Legal implications of signature and ratification of the Faro Convention

Dr. Simona Pinton

Council of Europe - European Union Joint Project
Third Regional Seminar
"Faro Convention for concrete action on cultural heritage"
10 June 2021





Outline/Framework

- Legal Nature of a framework convention
- Effects at international and national level of signing/ratifying the Faro Convention
- Innovative contents – interaction with existing domestic legal systems and concepts – move forward
- Effective implementation of the right to cultural heritage and of the provisions on heritage communities and participation
- Legal consequences of alleged violations/nonobservance of Faro provisions



Benefits of ratifying Faro from a legal perspective

Legal Nature of a framework Convention

- Notion
- Nature
- Legal effects
- Areas of application
- Reasons for elaboration





Effects at international and national levels

levels

Vienna Convention on the Law on Treaties (1969)

National Constitutions

- Entry into force (art. 24)
- Signature / Ratification (artt. 9-17)
- Changes in domestic legal systems – self-executing/non-self-executing provisions
- …

Quid of the

implementation?

- right/duties to cultural heritage
- recognition of heritage communities
- cooperation and participatory processes
- ….

art. 6 (c) Faro Convention



Alleged violations of the right to CH?

- Right to CH already recognized into the domestic legal system – the domestic judge will assess and decide on the potential violation (at national and local level)
- The right to CH is part of art. 15 of the ICESCR - communications brought before the CESCR ? (Optional Protocol to ICESCR) by:

- Individuals/HC (art.2 Optional Protocol)
- Other states (art. 10 Optional Protocol)

- Communication to the Steering Committee for Culture, Heritage and Landscape (CDCPP)?

- Social sanctions

faro venezia



Alleged nonobservance of Faro provisions?

- Communication – request to give an advisory opinion (art.16b) to the Steering Committee for Culture, Heritage and Landscape (CDCPP)?
- Social sanctions – by individuals/ HCs and other States Parties



faro venezia



Thank you

simona.pinton@hotmail.com