

PREFACE

The interrelationship between culture and international law is an intriguing one. Is international law a projection of Western civilisation? Does it serve Western interests, thereby not catering for the needs of the Islamic and the Confucian World? In other words, is International Law a policy instrument of certain powerful or less powerful states in order to help them control others or to protect them against foreign interventions? How fair and neutral is international law, being the outcome of international negotiation processes? Or can international law be regarded as being objective because of the inclusiveness of these processes, although in many cases a minority of states – which have not ratified a particular treaty – will be forced by the majority to live up to international rules and regulations. In other words, is international law the product of the societal and political cultures of some of the dominant powers of this world?

Does international law trickle down into local laws and does it thereby influence the behaviour of people on the continents of the world? Globalisation affects not only the world's economy and its politics, but also its local, national and international law. Do we see the long-term harmonisation of lawmaking and law content? Rules and regulations are an integral part of culture, whereas culture is their source as well. But whose culture? People are inclined to be culture-centric. They appreciate what has been ingrained by their ancestors and are easily suspicious of cultures which are alien to them. Or worse: they may fear them. The result is xenophobia, ideas of higher and lower cultures and a tendency to dominate other cultures which are perceived as a threat, through rules and regulations, thus securing one's own culture. In other words: law as a means of economic and political control.

All these questions and more were addressed by the many practitioners and academics attending the Fourth Conference *From Peace to Justice* of the

Hague Academic Coalition (HAC)* in April 2007. The aim of this conference, entitled *Culture and International Law*, was to obtain a better understanding of both culture and international law and of their interface. After a keynote speech, four plenary sessions dealt with the main issues, followed up by four parallel workshops taking the arguments one step further. In a concluding plenary forum all the workshop speakers were pitted against each another as well as the participants to the conference. The organising institutions of the Hague Academic Coalition contributed with their own input on the basis of their specialisations. The Institute of Social Studies focused its parallel session on *Human Rights and Economic and Cultural Diversity*. *Culture and Transnational Justice* was the focal point of the session by the Grotius Institute of the University of Leiden. The T.M.C. Asser Institute organised the meeting on *The Protection of Cultural Property during Armed Conflict*, while the Clingendael Institute organised – together with Result Consultants – a training session on *Culture and Conflict*.

This book is the fruitful result of the aforementioned Conference, presenting valuable insights, opinions and conclusions of the conference participants on the subject-matter. The first part of the book focuses on interrelationships in general, seen from different angles. In the second part, authors deal with culture and several aspects of international law in relation to culture: freedom of expression, human rights and the economic context in which culture can flourish. Others look at international law through the eyes of two major non-Western cultures: the Chinese and the Islamic. Part three of the book deals with the protection of cultural property, especially in the event of armed conflicts. The final chapter addresses culture and conflict and raises the problem of culture as an obstacle to conflict management and conflict resolution. As far as chapters are in English the abstracts will be in French and vice versa.

The cover of this book reflects its topic: Iranian women, demonstrating in favour of Khomeini, heading for the Dutch Parliament, acting within the rules and regulations on demonstrations of the foreign country in which they are living. They are wearing headscarves. And so does Vermeer's

* See p. IX for information about the Hague Academic Coalition.

Lady with the pearl earring, who lived in Holland's Golden Age, separated from modernity by over three hundred years. The Muslim women in the foreground are demonstrating in favour of a man who is a politico-religious leader. The Christian woman in the background was painted by one of the most famous Dutch painters, representing the pinnacle of Dutch culture. The painting is housed in the Mauritshuis, an integral part of the skyline of the city of The Hague. This museum was built with capital deriving from African slave labour, slavery being sanctioned by some of the cultures and laws of its time.

The conference and the book could only be realized through the special efforts of the six institutions of the HAC as well as the Municipality of The Hague and the Kennisalliantie, the Province of South Holland, the Alliance Française and the Agence Francophonie. Marjolijn Bastiaans of The Hague Academic Publishers worked on the final draft of this publication, while Virginie Duthoit of the Clingendael Institute helped out on some English/French translation issues.

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Paul Meerts