HERITAGE, ETHICS AND RIGHTS

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Critical approaches to the legal regulation of heritage: bridging the gap between human and cultural rights.

This paper aims to examine the relation between human and cultural rights as these are stated in the fundamental law and the conflicts that may arise when cultural rights contradict the individual right of private property. The relationship between cultural rights and human rights, and in particular an individual's right to property, has not yet been fully grasped, even though cultural rights are recognised in the constitutions of many countries and by international law as well.

Within the heritage context, heritage managers often face a dilemma created by the conflict of collective ownership, with which cultural rights are associated, with private ownership. When these two rights coincide in a project for the protection and preservation of the cultural environment, tensions and conflicts are created which can lead to negative situations. One such example is the case of the new Acropolis Museum in Athens, on which this paper will be based. In the case of the Acropolis Museum, the inherent contradiction of the two rights, that is the need for the archaeological findings to be protected and presented to the public and the need of certain individuals to freely use their private properties surrounding the plot on which the museum was erected, created tensions and conflicts between the archaeologists, the land owners, the site managers which in many instances led to vandalisms and verbal attacks towards the archaeologists.

The paper aims to stress the existence of these conflicts and the importance of adopting a critical approach towards the legal regulation of heritage and cultural rights so as to mitigate the tensions that are created and so that a fair balance is found between the interests of the community and the individual's right to property. This critical approach should become part of the decision making process, which will also examine the public perception towards 'culturally beneficial infrastructures', especially when it can affect the individual's right to possessions.

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Maria is currently studying for a PhD in the resolution of cultural property disputes, at UCL. She holds a BA in History, Archaeology and History of Art from the National and Kapodistrian University of Athens and an MA in Cultural Heritage Management from the Institute of Archaeology at UCL. Her MA dissertation, entitled 'The presentation and interpretation of archaeological vestiges integrated into museum buildings: The case of the New Acropolis Museum', focused on the examination of presentation and interpretation issues related to archaeological remains which are incorporated into modern museum structures. Her PhD research aims to investigate the potential of alternative dispute resolution methods and cultural diplomacy in the resolution of disputes concerning the ownership of cultural property and claims for the repatriation of antiquities.

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Dr. Kalliopi Fouseki works as a Lecturer and Course Director for the MSc in Sustainable Heritage at the UCL Centre for Sustainable Heritage. She is the Principal Investigator for the 'Displaying the public view on energy efficiency in historic buildings' (Beacon Bursary); the 'Economic crisis, heritage and identity in Greece' (UCL European Institute) and the co-leader for the 'European Network on Heritage Values' (funded by the European Joint Programming Initiative on Cultural Heritage). She has also been the Co-Investigator for the AHRC funded 'Collections Demography project' and the AHRC/EPSRC 'Mind the Gap: Rigour and Relevance in Heritage Science Research' project. One of Kalliopi's main research interests relates to the development of mixed methodological frameworks for understanding public perceptions and attitudes towards heritage. She is particularly interested in the dissonant nature of heritage and the notion of 'heritage values', especially within the context of the historic built environment. For further information please see: http://iris.ucl.ac.uk/iris/browse/profile?upi=KFOUS42.