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Culture and Genocide: Dr Marco Odello at HLS research seminars

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Can the destruction of cultural artefacts count as an instance of cultural genocide? This was the topic of the latest HLS research seminar that saw [Dr Marco Odello from Aberystwyth University](https://www.aber.ac.uk/en/lac/staff-profiles/listing/profile/mmo/) (<https://www.aber.ac.uk/en/lac/staff-profiles/listing/profile/mmo/>). Dr Odello presented an intriguing view on the direction that international law of genocide could take if we understood the true intent of its origins.

In international law there are provisions that make the destruction of artefacts a crime in period of war,^[i] but there is no such protection in times of peace. Dr Odello suggestion is that we take a look at the original formulation of the concept of genocide formulated by Raphael Lemkin, which – he argues – was the starting point of the negotiations for the drafting of the text of the Convention for the Prevention and Punishment of the Crime of Genocide adopted by the United Nations General Assembly on 9 December 1948.

In its original formulation, *genocide* included “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups....”^[ii]

Dr Odello’s view is that the original formulation of genocide included the destruction of artefacts and goods that support a cultural group and make the propagation of their identity possible within the definition of genocide. The original formulation of genocide as reported above did not make it in the final draft of the Convention, but Odello suggests that the aims that motivated this first conceptualization can be seen in subsequent international practice and can be supported by a theoretical framework that recognises that ‘no man is an island’. The philosophical outlook needed to support this intriguing suggestion points at the irreducibility of groups and cultural practices as collective interests, that makes possible individuals’ identity, their human interests, and ultimately their rights. The framework that Dr Odello proposes is no doubt ambitious and perhaps audacious, as international law is essentially set to recognise the rights of individuals rather than the rights of groups. However, we have witnessed this shift in recent times in national legislation and practice, with the recognition of groups rights and the development of the politics of multiculturalism.

Other worries may cause the rise of an eyebrow at this proposal: perhaps cultural genocide casts a net too wide that would justify too much intervention and that could even be applied non-cultural, but natural resources – these in fact can similarly be essential to the support of some cultures. One could also argue that it is dangerous to extend international law to include the protection of cultural rights, the protection of which are often invoked for the promotion of localised interests, against the current spirit of globalised coordination and cooperation. Nevertheless, it is a framework that is worth exploring, as new challenges expect the international community.

[i] 1954 Hague Convention for the Protection of Cultural Property

[ii] Axis Rule in Occupied Europe, 1944

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