




Culture and International Law

FROM PEACE TO JUSTICE

ANNUAL CONFERENCE OF THE HAGUE ACADEMIC COALITION



16 April 2007

Reception

Key note speech

The Peace Palace - The Hague

17 April 2007

Plenary Sessions

The Peace Palace - The Hague

Keynote Speaker

Prof. G. Hofstede

Parallel Sessions

Carnegie Foundation, Peace Palace

Grotius Centre (Campus The Hague/Leiden University)

Institute of Social Studies

Netherlands Institute of International Relations 'Clingendael'

T.M.C. Asser Instituut

The Peace Palace - The Hague

Further information and registration:

www.haguejusticeportal.net



FROM PEACE TO JUSTICE



THE HAGUE ACADEMIC COALITION

The Conference

Culture and International Law

Each year the Hague Academic Coalition (HAC) hosts a Conference in the 'From Peace to Justice' Series. The Coalition is a consortium of six academic institutions based in The Hague, The Netherlands, that are all working in the fields of international relations, international law and/or international development. The six HAC members are the T.M.C. Asser Instituut, the Carnegie Foundation, the Grotius Centre for International Legal Studies (Leiden University, Campus The Hague), the Institute of Social Studies, the Netherlands Institute of International Relations 'Clingendael' and the Hague Institute for the Internationalization of Law. The Coalition seeks to promote research, education and debate on relevant topics. One of its activities is an annual interdisciplinary conference on aspects of peace and justice.

The theme for the 2007 conference is 'Culture and International Law'. Culture is an omnipresent factor which strongly influences the formation, development, content and application of law, be it nationally or internationally. Both societal and professional cultures potentially determine how one relates to law, to using legal systems for settling claims and/or conflicts, or to transitional justice processes. This may for example have effects on the role and rule of international law within national legal systems, on the interpretation of international norms and on implementation modalities in diverse contexts. Moreover, culture

affects the scope and practice of international negotiations and the features of transitional justice mechanisms. To fully understand how the evolution from peace to justice functions, how to end or mitigate conflict, or how to redress adverse consequences of conflict, cultural factors should be taken into consideration.

Therefore, the Fourth Annual Conference of The Hague Academic Coalition focuses on the theoretical and practical application of culture in its relation to the creation and application of international law. It aims to explore one of the leading theories of culture and apply it to different environments and subject areas. Besides, different aspects within the larger theme of culture and international law will be highlighted in parallel sessions. These include the impact of culture and diversity on human rights discourses and practice, including international human rights law, the role of international and national tribunals in the application of law as influenced by a particular cultural setting, the impact of culture on judgements and the protection of cultural property during armed conflict.

Venue

The conference will be held at the Peace Palace, Carnegieplein 2, The Hague

Language: English (Note: hand-outs of the keynote speech will be provided in English and French)

Conference Sessions

16 April 2007

Welcome

17.00 – 17.30

Registration at the Peace Palace

17.00 – 18.15

Key note speech: The spirit of the laws (L'esprit des lois)

18.15

Reception

17 April 2007

09.00

Welcome and registration

09.30 – 10.15

Defining culture and its impact on international law and development

10.15 – 11.15

Chinese views on international law

11.15 – 11.30

Break

11.30 – 12.15

Different forms of implementation of international law in the Western national legal orders

13.00 – 14.00

Lunch

Parallel sessions

1. Human rights and economic and cultural diversity

Institute of Social Studies

2. Culture and transnational justice

Grotius Centre and Carnegie Foundation

3. The protection of cultural property during armed conflict

Asser Institute

4. Culture and Conflict

the Netherlands Institute of International Relations 'Clingendael'

16.30 – 17.30

Closing

16.30 – 17.30

Reception

Parallel Sessions

Culture and transitional justice

**Grotius Centre for International Legal Studies
& Carnegie Foundation**

Transitional Justice Tribunals face challenges in respect to the culture of different regions where conflicts are taking place. Can the prosecution of a situation in Africa be handled in the same way as a prosecution of a situation in Asia? To what extent must tribunals take into consideration the political history, the local culture and the traditions of a specific region when investigating and prosecuting a situation? Which rules should be applied: international law, national law or a mix of both?

Human rights and economic and cultural diversity

Institute of Social Studies

In the abstract the universality of human rights seems to be broadly accepted and supported. For example, in the context of the United Nations a global normative framework has been developed which defines the nature of state obligations in relation to human rights and which provides for some (rudimentary) accountability mechanisms. Many states have explicitly committed themselves to these efforts, by ratifying UN human rights instruments. In implementation practice, however, the realities arising from economic, political, social and cultural diversity challenge the notion of universality, or perhaps the idea of uniform interpretation of global norms. This parallel session will explore the challenges, if not tensions, involved in this realm.

Culture and Conflict

**Netherlands Institute of International Relations
'Clingendael'**

People have different perceptions and perception determines reality. Actors might view conflicts as a pure threat, an opportunity for regime change, or both. One of the determining elements is culture. What kind of culture? Societal, professional, judicial, commercial, political? Culture is like water, essential, but difficult to grasp. The workshop tries to get to grips with this. The workshop will be chaired by key-note speaker Prof. Geert Hofstede. The topic will be introduced by Nelke Galema (Culture) and Paul Meerts (Conflict).

The protection of cultural property during armed conflict

T.M.C. Asser Institute

Just over 50 years ago the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was concluded as a reaction to the destructions of WWII. The purpose of the Convention and the first Protocol is to protect a wide range of cultural property. The state parties are under the obligation to take measures to safeguard and respect cultural property in peace time as well as in times of armed conflict. The 1999 Second Protocol enhances the safeguarding measures and introduces individual criminal responsibility for serious violations of cultural property. The question rises whether the existing system of protection is adequate, and whether it can provide sufficient protection to cultural property in the conflicts of today.

More details on registration, speakers and topics addresses in the parallel sessions are available through www.haguejusticeportal.net. For further information: agans@clingendael.nl