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The Entrancement of Ruins



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FASHION SHOWS IN ARCHAEOLOGICAL HERITAGE SITES: RUINS UNDER THE LENS OF INTERNATIONAL TREATIES

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ABSTRACT

This article has the aim to investigate the relationship between fashion and archaeological heritage sites. This paper starts from the analysis of the International Laws regulating the protection both of cultural heritage as well as archaeological heritage such as the UNESCO World Heritage Convention of 1972 or article 167 of the Treaty on the Functioning of Europe. After, it will be devoted to outline the international recommendations on the preservation of cultural heritage. Soon after, the paragraph 5 traces the relationship between archaeological heritage sites and fashion shows made by the most important fashion brands in the world. For instance, paragraph 5 of the paper analyzes a concrete case of a show, the show of Greek designer Mary Katrantzou who showed her collection at the Temple of Poseidon on top the Cliff of Cape Sounion. Thanks to this, it will be analyzed Greek's law on the protection of antique and cultural heritage. The main achievement of this research, achieved through the reading and in-depth analysis of international laws, international conventions and the Greek Law 3028/2002 "On the Protection of Antiquities and Cultural Heritage in General", is the outlining of the discipline concerning private events in archaeological heritage spaces in Greece.

1. INTRODUCTION

This work has the aim to define and trace the relationship between fashion and artistic heritage on a legal perspective. For this reason, it will analyse the main international conventions and treaties related to the protection of artistic heritage and archaeological ruins, especially focusing on the aspects related to the commercial exploitation of these sites, as in case of the staging of colossal fashion shows.

First of all, some concepts and the mutual differences have to be clearly defined: culture, heritage, cultural heritage and fashion. Before even start the above definitions, we need to clearly understand what actually is "culture".

Anthropologists have defined "culture" as "that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society"¹. So thanks to this definition we can say that within the concept of culture its also included art and almost everything that mankind has created, thus also heritage sites and fashion.

Heritage² then can be defined as "anything that has been transmitted from the past or handed down by tradition, thus giving a cultural identity from a

generation to the next generation"³.

And so cultural heritage can be defined, thereby laying down the definition as stated by the UNESCO⁴, as "the entire corpus of material signs -either artistic or symbolic-handed on by the past to each culture and, therefore, to the whole of humankind. As a constituent part of the affirmation and enrichment of cultural identities, as a legacy belonging to all humankind, the cultural heritage gives each particular place its recognizable features and it the storehouse of human experience. The preservation and the presentation of the cultural heritage are therefore a corner-stone of any cultural policy"⁵. In this context we need also to define archaeological heritage, thus restricting the research topic useful for this paper.

For "Archeological Heritage", then, it has to be adopted the definition by the ICOMOS (International Council on Monuments and Sites)⁶ which states at the "Lausanne Charter for the protection and management of the Archaeological heritage" of 1990 at article 1 that "The "archaeological heritage" is that part of the material heritage in respect of which archaeological methods provide primary information. It comprises all vestiges of human existence and consists of places relating to all manifestations of human activity, aban-

¹ Burnett Taylor, E., (2010), 1871 Primitive Culture researches into the Developments of Philosophy, Religion, Art, and Custom (vol.1). New York, Volume 1., p.1. For the evolution of the definition of "culture" see Encyclopedia Britannica, 1984, vol.8, 1151 ff.) which evolves this concept also including "learned behavior", "ideas in the mind", "a logical construct", "a statistical fiction", "a psychic defense mechanism" and also "an abstraction from behavior".

² Heritage, Collins Dictionary online, <https://www.collinsdictionary.com/it/dizionario/inglese/heritage..>

³ On an International level, it has been distinguished between "heritage" and "intangible heritage". In particular, "intangible heritage" has been defined as "those aspects of heritage that, unlike places or objects, are ephemeral: these include oral traditions, languages, traditional performing arts, knowledge systems, values and know-how". For more on this topic: Deacon, H., Dondolo, L., Mrubata, M. and Prosalendis, S. (2004), The Subtle power of intangible heritage legal and financial instruments for safeguarding intangible heritage, HSRC Publishers, Cape Town, p.7. For instance, in 1998 it held in Stockholm the "Power of Culture" Conference summarized this view " summarized this view: Even more markedly than for the built heritage, the immaterial rural-based heritage of yesterday has become, for the mass of urban dwellers that the world population is increasingly becoming, a kind of puzzle that needs to be reconstituted, a mass of fragmented knowledge whose strands need to be brought together. The weaving together of a new fabric of meaning for the cultural heritage is itself a challenge to our creativity. (Stockholm 1998: point 28). On the 17th of October 2003, the UNESCO adopted the "Convention for the Safeguarding of the Intangible Cultural Heritage" which as at 11.05.2018 has been ratified by 178 states.

