

## THE PROTECTION OF CULTURAL HERITAGE AND THE ROLE OF CULTURE IN PROMOTING EUROPEAN INTEGRATION

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**RESUMEN:** Este artículo analiza la protección jurídica del patrimonio cultural, y el papel de la herencia cultural, en la promoción de la integración en la Unión Europea. Dentro del ámbito jurídico, se considera como norma fundamental, la noción cultura derivada del preámbulo de la Declaración Universal de la UNESCO sobre Diversidad Cultural; la cual se contrasta desde la perspectiva del Derecho Internacional, y posteriormente, bajo el marco legal de la Unión Europea, a fin de comprender el papel de la cultura en la promoción de la integración dentro de la Unión Europea.

**PALABRAS CLAVE:** Cultura / Diversidad Cultural / Derecho Internacional /Unión Europea / Integración

**ABSTRACT:** This article analyzes the legal protection of cultural heritage and the role of cultural heritage in promoting European integration. From a legal perspective, the notion of culture stems from the preamble of the UNESCO Universal Declaration on Cultural Diversity and is considered as a fundamental norm; however, cultural rights have been an overlooked and often ignored category of human rights for decades.

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The article thus aims at studying such a complex legal issue both from the perspective of International Law as well as under European Law in order to understand the way culture fosters integration within the European Union.

**KEYWORDS:** Culture / Cultural Diversity / International Law / European Union / Integration

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## 1. Introduction

Cultural rights have been an overlooked and often ignored category of human rights for decades<sup>3</sup>. Likewise, culture has not been the subject of an autonomous doctrinal treatment in international law and it is rarely mentioned in International Law textbooks. Indeed, in the special sections of the latter handbooks, attention is usually paid, *inter alia*, to international environmental law, international human rights law, the law of armed conflict, conflict resolution and international criminal law. On the contrary, there is no such thing as international cultural law<sup>4</sup>.

The aforementioned situation resulted, at least partially, from the ambiguity of the term *culture*<sup>5</sup>. In fact, even if some international human rights treaties do require for the

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<sup>3</sup> J. Symonides, *Cultural rights: a neglected category of human rights*, “International Social Science Journal” 1998, vol. 50, no. 158, pp. 559–572.

<sup>4</sup> N.Mesinas, Miguel Ángel. El derecho del patrimonio cultural. Análisis desde la perspectiva de los derechos humanos y su aplicación por el Instituto Nacional de Antropología e Historia (INAH), México. Intervención (Méx. DF), México, v. 7, n. 14, p. 71-81, dic. 2016, p. 71.

<sup>5</sup> J. Symonides, *Cultural rights: a neglected category of human rights*, “International Social Science Journal” 1998, vol. 50, no. 158, pp. 560.



protection of the right to culture, none of the latter provide an inclusive nor precise definition. The legal boundaries of the right to culture vary according to the definition given to the term *culture* itself. This term is subject to numerous interpretations, which resulted in the difficult and often impossible task of exhaustively determine the obligations that States must *respect, protect and fulfill* in relation to cultural rights. Fortunately, *culture* is beginning to find an autonomous space in *iusinternationalist* discourses in an emerging but limited way. There is increasing doctrinal attention to specific aspects of culture, such as cultural rights, cultural heritage, intellectual property and cultural diplomacy. As a result, the international legal analysis addresses *culture* under three diverse connotations<sup>6</sup>. Firstly, *culture* is often referred to as a kind of commercial good, hence linked to international trade considerations and economic analysis. Secondly, *culture* relates to the outcome of human creativity in the areas of science, art, music and literature. This second dimension of *culture* is hence strictly connected to the intellectual property framework, in particular to patents, copyrights and trademarks. Lastly, *culture* refers to the specific way of life of a determined group of people meant as the entirety of its customs, traditions, practices and distinctive beliefs. This last understanding of culture, often referred to as *cultural heritage*, aims at protecting peoples' rights as a result of anthropologists' and sociologists' considerations<sup>7</sup>.

Culture, intended as cultural heritage, is one of the most noticeable aspects of cultural expressions and is the subject of intervention by public and private institutions and civil society groups. This last understanding of culture, which stems from the UNESCO Universal Declaration on Cultural Diversity preamble<sup>8</sup>, constitutes the focus of the

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<sup>6</sup> Sylwia Strykowska, *Cultural Rights and Cultural Identity in the Case-Law of the Human Rights Committee*, Adam Mickiewicz University Law Review, DOI [10.14746/ppuam.2017.7.08](https://doi.org/10.14746/ppuam.2017.7.08), 2017, p. 119.

<sup>7</sup> M. al Attar, N. Aylwin, R.J. Coombe, *Indigenous Cultural Heritage Rights in International Human Rights Law*, in *Protection of First Nations Cultural Heritage: Laws, Policy, and Reform*, ed. C. Bell, R.K. Paterson, Vancouver – Toronto 2009, pp. 330–331.

<sup>8</sup> "UNESCO Universal Declaration on Cultural Diversity preamble 2 November 2001: "Culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group [...] it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs."

current paper and will be firstly introduced under an International perspective and then, fully analyzed under the European Union legal framework.



## 2. The international legal framework related to the right to culture heritage

Some scholars argue that international cultural law, understood as the legal subsystem regulating cultural activity<sup>9</sup>, encompasses treaties concluded at the universal, regional or bilateral level, in concert with the relevant provisions of an array of general human rights treaties<sup>10</sup>. However, worth noting is that international organizations such as the United Nations (UN), the Organization of American States (OAS) and the European Union (EU) played a key role in shaping the content of such rights, even if their instruments (generally declarations and recommendations) do not have direct binding value<sup>11</sup>. Indeed, the acts adopted by such organizations raised awareness on these rights and helped determine the conduct that States must follow<sup>12</sup>. As a result, the international human rights framework established by the aforementioned bodies made possible and tangible the creation of cultural policies by national authorities with the aim at protecting and promoting cultural rights.

These policies provided the criteria, beliefs and essential concepts that strengthen both the protection of cultural heritage and the institutions in charge of regulating this matter, such as the UN specialized agency UNESCO. The latter, funded in November 1945 under Article 57 of the UN Charter<sup>13</sup>, has been the first international organization dealing with culture and constitutes a beacon-body with maximum competence in the safeguarding, protection, research, conservation and dissemination of culture at the

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<sup>9</sup> Ávila Ortiz, Raúl 2000 *Derecho cultural en México: una propuesta académica para el proyecto político de la modernidad*, México, UNAM/Porrúa.

<sup>10</sup> Scovazzi, T., “*La notion de patrimoine culturel de l’humanité dans les instruments internationaux*”, *Le patrimoine culturel de l’humanité*, RCADI, 2008, 1116 pp., p. 13

<sup>11</sup> This assumption does not apply to the European Union, since the latter has the power to adopt binding norms which even prevail on domestic legislations.

