

Cultural Heritage in International Economic Law

Cultural Heritage in International Economic Law

by

Valentina Vadi



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Acknowledgments

Investigating how international economic law governs the interplay between economic phenomena and the protection of cultural heritage is particularly important, timely, and topical, as only by acknowledging their common humanity and cultural diversity, may peoples overcome common challenges. Economic globalization – the increasing economic integration and interdependence of economies across the globe – has not produced a universal civilization and ‘the end of history’;¹ rather, through trade, foreign investment flows, and increased interconnection, civilizations ‘have influenced each other and have transformed themselves through these mutual influences’ while preserving their uniqueness.² In order to prevent trade disputes, conflicts, and even wars, each civilization should accept that it is simply one among many and should dialogue with others.³ International law should reflect its intercivilizational dimension—the idea that it governs the interplay between different cultures. In this regard, acknowledging the plurality of the cultures that compose the international community is key to maintaining just, peaceful, and prosperous relations among nations.⁴ Such a perspective pays attention not only to economic factors, but also to cultural ones. This is particularly apposite in times of crisis, when the structure of international law is under pressure and needs some fluidity, flexibility, and resilience.

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1 Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press 1992).

2 Onuma Yasuaki, ‘An Intercivilizational Perspective on International Law’, in *VVAA, Alberico Gentili—L’Ordine Internazionale in un Mondo a più Civiltà. Atti del Convegno Decima Giornata Gentiliana* (Milano: Giuffrè 2004) 65–87.

3 Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (London: Simon & Schuster 1996).

4 Onuma Yasuaki, *International Law in Transcivilizational World* (Cambridge: CUP 2017).

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V.V.

Florence, 14 July 2022

5 William Shakespeare, *Sonnets* (London: G. Eld 1609), Sonnet no. 18 ('Shall I compare thee to a summer's day?')

Abbreviations

AB	Appellate Body
ACHPR	African Commission on Human and Peoples' Rights
AJIL	American Journal of International Law
BIT	Bilateral Investment Treaty
CAFTA	Central America Free Trade Agreement
CCD	Convention on Cultural Diversity
CJEU	Court of Justice of the European Union
CSICH	Convention for the Safeguarding of the Intangible Cultural Heritage
CPUCH	Convention on the Protection of the Underwater Cultural Heritage
CUP	Cambridge University Press
CUSFTA	Canada–United States Free Trade Agreement
DDA	Doha Development Agenda
DSB	Dispute Settlement Body
DSM	Dispute Settlement Mechanism
DSU	Dispute Settlement Understanding
EC	European Communities
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECTHR	European Court of Human Rights
EE	Edward Elgar
EIS	Environmental Impact Study
EJIL	European Journal of International Law
ESIL	European Society of International Law
EU	European Union
FAO	Food and Agriculture Organization
FCTC	Framework Convention on Tobacco Control
FDI	Foreign Direct Investment
FET	Fair and Equitable Treatment
FPIC	Free, Prior, and Informed Consent
FTA	Free Trade Agreement
GA	General Assembly
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GIS	Geographical Indications
GMOS	Genetically Modified Organisms
IACtHR	Inter-American Court of Human Rights

IC	Indigenous Communities
ICC	International Chamber of Commerce
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICH	Intangible Cultural Heritage
ICJ	International Court of Justice
ICLQ	International and Comparative Law Quarterly
ICSID	International Center for the Settlement of Investment Disputes
ICSID Convention	Convention on the Settlement Of Investment Disputes between States and Nationals of Other States
ICTY	International Criminal Tribunal for the Former Yugoslavia
IIAS	International Investment Agreements
IIPFWH	International Indigenous Peoples' Forum on World Heritage
ILC	International Law Commission
ILJ	International Law Journal
ILM	International Legal Materials
ILO	International Labour Organization
IMF	International Monetary Fund
IP	Intellectual Property
ITLOS	International Tribunal for the Law of the Sea
ITO	International Trade Organization
JIDS	Journal of International Dispute Settlement
JIEL	Journal of International Economic Law
JIL	Journal of International Law
JWIT	Journal of World Investment and Trade
JWT	Journal of World Trade
LR	Law Review
MEA	Multilateral Environmental Agreement
MFN	Most Favored Nation
MIGA	Multilateral Investment Guarantee Agency
MoU	Memorandum of Understanding
MPIA	Multi-Party Interim Arrangement
NAFTA	North America Free Trade Agreement
NCD	Non-communicable disease
NT	National Treatment
OAU	Organization of African Unity
OECD	Organization for Economic Cooperation and Development
OUP	Oxford University Press
PCA	Permanent Court of Arbitration
PCIJ	Permanent Court of International Justice

PPM	Process and Production Method
SADC	Southern Africa Development Community
SCC	Stockholm Chamber of Commerce
SIEL	Society of International Economic Law
SPS	Sanitary and Phytosanitary Measures
TBT	Technical Barriers to Trade
TDM	Transnational Dispute Management
TFEU	Treaty on the Functioning of the European Union
TRIMS	Agreement on Trade-related Investment Measures
TRIPS	Trade-related Aspects of Intellectual Property Rights
UCH	Underwater Cultural Heritage
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Commission on Trade and Development
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNGA	United Nations General Assembly
UNIDROIT	International Institute for the Unification of Private Law
UNTS	United Nations Treaty Series
US	United States of America
USMCA	United States–Mexico–Canada Agreement
VCLT	Vienna Convention on the Law of Treaties
VVAA	Various Authors
WHC	World Heritage Convention
WHO	World Health Organization
WTO	World Trade Organization
WWI	World War I
WWII	World War II
YIL	Yearbook of International Law
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht – Heidelberg Journal of International Law

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