⁴ UNESCO is the United Nations Educational, Scientific and Cultural Organization and was founded in 1945 in Paris with the adoption of its Constitution on the 16th of November 1945. Today UNESCO has 193 Members and 11 Associate Members. The UNESCO Constitution was adopted on the 16th of November 1945 and came into force on the 4th of November 1946 after the ratification by 20 states which include: Australia, Brazil, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Greece, India, Lebanon, Mexico, New Zealand, Norway, Saudi Arabia, South Africa, Turkey, United Kingdom, United States.

⁵ UNESCO (1989), Draft Medium Term Plan 1990-1995, 25 C/4, p.57. This definition is different from the one stated in Unesco's Convention Concerning the protection of The World Cultural and Natural Heritage" of the 16th November 1972 which considered "cultural heritage": considers "cultural heritage": monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science; groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science; sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view".

⁶ The ICOMOS is a nongovernmental Organization founded in Warsaw in 1965 and offers advice on World's Heritage Sites to UNESCO. ICOMOS works for the conservation and protection of cultural heritage places.

⁷ After the Charter of Lausanne of 1990, the Committee of Ministers of the Council of Europe adopted in 1991 a Recommendation on the Protection of 20th Century Architectural heritage, thus adopting the principles stated in the Lausanne Charter.

doned structures, and remains of all kinds (including subterranean and underwater sites), together with all the portable cultural material associated with them”⁷.

Finally, it is worth of definition the concept of fashion intended as clothing. Fashion can be defined as a “way to protect from hostile elects: historic climate changes, the glacial temperatures of a long arctic night, the hot sun at the zenith on the Equator, the moving sand moved by the samūm in the desert, the spines of the oaks in the passages of the temperated zones[...]Man recurs to clothing to guarantee himself to survive, also after death”⁸.

After this brief clarification, we can look at the core of this research, briefly presenting the major international and European regulations with regard to Greek’s archeological sites and their economic exploitation.

2. INTERNATIONAL AND EUROPEAN REGULATIONS

2.1. THE WORLD HERITAGE CONVENTION

Article 1 of the UNESCO Constitution⁹ states that “the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations”. At comma 2, letter c of the mentioned article, it states that “to realize this purpose the Organization will... (c) maintain, increase and diffuse knowledge: by assuring the conservation and protection of the world’s inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions”.

In order to achieve what ruled in the UNESCO Constitution, the General Conference of the UNESCO adopted on the

16th of November 1972 the “Convention Concerning the Protection of the World Cultural and Natural Heritage”. As the preamble of the Convention states, the scope of this convention is the “safeguarding this unique and irreplaceable property, to whatever people it may belong.... (and) adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods”¹⁰.

The UNESCO Convention states at article 4 that its the State Party’s duty of “ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage”. But only if the site is included in the UNESCO lists¹¹ that this acquires the protection ruled in the Convention, thus being part of a privileged status which allows the State in which the site is located to access into financial funds (article 15 of the Convention), and a reinforced protection given by the convention (from article 21 to 26 of the Convention)¹². In order to achieve what stated in the Convention, the UNESCO operates with the help of an Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, the World Heritage Committee (article 8 of the Convention)¹³, thus, also with the help of other consultants such as the ICOMOS or the IUCN¹⁴, that has the power to insert a site into its list or its removal. The Committee does not have the authority to sanction, but it can give recommendation to the interested State to take action if the site in at risk. The Committee in fact can rule with administrative decision without the intervention of the State’s internal administration. Still, what is noteworthy is article 6 of the Convention, which delegates to the States Parties to: “(a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes; (b) to set up within its territories, where such services do not ex-

⁸ Palavara, R. (2016), “Abbigliamento, diritto e...”. Marginalia, in B. Pozzo, V. Jacometti (2016), *Fashion Law: le problematiche giuridiche della filiera della moda*, Milano, p. 2 86-287.

⁹ See footnote 2

¹⁰ UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage.

ist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions; (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage; (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and (e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field”.