<sup>12</sup> MESINAS NICOLÁS, Miguel Ángel. *El derecho del patrimonio cultural. Análisis desde la perspectiva de los derechos humanos y su aplicación por el Instituto Nacional de Antropología e Historia (INAH)*, México. Intervención (Méx. DF), México, v. 7, n. 14, p. 71-81, dic. 2016, p. 72.

<sup>13</sup> 5 Article 57 of the UN Charter:

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.  
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

international level<sup>14</sup>. In fact, according to article 1 of its Constitution, the main objective of the organization is “[...] *to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms [...] without distinction of race, sex, language or religion*”<sup>15</sup>.

## 2.1. The development of cultural rights in international law

As with many other human rights, the Universal Declaration of 1948 constitutes the baseline for the protection of cultural rights at the international stage. According to paragraphs 1 and 2 of its Article 27: “*Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits*” and “*Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author*”<sup>16</sup>. The wording of the latter provisions does not refer directly to cultural heritage, but provide the right to participate in the cultural life of the community on the one hand, and the grounds for the protection of intellectual property rights on the other. Nevertheless, article 27 of the declaration forged the view that culture, understood as the two aforementioned connotations, constitutes an inalienable human right.

Regardless the absence of a clear definition of cultural heritage within international law, the *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, adopted in the Hague (Netherlands) in 1954, is the first international treaty devoted to the protection of these peculiar kinds of cultural rights during armed conflicts. The treaty is the direct outcome of the massive destruction of cultural heritage over the course of the Second World War, which triggered international

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<sup>14</sup> Y. Donders, *Cultural Rights and the Convention on the Diversity of Cultural Expressions. Included or Ignored?* P. 170 In: edited by T. KONO, S. VAN UYTSEL, *The UNESCO Convention on the Diversity of Cultural Expressions: a tale of fragmentation in international law*. Cambridge [UK]; Portland [OR]: Intersentia; Portland, OR: Distribution for the USA and Canada, International Specialized Book Services. 2012.

<sup>15</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), *Constitution of the United Nations Educational, Scientific and Cultural Organisation (UNESCO)*, 16 November 1945, Article 1.

<sup>16</sup> Universal Declaration of Human Rights 1948.

cooperation in order to tackle the issue of protecting immovable and movable cultural object with the aim at preventing that such acts would ever occur again<sup>17</sup>.

The Convention, along with two additional protocols, set specific legal obligations on ratifying States. The provision of such obligations is evidence of members' mutual commitment to spare cultural heritage from consequences of possible armed conflicts through the implementation of peacetime and during-world measures. Belonging to the first group are measures such as the designation of competent authorities in charge for the safeguarding of cultural property with specific task concerning the creation of inventories, the planning of emergency measures for protection against fire or structural collapse and the establishment of adequate *in situ* protection of cultural property<sup>18</sup>.

The second group of measures deals, *inter alia*, with the prohibition for States Parties to hinder cultural property located within their own territory as well as within the territory of other States Parties. In addition, State must refrain from any act of aggression or retorsion directed against the latter property and avoid any conduct likely to expose cultural property to destruction or damage at time of armed conflicts.<sup>19</sup>

The analysis on the evolution of cultural rights would be incomplete without, at least briefly, mentioning, both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>20</sup>. The study of the latter treaties presents that the two provide two diverse ideas of culture, and thus of cultural rights. Within the ICCPR, Article 27 constitutes

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<sup>17</sup> Sigrid Van Der Auwera, "International Law and the Protection of Cultural Property During Armed Conflict: Actual Problems and Challenges" *International Journal of Arts Management, Law and Society* (2013) Vol. 43 No. 4, p. 176-177.

<sup>18</sup> Brian I. Daniels., *Culture, Cultural Rights, and the Right to Assemble*, *Anthropological Quarterly*, Vol. 83, No. 4 (Fall 2010), pp. 883-895 Published by: George Washington University Institute for Ethnographic Research , p. 55-56.

<sup>19</sup> Evelyne Lagrange, Stefan Oeter and Robert Uerpmann-Wittzack, *Cultural Heritage and International Law Objects, Means and Ends of International Protection*, Springer, 2018, p. 178.

<sup>20</sup> *International Covenant on Civil and Political Rights*, New York, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171; *International Covenant on Economic, Social and Cultural Rights*, New York, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

the sole reference to cultural rights, enshrining the right of ethnic, religious and linguistic minorities *"to enjoy their own culture"*<sup>21</sup>. The article grounds on an anthropological meaning of culture, which is surely difficult to properly define and identify. In this respect, significant is to mention both the Study on the rights of persons belonging to ethnic, religious and linguistic minorities presented in 1979 by Professor Francesco Capotorti<sup>22</sup> and the General Comment No. 23 (1994) adopted by the Human Rights Committee (HRC) on the rights of minorities. Both instruments are based on a broad notion of culture, which along with customs, traditions and all elements *which form an integral part of their "way of life"*, embraces literature, art, education as well as cultural heritage of minorities<sup>23</sup>.

As for Article 27 of the ICCPR, cultural identity plays a key role in understanding the recalled anthropological view of culture. This *identitarian* perspective refers to the peculiar situation in which the members of a particular minority live, both under an objective and subjective consideration<sup>24</sup>. In fact, minorities, which are characterized, *inter alia*, by their fewer population and non-dominant position in society, feature a strong shared sense of belonging and of will preservation of their cultural identity<sup>25</sup>. This means that the very definition of minority stems from the sense of identity and belonging characterizing its members on which grounds the anthropological notion of culture enshrined in the aforementioned article 27. This assessment is corroborated by General Comment No. 23 of the Committee on Civil and Political Rights, which

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<sup>21</sup> Article 27 of the ICCPR: *"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language"*.

<sup>22</sup> Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights

<sup>23</sup> Capotorti, F. (1979) *Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities* (UN Doc. E/CN.4/Sub.2/384/Rev.1), New York: United Nations.

<sup>24</sup> Marcella Ferri, *The Recognition of the Right to Cultural Identity under (and beyond) international Human Rights law*, *The Journal of Law, Social Justice & Global Development*, ed. Jonathan Vickery, 2018, p. 2.

<sup>25</sup> *Ibidem*. In light of Prof. Capotorti's definition, the term minority refers to *"A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members-being nationals of the State-possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language"*.

stressed that the main goal of Article 27 is to safeguard the survival and development of minorities' identity<sup>26</sup>.

Regarding the ICESCR, cultural rights are provided for in its Articles 13, 14, and 15. Specifically, Articles 13 and 14 deal with the right to education and the parents' right to educate their children consistently with their religious and moral beliefs. On the other hand, Article 15 envisages three diverse aspects of the right to culture: firstly, the right to take part in cultural life; secondly, the right to enjoy the benefits of scientific progress and its applications; and lastly, the right to benefit from the protection of the moral and material interests resulting from scientific, literary or artistic productions<sup>27</sup>.

