: The purpose for this study is to examine the extent to which the process of inscription into the UNESCO World Heritage List is subject to politicization. The study outlines and examines the process and criteria of selection into the UNESCO World Heritage List, as well as the competences of the governing organs of UNESCO, specifically, the UNESCO General Assembly and the UNESCO World Heritage Committees. Moreover, this presentation analyses the role of UNESCO in the inscription process into the World Heritage List. It will be reviewed the literature and findings of previous studies on politicization of the inscription process into the World Heritage List, which permits a synthesis of cases in which politicization was evaluated as perceived as having occurred.

The proposed analysis examines these cases in the context of the theoretical framework of the politicization of cultural property, and determines that the processes surrounding inscription were politicized, and that the inscription process into the World Heritage List.

Regarding the milestone of the 50th anniversary of the 1972 World Heritage Convention, this presentation offers strategies that may potentially mitigate the politicization of the inscription process into the World Heritage List, all of which are potentially avenues for future research in order to determine their potential for action.

Joshua Davis is currently undertaking a PhD in the KU Leuven Faculty of Law on the extent to which the EU is able to act externally for the protection and safeguarding of cultural heritage. Joshua is also an executive board member of HERKUL (Heritage KU Leuven), an interdisciplinary commons governed institute dedicated to research in cultural heritage.

Lethal autonomous systems and the intentional destruction of cultural heritage: new challenges to International Law

Abstract: The development and the use of lethal autonomous weapons systems (LAWS) in armed conflicts entails a dehumanization of the battlefield. Applied to LAWS, artificial intelligence calls into question the autonomy of the machine to assess the role of the human operator due to the doubts raised regarding the reliability and the predictability of a robot that will be confronted with hostile, changing, and complex environments. The unquestionable advantages of robotic warfare for the states that possess such technology are opposed to the also indisputable risks involved in the use of killer robots in armed conflicts. Moreover, the determination of the degree of autonomy of the machine and the role of the human operator are two interrelated and fundamental elements that nurture the debate regarding the intentional destruction of cultural heritage by war machines.



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Raquel Regueiro Dubra is Associate Professor in International Law at the Universidad Complutense de Madrid. She holds a PhD in Law (Universidad Complutense de Madrid) and a Law Degree (University of Geneva, where she also obtained a Diploma in Transnational Law). She is part of the Universidad Complutense research group "Globalization, Human Rights and International Law", and also is a member of the national projects "Transnational organized crime, multinational companies and human rights violations" (with the University of Salamanca) and "Women's liquid rights: the CEDAW 40 years later" (with Universidad Complutense de Madrid). She also published in several languages, highlighting "Shared Responsibility and Human Rights Abuse: The 2022 World Cup in Qatar", *Tilburg Law Review*, Vol. 25, No. 1, 2020, pp. 27-39; Targeted killings of suspected terrorists in the light of the right of self-defence", *Revue Paix et Sécurité Internationales*, No. 3, 2015, pp. 143-164; "Surrogacy: from the denial of the rights of intended parents to the recognition of the rights of minors", *Actualidad Civil*, La Ley, September 2015, pp. 92-100; "The forced assimilation of the Uighur ethnic group as a crime against humanity", in A.G. López Martín/C. Otero García-Castrillón (dir.), *Las minorías en el contexto actual*, Dykinson, Madrid, 2020, pp. 89-102, "Should we share? The United Nations and Troop-Contributing States Facing International Responsibility for the Sexual Crimes Committed by Peacekeepers" in *Peacekeeping: Global Perspectives, Challenges and Impacts*, Nova Publishers, New York, New York, 2018, pp. 463-491. She has coordinated the monograph *Antropología cultural del vestido: la perspectiva occidental sobre el burkini*, R. Regueiro/F. Amérigo/N. Del Barrio/J. Hellman (Coord.), Dykinson, Madrid, 2018, and participated in international seminars, highlighting her most recent contribution on "Lethal autonomous weapons and the challenge to humanitarian and human rights law".

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.



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