2.2. ARTICLE 167 OF THE TFUE

In the European Union, among the many treaties, regulations and directives that have been adopted, its worth of mentioning article 167 of the Treaty on the Functioning of the Europe Union (TFEU) which states that “1. The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore”. The scope of this article is to state that there “culture” and “cultural heritage” are a milestone and an important subject for the European Union thus inviting member states of the EU to cooperate together and work together on the “improvement

of the knowledge and dissemination of the culture and history of the European peoples, conservation and safeguarding of cultural heritage of European significance, non-commercial cultural exchanges, artistic and literary creation, including in the audiovisual sector”¹⁵.

On an European level, the Union has adopted many initiatives in order to promote culture and diversity such, for example, European Year of Cultural Heritage used as a pivotal opportunity to increase awareness of the social and economic importance of culture and heritage. At the same time, it has also created The European Framework for Action on Cultural Heritage which promotes and puts into practice an integrated and participatory approach to cultural heritage and contributes to the mainstreaming of cultural heritage across EU policies. This Framework is based on five pillars among which: Cultural heritage for an inclusive Europe: participation and access for all; Cultural heritage for a sustainable Europe: smart solutions for a cohesive and sustainable future; Cultural heritage for a resilient Europe: safeguarding endangered heritage; Cultural heritage for an innovative Europe: mobilizing knowledge and research; Cultural heritage for stronger global partnerships: reinforcing international cooperation¹⁶.

What emerges clearly by analyzing these international regulations is that, to preserve the cultural heritage, each state has to deal on in internal way on how to preserve cultural heritage sites. What is given, on an international law level, are guidelines on how to protect those sites and how to operate in certain circumstances.

¹¹ The site to be on the list has to be “Outstanding Universal Value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community. The Committee defines the criteria for the inscription of properties on the World Heritage List. “(Rule 45 of UNESCO Operational Guidelines of the 10th of July 2019). For the criteria used by the Committee to insert a site on its list see Annex 3 of the Operational Guidelines. See UNESCO (2019), Operational Guidelines for the Implementation of the World Heritage Convention, Paris, pages 19-20.

¹² The Operational Guidelines of 2019 state at Rule 52 that “The Convention is not intended to ensure the protection of all properties of great interest, importance or value, but only for a select list of the most outstanding of these from an international viewpoint. It is not to be assumed that a property of national and/or regional importance will automatically be inscribed on the World Heritage List.

¹³ The discipline of the Committee is ruled from article 8 to 14 of the Convention.

¹⁴ International Union for Conservation of Nature and Natural Resources.

¹⁵ Comma 2 of Article 167 of the TFUE.¹⁶ International Union for Conservation of Nature and Natural Resources.

¹⁶ European Commission (2019), 2018 European Year of Cultural Heritage European Framework for Action on Cultural Heritage Commission Staff Working Document, Luxembourg, p.4.

¹⁷ This Charter comes after the Venice Charter on the Conservation and Restoration of Monuments and Sites of 1966.

¹⁸ See Paragraph 1.

3. ICOMOS'S CHARTER OF LAUSANNE

In 1990, the International Committee for the Management of Archaeological Heritage (ICAHM), part of the ICOMOS, approved the "Charter for the protection and management of the archeological heritage"¹⁷. Composed of a preamble and 9 articles, this charter, as the preamble states, "lays down principles relating to the different aspects of archaeological heritage management. These include the responsibilities of public authorities and legislators, principles relating to the professional performance of the processes of inventorisation, survey, excavation, documentation, research, maintenance, conservation, preservation, reconstruction, information, presentation, public access and use of the heritage, and the qualification of professionals involved in the protection of the archaeological heritage"¹⁸.

Article 1 of the Convention defines "archaeological heritage", while article 2 states that every state has to give an integrated protection to archaeological sites thus inviting states and regions to adopt policies in order to protect this sites which have to be updated and be under continual review.

This disposition is also outlined at article 3 which is titled "legislation and economy" thus stating that the protection of archaeological sites is both a "moral obligation upon all human beings" as well as "collective public responsibility". The Charter at this article demands to the states to provide a legislation "that is appropriate to the needs, history, and traditions of each country and region, providing for in situ protection and research needs".