For the purpose of the present study, important is to analyze the *Travaux Préparatoires* of ICESCR, and principally of Art. 15, para. 1(a). The latter analysis demonstrates that these provisions were based on a *materialistic* notion of culture which had two specific aims<sup>28</sup>. In fact, the concrete intention carried out by the drafters was both to address social inequalities, which once characterized the admission to cultural institutions such as theatres, libraries, museum on the one hand, and on the other hand to ensure that everyone could equally enjoy the most complete expressions of human creativity and intellectual activities, such as among others, art, literature and music<sup>29</sup>. In other words, the latter Covenant refers to the right to take part in cultural life, emphasizing the material aspect of culture, which is ultimately accentuated by the provision that protects the moral and material interests of creators<sup>30</sup>.

In conclusion, the right to culture understood as the protection of cultural heritage was solely incidentally addressed by two of the most important international human rights instruments, since such protection requires both an *identitarian* and *materialist* notion

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<sup>26</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 23: Article 27 (Rights of Minorities), 8 April 1994, CCPR/C/21/Rev.1/Add.5, para. 9.

<sup>27</sup> Article 15 of the UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

<sup>28</sup> Marcella Ferri, *The Recognition of the Right to Cultural Identity under (and beyond) international Human Rights law*, *The Journal of Law, Social Justice & Global Development*, ed. Jonathan Vickery, 2018, p. 3.

<sup>29</sup> *Ibidem*

<sup>30</sup> Article 15(1)c of the ICESCR.

of culture. As presented, the two International Covenants provided for two diverse concepts of culture, and therefore established two different frameworks concerning cultural rights. Indeed, according to the ICCPR, States must *respect, protect* and *fulfil* the right for everyone to enjoy its own culture, in particular in relation to members of minorities and indigenous peoples, in light of *identitarian* and *anthropological* considerations; at the same time, on the grounds of a materialistic construction, States parties to the ICESCR must ensure the right of everyone to take part in cultural life, notwithstanding their status of member of a minority or an indigenous group.

## 2.2. The role played by the United Nations specialized Agency UNESCO

UNESCO is the only United Nations' agency that has specialized in culture. The Organization has addressed the need to protect cultural heritage from the destruction that many properties suffered during the Second World War and from other conflicts since its establishment in 1946. Accordingly, UNESCO's first normative actions actually focused on the protection of heritage during conflicts, as demonstrated by the adoption in 1954 of the aforementioned *Hague Convention for the Protection of Cultural Heritage in Armed Conflicts*<sup>31</sup> and the 1970 *Convention on the Illicit Traffic in Cultural Property*<sup>32</sup>.

The Organization's mission of heritage protection in the event of conflict was reaffirmed with the *Declaration concerning the Intentional Destruction of Cultural Heritage* in 2003, which in its preamble confirmed that "*cultural heritage is an important component of the cultural identity of communities, groups and individuals, and of social cohesion, so that its deliberate destruction can undermine both dignity and human rights*"<sup>33</sup>.

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<sup>31</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, 14 May 1954.

<sup>32</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, 14 November 1970.

<sup>33</sup> Preamble of the UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage, 17 October 2003.



In regard to cultural heritage, UNESCO's first actions focused on raising international awareness in order to save specific properties, which pointed to the lack of adequate legislation to protect heritage at the international level<sup>34</sup>. Furthermore, it was highlighted the importance of protecting the planet's most exceptional cultural and natural sites from the sudden and radical changes that world was experiencing during those times. As a result, in 1972, the Organization adopted *the Convention on the World Cultural and Natural Heritage*, a unique document, since it was the first of such kind to protect heritage at the international level. In fact, before that time cultural-heritage protection was considered among those issues within the domestic jurisdiction of each State. In addition, worth noting is that the latter Convention was innovative both form a substantive and formal perspective. Substantially, the Convention enshrined and protected cultural and natural heritage in the same document for the first time. Formally, as an international treaty, the Convention was (and still is) source to legally binding obligations with which ratifying States must comply, unlike Declarations, which merely provide for moral and ethical commitments on the part of the signatory countries.

As regards the object of the present study, important to highlight is the shift in the focus of the work of the organization, which changed from an Eurocentric view of culture to the understanding of latter as a means to protect vulnerable groups such as minorities and indigenous people<sup>35</sup>. Accordingly, the organization recognized and promoted the role of cultural heritage as a significant tool for enhancing social cohesion, as well as their development, in particular of marginalized areas<sup>36</sup>. The latter resulted in the adoption of the *UNESCO Declaration on Cultural Diversity (2001)*, which identified the need to link human rights and cultural diversity with development and its influence on policy-making, at both national and international level, stating that

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<sup>34</sup> Maraña, M, *Patrimonio y derechos humanos- Una mirada desde la participación y el género en el trabajo de Naciones Unidas en patrimonio cultural*, UNESCO Etxea, 2015, p. 7.

<sup>35</sup> Pérez de Cuellar, J., *Nuestra Diversidad Creativa*. Informe de la Comisión Mundial de Cultura y Desarrollo, París, UNESCO, París, 1996, p.34.

<sup>36</sup> Maraña, M, *Patrimonio y derechos humanos- Una mirada desde la participación y el género en el trabajo de Naciones Unidas en patrimonio cultural*, UNESCO Etxea, 2015, p.7.

"no one may invoke cultural diversity to infringe human rights guaranteed by international law, nor to limit their scope"<sup>37</sup>. Likewise, another important step was taken when the Organization adopted the *Convention for the Safeguarding of the Intangible Cultural Heritage* in 2003, by means of which light was shed on the importance of protecting intangible cultural heritage as well as material properties.

In conclusion, cultural heritage is understood as a sub-category of tangible and intangible cultural expressions, which need protection under a human rights approach. To this end, the Organization, in addition to its own mandate, renewed its commitment in relation to the protection of human rights and adopted the UNESCO Human Rights Strategy in 2003. The aforementioned strategy aimed to integrate a human rights-based approach into all of the organization's programmes and actions. As a result, UNESCO has produced an entire series of legal instruments that have fostered the vision of a common culture heritage of humanity, which resulted in concrete international responsibilities for its protection<sup>38</sup>.

### 3. The promotion of culture within the European Union law framework

The unifying value of culture and its strategic function for the development of a territory and a community is a well-known concept. Of course, not all governments at any time and in every place have made it an element of their program, but important historical antecedents cannot be forgotten among which, as a shining example of far-sightedness and political acumen, stands out the cultural policy of Lorenzo de 'Medici<sup>39</sup>.

Indeed, the lord of Florence was one of the first politician of the modern era to value culture as a useful instrument of power and splendor; after all he was well aware that

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<sup>37</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), *UNESCO Universal Declaration on Cultural Diversity*, 2 November 2001

<sup>38</sup> Maraña, M, *Patrimonio y derechos humanos- Una mirada desde la participación y el género en el trabajo de Naciones Unidas en patrimonio cultural*, UNESCO Etxea, 2015, p.7.

<sup>39</sup> See J. Lang, *Il Magnifico. Vita di Lorenzo de' Medici*, collana *Le scie*, Mondadori, 2003 (traduzione a cura di A. Benabbi).



culture goes beyond centuries and is a unifying and ennobling instrument for a community.

The European Union (EU), for its part, is also well aware of the value of culture in promoting European cultural identity, interculturality, protection and acceptance of cultural diversity, and conservation and promotion of the cultural and artistic heritage of the Member States.

Article 167 of the Treaty on the Functioning of the European Union (TFEU), paragraph 1, attributes to the EU the specific task of contributing "to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore". Moreover, the provision of paragraph 3, article 3 of the Treaty on European Union (TEU), while outlining the goals of European integration, establishes that the EU "shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced". Moreover, since protecting and promoting the different cultures of the Member States and enhancing their common characteristics are goals that can certainly be achieved to a far more efficient extent at supranational level, the EU shall take charge of these on the basis of the principle of subsidiarity, as set out in article 5 TEU.

The actual implementation of these provisions was pursued by the EU through an approach that was not exclusively limited to a conservative attitude but was also open to the adoption of incentive measures studied to stimulate the socio-economic development of local communities. Therefore, support for the protection of the historical, artistic and cultural heritage of European importance was based on the reaching of two intertwined profiles: the strengthening of cultural pluralism in Europe and the intensification of the recreational, artistic and tourist offer of its territory.

The EU bodies, and in a particular way the European Commission, have promoted, over time, various initiatives and programs aimed at supporting and completing



interventions undertaken at national level to safeguard and promote European cultural heritage, always encouraging collaboration between Member States and sector operators, and non-commercial cultural exchanges.

The Commission's Communication of 10 May 2007 on the creation of an European Agenda for culture in a globalizing world<sup>40</sup> and the Creative Europe Program<sup>41</sup> set the goals for the future activities of the Union in the cultural sphere and state that these activities should be directed towards: promoting cultural diversity and intercultural dialogue, strengthening the competitiveness of European cultural and creative sectors, and supporting smart, sustainable and inclusive growth. EU policy, therefore, aims to exploit culture as a catalyst for the internal cohesion linked to a sense of belonging to a common cultural area of the Union.

Accordingly, copious initiatives have been undertaken, however, the one that undoubtedly had the greatest resonance was that of the "European City of Culture", first launched in 1985 with Resolution 85/C/153/02 of the Ministers responsible for cultural affairs who gathered at the headquarters of the Council and renewed over the years with Decisions 1419/1999/EC, 649/2005/EC, 1622/2006/EC and 445/2014/EU being renamed "European Capitals of Culture" (CEdC).

### 3.1. Historical evolution

On June 13 1985 the Member States' Ministers of Culture of the former European Economic Community<sup>42</sup> gathered within the Council and adopted a milestone resolution concerning culture at the European stage. The resolution was the result of the annual organization of the "*European City of Culture*" and aimed at contributing to the reconciliation of the peoples of Europe on the grounds of the cultural affinities of

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<sup>40</sup> Adopted by the European Parliament with the Resolution adopted on the 10<sup>th</sup> of April 2008.

<sup>41</sup> See Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC.

<sup>42</sup> In 1985 the European Economic Community was still in force, since it was succeeded by the European Union in 1994 with the Maastricht Treaty.



the European States. In that occasion, member states officially recognized the crucial role of culture understood as *"wealth generated by diversity"*<sup>43</sup>.

The definition of the criteria for the selection of the *European City of Culture* and organization of the respective event was under development in the 1985 discipline<sup>44</sup>. The latter discipline had, however, remarkable results in the first years of its implementation, both in terms of the resonance given by the media and in terms of the tourist and cultural development of the chosen locations. Furthermore, the aforementioned resolution strengthened regional and local identity with a view at increasing integration between Member States at the European level, although these positive considerations often produced merely short-term results.

On 25 May 1999, the European Parliament and the Council adopted Decision 1419/1999/EC, which renamed the event *"European Capital of Culture"* to emphasize its strategic value and international prestige. The legal value of the Decision should not be underestimated, since it conferred to the latter cultural initiative the legal dignity of a community action under Articles 151 and 208 of the EC Treaty. In addition,

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<sup>43</sup> The goal of the initiative is in fact "[...] to help bring the peoples of the Member States closer together, but account should be taken of wider European cultural affinities. The event should open up to the European public particular aspects of the culture of the city, region or country concerned. It may also concentrate on the city concerned a number of cultural contributions from other Member States, primarily for the benefit of the inhabitants of the particular region. Between these two poles, a wide variety of emphases can be placed and inter-related themes chosen so as to enhance the city concerned and mark the particular occasion, if any, which has provided a reason for choosing it. Resolution 85/C/153/02 13 of June 1985, Article I.

<sup>44</sup> Indeed the resolution provides that: "As a general rule, only one 'European City of Culture' should be chosen each calendar year. Each year one Member State should hold the event. The decision on the choice of city must be taken at least two years in advance, so as to allow proper arrangements to be made. The Member States should in principle follow each other in alphabetical order. They may, however, alter the chronological order of events by agreement. In principle, one round of the Member States should be completed before another one is begun" Resolution 85/C/153/02 13 June 1985, Article II. On the basis of this discipline, therefore, the cities chosen to be the "European City of Culture" were selected directly by the Ministers of Culture gathered within the Council, among the capitals of the Member States, among the major metropolitan centers or among the most renowned cities of art, without formal evaluation nor selection procedures by external juries. These were the criteria that led to the appointment of, for example, Athens in 1985, Florence in 1986, Amsterdam in 1987, Berlin in 1988, Paris in 1989, Glasgow in 1990, Dublin in 1991 and Madrid in 1992). As regards the organisation of the event, Article III of the 1985 Resolution states, in a very general way, that the Member State in which the European City of Culture selected is located must designate a body to be responsible for organising and financing the project, and that the other Member States must be kept regularly informed of the progress made in implementing the project.

Decision 1419/1999/EC established remarkable structural changes and introduced a more detailed discipline for the period 2005-2019.

The 1999 framework<sup>45</sup> reformed the procedure in which applications were selected and provided that the candidacy form must have a standard content for all<sup>46</sup>. In addition, a selection panel was established comprising seven leading independent figures who are experts in the cultural sector, two of whom are appointed by the European Parliament, two by the Council, two by the Commission and one by the Committee of the Regions<sup>47</sup>. The committee evaluates the dossiers on the basis of the objectives and characteristics of the new European action in light of the Treaty establishing the European Community<sup>48</sup>. Given the great symbolic importance of the designation, the Council is the organ which officially appoints the capital for the individual year, on the basis of a recommendation from the Commission. Notably, the European Parliament does not participate actively in the procedure, since its only task is to submit an optional opinion which the Council might take into consideration. The designation procedure grounds on a rotational system that ensures that each Member State appoints one of its cities at regular intervals in order to guarantee a fair system

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<sup>45</sup> Under Article 2 of the 1999 Decision, the cities eligible to participate in the programme are chosen upstream by the Member State to which they belong (no longer just cities which already enjoy an intrinsic prestige in their Member State) and their applications for the renewed version of the event are submitted directly by the Member State concerned to the European Parliament, the Council, the Commission and the Committee of the Regions four years before the planned start of the event at stake. and are evaluated by a jury appointed each year by the Commission.

<sup>46</sup> *“The submission shall specify how the nominated city intends: to highlight artistic movements and styles shared by Europeans which it has inspired or to which it has made a significant contribution; to promote events involving people active in culture from other cities in Member States and leading to lasting cultural cooperation, and to foster their movement within the European Union; to support and develop creative work, which is an essential element in any cultural policy; to ensure the mobilisation and participation of large sections of the population and, as a consequence, the social impact of the action and its continuity beyond the year of the events; to encourage the reception of citizens of the Union and the widest possible dissemination of the various events by employing all forms of multimedia; to promote dialogue between European cultures and those from other parts of the world and, in that spirit, to optimise the opening up to, and understanding of others, which are fundamental cultural values; to exploit the historic heritage, urban architecture and quality of life in the city”.* Article 3(2) of Decision 1419/1999/CE.

<sup>47</sup> Article 2 (2) of Decision 1419/1999/EC.

<sup>48</sup> After the evaluation of the nominations, the selection panel shall submit a report to the Commission, the European Parliament and the Council and, from that moment on, the European Parliament shall have three months in which to address to the Commission an optional opinion on the nominations.

among the members<sup>49</sup>. Indeed, the new framework provided that even European countries that were not members of the Community could apply, an option that was radically excluded in the 1985 discipline.

The 2004 enlargement of the Union made the need to amend the Decision 1419/1999/EC a reality since the former framework<sup>50</sup> could not suffice in regulating the conduct of ten additional member states<sup>51</sup>. The reform aimed at allowing new Member States to submit their applications, without distorting and overwhelming the framework provided for the former Member States in the Annex I to the 1999 Decision. The solution chosen by the European Union, and implemented by Decision 649/2005/EC of 2005, was to designate two European Capitals of Culture for each year, starting 2009 and during a period of ten years.<sup>52</sup>

Notwithstanding, the aforementioned reform was not without criticisms. In this regard, Member States raised numerous complaints in particular pointing out the existence of problems in the selection procedure established and they recommended the introduction of a new discipline for the organization of the event. According to the majority of the European States, the new framework had to be innovative both in terms of the methods for selecting cities, in terms of the composition and the role of the jury, as well as the order of the host countries<sup>53</sup>.

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<sup>49</sup> The rotation is provided for in Annex I to Decision 1419/1999/EC.

<sup>50</sup> Austria (1995); Belgium (1952); Denmark (1973); Finland (1995); France (1952); Germany (1952); Greece (1981); Ireland (1973); Italy (1952); Luxembourg (1952); Netherlands (1952); Portugal (1986); United Kingdom (1973); Spain (1986); Sweden (1995).

<sup>51</sup> In addition to the 15 countries listed above, there are: Cyprus (2004); Estonia (2004); Latvia (2004); Lithuania (2004); Malta (2004); Poland (2004); Czech Republic (2004); Slovakia (2004); Slovenia (2004); Hungary (2004).

<sup>52</sup> Viene mantenuto il termine previsto dalla Decisione del 1999 che manteneva l'azione comunitaria per il periodo compreso tra il 2005 e il 2019.

<sup>53</sup> The decision to intervene again in the regulation of European action is greatly affected by the conclusions drawn in the Palmer report and presented to the Union bodies in 2004. This report highlights the importance and impact of the European Capital of Culture event, but also highlights its critical points, stressing the urgent need to ensure its proper functioning through the establishment of a mixed selection procedure, carried out at national and European level, and the introduction of a strong element of monitoring and advice to integrate a national component in the selection phase and strengthen the European dimension.

In order to tackle the latter concerns, both the European Parliament and the Council repealed the Decision 1419/1999/EC<sup>54</sup>, and adopted Decision No 1622/2006/EC which introduced a revised and more detailed framework for Community action, involving now two Member States for each year.

According to the new provisions, the two States which may participate in the initiative are no longer in charge of carrying out a pre-selection among all the cities concerned, but shall invite all the cities interested in the nomination to submit their application<sup>55</sup>. In fact, each Member State involved must set up a selection panel of 13 independent experts<sup>56</sup>, providing a double selection filter to assess the applications of the interested cities. The former phase consists of a more general pre-selection phase and then a second phase called "*final selection*". The cultural programmes presented by the designated cities must demonstrate a logical link with each other, may involve the

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<sup>54</sup> The discipline of which continues to apply after 2006 only to those cities that have been selected to participate in the programme in the years prior to the entry into force of Decision 1622 and that will be so in the years 2007, 2008 and 2009. In accordance with Article 14 of Decision 1622/2006/EC, referred to as "transitional provisions", the monitoring procedure laid down in Article 10 of the new legislation applies to cities designated as European Capitals of Culture for 2010 on the basis of Decision No 1419/1999/EC and, where the conditions set out in Article 11 of the new legislation are met, the Commission may award the Melina Mercouri prize to cities designated as European Capitals of Culture for 2010. By way of derogation from Articles 3 to 9 of Decision 1622/2006/EC, moreover, the selection of the European Capitals of Culture for the years 2011 and 2012 is subject to a modified procedure, so to speak intermediate between that provided for in the 1999 Decision and that introduced in 2006. Finally, in accordance with the last paragraph of Article 14, it is provided that, by way of derogation from Article 4 of Decision 1622/2006, the criteria set out in Article 3 and Annex II of Decision 1419/1999/EC shall still apply to the European Capitals of Culture for 2010, 2011 and 2012, unless the city concerned decides to base its programme on the criteria set out in Article 4 of the 2006 Decision.

<sup>55</sup> In accordance with Article 5 of Decision No 1622/2006/EC, applications from cities must be submitted within 10 months of the publication of the call for applications drawn up by each Member State and in any case must reach the appropriate European office within six years of the start of the event for which the application is open (no longer six as provided for in the 1999 framework).

<sup>56</sup> The members of the jury are no longer all appointed by the European Union as provided for in the 1999 discipline. Of the 13 members of the new jury, 7 are appointed by the European institutions (The European institutions appoint the members of the juries for three years as follows: two members are appointed by the European Parliament, two by the Council, two by the Commission and one by the Committee of the Regions. Exceptionally, in the first year following the entry into force of the 2006 Decision, two experts are appointed by the Commission for one year, two by the European Parliament for two years, two by the Council for three years and one by the Committee of the Regions for three years) and six are appointed by the Member State concerned in consultation with the Commission. The selection panel thus composed is the responsibility of the Member State concerned and, once it has been set up, the panel will appoint a president from among the persons designated by the European Parliament, the Council, the Commission and the Committee of the Regions.



surrounding areas and must have the ultimate aim of enhancing the so called *European added value*<sup>57</sup>.

Candidate cities that have passed the pre-selection phase<sup>58</sup> must complete their applications and forward them to their Member State of origin, which then, will forward them to the Commission; nine months after the pre-selection meeting, each of the Member States concerned will convene the relevant jury for the final selection. The selection panel, after evaluating the modified programmes of the pre-selected cities, ends the pre-selection phase with a report.

The final selection also ends with a report provided by the selection panel which contains comments to all the cities individually considered. The report deals with the progress to be made and the measures to be taken by the end of the year. Important is to note that within the aforementioned report, the selection panel does express a preference among the nominees, and makes a recommendation for the nomination as European Capital of Culture, explaining the reason it was considered the most suitable city by the selection panel.

Once the selection phase has been completed, the actual nomination phase begins<sup>59</sup>, with each of the Member States concerned appointing one of its cities; this must be

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<sup>57</sup>The aim at stake is achieved when the cultural programme of the cities meets two sets of criteria which are respectively part of the "European Dimension" and part of the renewed harmony between "Cities and citizens": In view of the European dimension, cities should adopt cultural programmes aimed at promoting cooperation between cultural operators, artists and cities from the Member States concerned and from other Member States in any cultural sector, at highlighting the richness of cultural diversity in Europe, and at highlighting the common aspects of European cultures; in order to enhance the relationship between the city and its citizens, on the other hand, the programme of the year as a European Capital of Culture should aim at promoting the participation of the inhabitants of the city and its surroundings, arousing their interest, and should serve as a tool for the long-term cultural and social development of the city.

<sup>58</sup>The first skimming of the applications, through the so-called pre-selection, takes place, at the latest, five years before the start of the event and is aimed at verifying the compliance of the applications with the criteria of the European Dimension and the harmony between City and citizens just described, and ends with the preparation of a report on the applications which contains recommendations directed to those pre-selected and which must be formally approved by the Member State of origin.

<sup>59</sup> According to Article 9 of Decision 1622/2006/EC, the designation by the Member State concerned of one city rather than another must be properly justified on the basis of the reports of the selection panel at the pre-selection and selection stage.

notified to the European Parliament, the Council, the Commission and the Committee of the Regions no later than four years before the event is due to begin.

The 2006 legislation retained the option, already open to the European Parliament under the previous rules, of issuing an optional opinion to the Commission within three months of receiving the nominations of the Member States concerned. Moreover, the appointing power of the Council was also retained<sup>60</sup>.

In addition to the passages just analyzed, the discipline contained in Articles 10 and 11 of the 2006 Decision, respectively entitled "*monitoring and advisory panel*" and "*prize*", is completely new compared to the previous legislation.

In order to help the cities prepare a high-quality programme with a strong European dimension, the monitoring and advisory panel<sup>61</sup> is made up of the seven experts appointed by the EU institutions from among those who made up the jury<sup>62</sup> and meets twice to provide advice and give an assessment on the preparations for the event. The Member State concerned may appoint an observer to attend the meetings of the group<sup>63</sup>.

On the basis of the report drawn up by the Monitoring and Advisory Group after its second meeting, Article 11 of Decision No 1622/2006/EC provides that the Commission shall award to the designated cities which meet the criteria set out in Article 4 of that Decision and have implemented all the recommendations received

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<sup>60</sup> It shall act on the basis of a recommendation from the Commission, which shall be formulated taking into account the opinion of the European Parliament (if submitted) and the justifications based on the reports of the juries.

<sup>61</sup> According to Article 10(1), 'a monitoring and advisory panel shall be set up to monitor the implementation of the objectives and application of the criteria of the action and to provide the European Capitals of Culture with support and advice from the date of their designation until the start of the European Capital of Culture event'.

<sup>62</sup> Article 10(2) of the 2006 Decision, which governs the composition of the group, refers in turn to Article 6(4), which governs the composition of the selection board that is to evaluate the nominations.

<sup>63</sup> After each meeting, the group shall prepare a report on the state of play of the preparations for the event and on any measures to be taken to maintain the programme in line with the criteria set out in Article 4, with the recommendations and comments of the selection panel's reports and, more generally, to pursue the particular European value of the event. The two reports produced by the monitoring panel at the end of the two meetings shall be transmitted to the Commission, the cities and the Member States concerned and shall be published on the Commission's website.

from the selection panel and the Monitoring Group, a financial contribution, the full amount of which must be paid no later than three months after the beginning of the year concerned<sup>64</sup>.

Finally, as regards the final evaluation, as in the previous legislation, it is foreseen that the Commission will carry out each year an external and independent evaluation of the results of the event, and that by the end of the year following the year at stake, the Commission will submit a report on this evaluation to the European Parliament, the Council and the Committee of the Regions<sup>65</sup>. The last analyzed Decision 1622/2006/EC has been repealed and replaced by Decision 445/2014/EU, but its provisions continue to apply to all cities that have already been designated until 2019.

### 3.2 Current discipline

On 16 April 2014, the European Parliament and the Council adopted Decision 445/2014/EU establishing a Union action entitled "*European Capitals of Culture*" for the years 2020 to 2033, which provides for a framework substantially in line with that introduced in 2006. The new act, which provided further details and technicalities to the system, established that each year the appointment will be awarded to only one city in each of the two Member States indicated in the Annex. In addition, bearing in mind the unifying spirit of the initiative, the procedure is extended to a city located within the territory of candidate or potential candidate countries or to a city in a country that joins the Union<sup>66</sup>.

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<sup>64</sup> The prize at stake is named after Melina Mercouri, Greek Minister of Culture, who was the first to promote the "European Cities of Culture" initiative. Both Matera (Italy) and Plovdiv (Bulgaria), future European Capitals of Culture for the year 2019, received the Melina Mercouri prize in August 2018, which amounts, for the year at stake, to €1.5 million for each city.

<sup>65</sup> This is stated in Article 12 of Decision 1622/2006/EC.

<sup>66</sup> The organization of the competition, the pre-selection and the selection among the cities of the candidate and potential candidate countries are carried out by the European Commission in the forms prescribed by Article 10 of Decision 445/2014/EU. As stated in the introductory remarks to the Decision at hand: "(22) *Past experience has shown that the participation of candidate countries can help to bring them closer to the Union by highlighting the common aspects of European cultures. The action established by this Decision should therefore be open to the participation of candidate countries and potential candidates after 2019. (23) However, during the period covered by this Decision, namely from 2020 to 2033, for reasons of equity with cities in the Member States, cities in candidate countries and potential candidates should only be allowed to participate in one competition for the*

In the new framework, the objectives of the action are broken down into general objectives and specific objectives. These include: protecting and promoting the diversity of cultures in Europe, highlighting the common characteristics of these cultures, strengthening European citizens' sense of belonging to a common cultural area, and promoting the contribution of culture to the long-term development of cities in accordance with their respective strategies and priorities. The latter include improving the breadth, diversity and European dimension of the cultural offer of cities; broadening access to and participation in culture; strengthening the capacity of the cultural sector and its links with other sectors; and raising the international profile of cities.

In addition, a common application form to be used by all candidate cities is prepared<sup>67</sup>, and the criteria for the evaluation of applications, which in the previous framework were distinguished on the basis of their subject matter (some related to the European dimension, while others were specifically focused on the relationship between the host city and its citizens), are now divided into 6 categories<sup>68</sup>: contribution to the long-term strategy, European dimension, cultural and artistic content, capacity for implementation, scope and management.

Since its introduction in 2006, the two-stage selection process, carried out by a jury of independent experts on the basis of a chronological list of Member States, has proved to be a suitable tool for ensuring fairness and transparency in selection and evaluation.

On the other hand, the composition of the selection panel has been changed to 10 members<sup>69</sup> (no longer 13 as before) and, in order to safeguard the continuity of the

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*title. Furthermore, likewise for reasons of equity with Member States, each candidate country or potential candidate should only be allowed to host the title once during that period.”*

<sup>67</sup>Article 4 of Decision 445/2014/EU..

<sup>68</sup>Article 5 of Decision 445/2014/EU

<sup>69</sup>As provided for in Article 6(3) of Decision 445/2014/EU: “*The European Parliament, the Council and the Commission shall select three experts each from that pool and appoint them in accordance with their respective procedures. The Committee of the Regions shall select one expert from the pool and appoint that expert in accordance with its procedures. When selecting European experts, each of those Union institutions and bodies shall seek to ensure complementarity of the competences, a balanced geographical distribution and gender balance in the overall composition of the panel.*”

activities of the European Capitals of Culture and to avoid the loss of experience and knowledge that would occur if all the experts were replaced at the same time, it has been decided that the renewal of the panel should be gradual and staggered over time.

Finally, as far as the designation is concerned, the rule laid down by the previous regulations stays in force for the candidate and potential candidate Countries and it's the Union that formalizes the nomination. In addition, Art. 11 of the Decision of 2014, introduces that each Member State concerned, after having taken care of the pre-selection and selective phase, autonomously designates a potential city to hold the title on the basis of the recommendations contained in the selection report of the Jury. Then, the Country has to notify such designation to the European Parliament, the Council, the Commission and the Committee of the Regions, at least four years before the year of the title of European Capital of Culture.

#### **4. The evaluation of the cultural and economic impact of the initiative "European Capital of Culture"**

The designation of a city as European Capital of Culture is a great event that can entail important benefits, both from a cultural and a social point of view, and from an economic perspective<sup>70</sup>.

In terms of increasing the visibility of the territory, for example, the appointment as European Capital of Culture favors the renewal of the image of the city. The media coverage is assured on a national and international scale; therefore, the event creates the right conditions to publicize a positive image of the city, attracting visitors<sup>71</sup>, boosting new collaboration networks at national and international level, and fostering interpersonal intellectual exchanges. At the same time, the local community itself

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<sup>70</sup> See R. Garibaldi, *Capitale Europea della Cultura: effetti, ricadute ed obiettivi*, Le pagine di risposte turismo, n. 3/2013.

<sup>71</sup> The term visitor refers to both daily visitors, otherwise known as "hikers", and domestic or foreign tourists, or those who spend at least one night in the accommodation facilities of the city.



takes advantage of the new positive image of the city towards the public, for it is generally followed by the development of the city's cultural identity, the increase of the participation of locals in city life, the diffusion of new national, european and international cultural values, and an overall general appreciation for the renewed splendor of the city.

Moreover, during the European Capital of Culture year, the number of events that are organized is strongly enhanced so as to guarantee a variegated cultural offering of the highest quality, capable of attracting more visitors and locals. The increase in tourist can provide extremely significant datas on the achievement of the objectives set by the organizing committee, on the impact of the event and, more generally, on the success of the event.

As regards to the economic impact of major events on the host city and the surrounding area, three main effects must be kept in mind: the multiplier effect, the dispersion effect and the lasting effect in favor of the community.

The multiplier effect is defined as the phenomenon whereby every euro invested for restructuring and construction of new infrastructures (so-called "hard "investments) mobilizes around 1,4 € of resources in the economic system and is thus capable of increasing the GDP of some percentage points<sup>72</sup>. The dispersion effect is qualified as the circumstance for which, even though the visitors' spending in the areas of shopping, food and activities remain mostly localized, the resources activated by the hard investment have the capability of spreading over a very large territory (extra-regional and even national). Finally, the lasting effect in favor of the community is the result of the use of public and private funds to build or complete infrastructures and services for the local community<sup>73</sup>.

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<sup>72</sup> See *Le ricadute degli eventi culturali e di spettacolo. Analisi di tre casi studio*, Ciset (a cura di) studio condotto da Ciset per conto di Confcommercio – Imprese per l'Italia e AGIS -Associazione Generale Italiana dello Spettacolo, 2017, page 4.

<sup>73</sup> See *#GRANDIEPICCOLIEVENTI - Opportunità per il turismo volano per il territorio*, Ciset studio condotto per conto di Federalberghi, 2015, e *Eventi culturali nel sistema delle ville venete e relative ricadute economiche*, Ciset studio condotto per conto di Regione Veneto, 2014.

These three effects act contextually and, manifesting themselves together, have an effect that goes beyond both that of each individually considered, and that deriving from the simple sum of the three. An abstract and not exhaustive reconstruction of the main passages that best characterize the European Capital of Culture event could give quite a good exemplification of the combined result of the three effects considered: the high attractiveness of the appointment as European Capitals of Culture, linked to a rich calendar of events, generates an increase of visitors; the increased number of visitors leads to the exponential growth in demand for services<sup>74</sup>; the increment of the demand benefits both the closely connected sectors<sup>75</sup> and all the others in the city and in the surrounding area<sup>76</sup>; lastly all expenses have a significant reverberation on national, regional and local public finances<sup>77</sup>.

At last, the investments that are necessary for the preparation and practical implementation of the event also act as a driving force for the entire economy. The appointment as European Capital of Culture requires, in fact, the arrangement of an administrative organization capable of managing and sustaining an economic, financial and managerial effort that may result in the creation of new infrastructures cultural, in projects for urban remodeling and in the adaptation of tourist facilities and communication policies of the city. This type of investments, which are granted by the Italian government, the European Union and private sponsors of the event, certainly do not exhaust their effect in the single year of the event but must be such as to allow the introduction of changes destined to last over time.

The available economic resources are mostly used for infrastructural projects aimed at the modernization of cultural assets, the promotion urban regeneration and the strengthening of local transport.

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<sup>74</sup> These include all kinds of services, starting from basic services (such as transportation), to catering services, including hotel facilities necessary to promote receptivity.

<sup>75</sup> Such as catering or the hotel sector.

<sup>76</sup> Other activities (such as commercial and artisanal ones) and sectors (such as credit, construction and entertainment) also benefit from the event.

<sup>77</sup> Revenues from both direct and indirect taxation on goods and services increase and there is an increase in foreign currency on the national territory, which has positive repercussions on the country's balance of payments.

Those kinds of investments, thereby, are quite an unmissable economic opportunity for the sectors directly involved, first of all those of the infrastructures, and it's indubitable that the benefit also extends to the local community as a whole, who shall enjoy the material heritage of the event.

## 5. Genoa 2004: a case study

In 1998 the European Union appointed Genoa, in Italy, and Lille, in France, as the European Capitals of Culture for the year 2004.

The overarching theme of the year in Genoa was the "journey", a concept capable of capturing the soul of the maritime city and its surroundings and which connects Europe to the Mediterranean both physically (through ports, commercial traffics, migrations and tourism) and metaphorically (like a path that leads the visitors through the history of the city and through the excellence of its art and science)<sup>78</sup>.

For many years, before the appointment, Genoa has been one of the major cities of the Italian Industrial Triangle (the most productive area in Italy); thus Genoa, although rich and developed, had an image that was very strictly linked to the manufacturing and naval industry. That was the reason that the main objectives of the "Genoa European Capital of Culture 2004" project were basically the following three: redefining the city's cultural identity; affirming a strong and positive image of the city; involving citizens and opinion leadership in the project.

In order to pursue the named goals, a strong emphasis was placed on the remembrance of the XVII century, a glorious time of architectural and artistic splendor for Genoa, and on the enhancement of the great shipbuilding tradition, of the nautical culture, and also on scientific research linked to the sea<sup>79</sup>.

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<sup>78</sup> See *CAPITALI EUROPEE DELLA CULTURA (2000-2011)*, Ministero per i beni e le attività culturali della Repubblica italiana website (<http://capitalicultura.beniculturali.it>).

<sup>79</sup> See *Capitale europea della Cultura, «per Genova è stata una svolta»*, la Rassegna.it, 6th June 2013.



As for the budget of the event, about 200 million euros were allocated for the infrastructural interventions<sup>80</sup> while the budget assigned to Genoa 2004 s.r.l.<sup>81</sup> for the promotion of cultural events it was of around 33 million euros<sup>82</sup>.

The events attributable to the "Genoa European Capital of Culture 2004" project number up to 300 (of which 154 are conferences) so that, according to surveys performed, a total of around 2,800,000 people took part in these events in a year (almost 8,000 people each day); and the number of visitors to the civic museums network of Genoa has almost doubled compared to the previous year. Data on attendance of the various events are also linked to those collected on the national tourist movement, which in 2004 marked an increase in attendance in Genoa (+ 10.5%) and arrivals (+ 17.4%).

Putting aside the expenses unavoidably associated with the organization of the event and its media promotion, it has been estimated that the overall economic impact was well over 220 million euros<sup>83</sup>.

The tourist promotion of the event was, indeed, remarkable: 45 actions were activated in Italy by the national government or by local institutions and 98 were carried out abroad<sup>84</sup>, mainly through initiatives of Italian embassies and of Italian institutes of culture, as well as through the activation of a number of twinning agreements between institutions and communities and the municipality of Genoa.

Even the evidence given by the media was impressive: from December 2003 to December 2004 a total of 10,531 articles were published about the "Genoa European

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<sup>80</sup> only 55 million of which granted by the State.

<sup>81</sup> The company specifically set up to manage the event.

<sup>82</sup> Only 17 million of which financed by the Ministry of Cultural Heritage. Of these 33 million euros, around 21 million euros were directly used to organize the events, around 8 million euros were used for the promotion of events and about 4 million euros to manage the internal functioning of the Genoa 2004 company.

<sup>83</sup> Data were collected and elaborated by CONSAV and Domoskopea. For a comment see M. Bompani, *Chiude in pareggio il bilancio di Genova 2004*, la Repubblica.it, 9th may 2005; *Capitale europea della Cultura, «per Genova è stata una svolta»*, la Rassegna.it, 6th June 2013.

<sup>84</sup> Including a strengthening of the connections on usual markets (like USA and Japan) and the opening of new markets (in particular those with Northern Europe, Eastern Europe and China).

Capital of Culture 2004” event<sup>85</sup>. Over 2000 journalists were accredited by the press office, from September 2003 the web pages that had a section on Genoa were more than 1 million and the official website of Genoa 2004 reached 50.000 visits per month.

Lastly, data show how the amazing work done by the organizers of the event, properly amplified by mass media, has contributed to reviving locals and Italians perception of the city. When asked if the event produced a change on Genoa, 72.3% of Italians and 88.5% of Genoese responded positively: among the most highly valued changes that impressed Italians and Genoese there are the greater visibility of Genoa at European and world level (13.3% of Italians and 10.2% of Genoese) and the improvement of the infrastructures and restructuring (5, 1%). Moreover, in addition to the undeniable immediate advantages linked to the event, it was however noted that 91.1% of respondents that are also locals believed that the benefits of the event were meant to be lasting.

## 6. Final remarks

Cultural heritage should not be seen and perceived as a luxury good. On the contrary, as the present work has demonstrated, the United Nations and in particular the European Union have recognized the value of culture as an important tool for the development and protection of specific areas and groups. In this context, the European Capital of Culture initiative has become, over the years, a key instrument for the promotion of local and European culture and for the economic development of the areas involved; it is able to give an unparalleled boost to the development of a city that, through this occasion, can change its image both internally and externally, can innovate structurally, can shift its economic focus on tourism and, more generally, can improve the quality of life of the city community.

Moreover, thanks to public funding - mostly from national and local authorities (only a small part of this funding comes from the EU, generally not more than 4% of the total)

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<sup>85</sup> With an average of 29 articles a day on the subject.



- and private funding (sponsorships usually amount to 15% of the total), the CEEdC initiative has always had a beneficial and lasting impact on the territory, not only in terms of infrastructure improvements, but also in terms of the attention of local authorities to the needs of culture, in a perspective that is strongly affected by the acquired awareness of the economic benefits arising from cultural tourism.

The effect of the nomination has also been considerable on the modalities of cooperation between organizations and institutions at local and regional level in all sectors, even those not strictly related to the cultural and creative economy, which has stimulated the formation of a complex system of governance and the establishment of specific actors with management tasks.

Finally, historically, the event has always achieved the aim of "strengthening cohesion, cooperation and pride in being part of a community that has proved capable of presenting itself in a new way in the international context by offering a renewed and articulated cultural proposal<sup>86</sup>. As demonstrated by the case of Genoa 2004, the cities to which the title of European Capital of Culture has been awarded have set up bodies that have taken charge of the various aspects of the organization of the event, whose role has been fundamental to coordinate the interests of the various stakeholders, to maximize the incentive effect of the title and to stimulate the development of the city in terms not only cultural but also general, in accordance with their respective strategies and priorities. In the face of such success, the Community action, which to date has involved more than 60 cities in 30 countries, is therefore extended until 2033.

## 7. References

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<sup>86</sup> R. Garibaldi, *Capitale Europea della Cultura: effetti, ricadute ed obiettivi*, in *Le pagine di risposte turismo*, n. 3 del 2013.



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