At the same time, article 3 states clearly that the legislation made by States

should "forbid the destruction, degradation or alteration through changes of any archaeological site or monument or to their surroundings without the consent of the relevant archaeological authority". And on the contrary, it should "make provision for, the proper maintenance, management and conservation of the archaeological heritage. Adequate legal sanctions should be prescribed in respect of violations of archaeological heritage legislation"¹⁹.

Article 4 and 5 of the Charter then invite States to do surveys on archaeological heritage sites as well as limiting excavations on the sites unless its necessary, thus avoiding to destroy archaeological evidence. For this reason, excavation has to be taken into consideration only after thorough consideration.

Article 6 is perhaps the most relevant one for our current analysis as is entitled "Maintenance and conservation". The article rules as a principle for States, inviting them in working on long-term conservation programs and, in relation to the available economic resources, allows them to make a selection based on the diversity of sites thus not "discriminating" the most notable and visually attractive monuments rather than other smaller sites²⁰.

Article 7 of the Charter rules the presentation, information and reconstruction of archaeological sites thus intending this function as an "essential method of promoting an understanding of the origins and development of modern societies". In order to allow to article 7 to be concretely applied, the Charter invites States to discipline archaeological academic studies, in order to achieve "high academic standards in many different disciplines (which) are essential in the management of the archaeological heritage" as well

¹⁹ This article reinforces what stated in the preamble of the charter which states "The charter should therefore be supplemented at regional and national levels by further principles and guidelines for these needs". Thus inviting states to regulate with internal laws the preservation of their local archaeological heritage.

²⁰ The article invites States to make the archaeological site be taken into conservation by indigenous people, thus assuring a more effective protection of the site.

²¹ In 2003 the ICOMOS during the 14th General Assembly which took part at the Victoria Falls in Zimbabwe, made a Recommendations for the "Analysis, Conservation and Structural Restoration of Architectural Heritage". Principle 1.5. of the Recommendation states that professional, to restore the structure in Architecture heritage, have to look at the building as a whole and not as mean to an end. Interesting is also principle 1.6 of the Recommendations which gives inputs on the method that needs to be used in heritage structures stating that "The peculiarity of heritage structures, with their complex history, requires the organization of studies and proposals in precise steps that are similar to those used in medicine. Anamnesis, diagnosis, therapy and controls, corresponding respectively to the searches for significant data and information, individuation of the causes of damage and decay, choice of the remedial measures and control of the efficiency of the interventions. To achieve cost effectiveness and minimal impact on architectural heritage using funds available in a rational way, it is usually necessary that the study repeats these steps in an iterative process". The last principle of the Recommendation, principle 1.7, is also very important because it requires to the authorities to make a balance between achievable benefit and harm to the architectural heritage before take action into its restoration. In 2017 the ICOMOS updated its guidelines with the Salalah Guidelines for the management of public archeological sites, thus giving operational guidelines "address the necessity for assessing the feasibility of establishing sustainable management of archaeological sites open to the public with as much, or in some cases more, attention and investment of time and funds than has been given to assessing the suitability of designating a place a special one that deserves the special notice and regard of the public".

as to trainee its professionals in order to evolve in the preserving and transmission of the past to future generations.

The last article of the Charter, article 9, is entitled “international cooperation”. The article states that its essential, in order to preserve the archaeological heritage for all humanity, of an international cooperation between professionals, thus allowing an exchange of information and experience among professionals²¹.

4. FASHION SHOWS IN ARCHEOLOGICAL HERITAGE SITES

The relationship between fashion and archaeological heritage sites has been magical. In fact, there have been many fashion shows that have been staged in archaeological heritage sites.

Let’s think of Fendi’s Fall-Winter 2006/2007 collection which was presented on the Great Wall of China, Valentino’s Fall 2007 Haute Couture collection showed under the imponent Colosseum in Rome²². In recent times it is noteworthy Gucci’s Resort 2019 collection presented at the Alyscamps’ burial ground outside the city walls of Arles (France), or Dior’s Resort 2020 collection held in Marrakech’s 16th-century El Badi palace, or again Fendi’s Haute Fourrure²³ collection presentation held next to the Colosseum in Rome on the 4th of July 2019.

As shown 2019 has been a quite remarkable year for the relationship between fashion and archaeological heritage sites. For instance, just 2 days after Fendi, also Dolce e Gabbana staged a colossal show at the Valle dei Templi in Agrigento (Italy) thus smashing, in terms of location, all other brands who have showed in magical places before them.

But the cherry on top is the one of Greek designer Mary Katrantzou which showed a mesmerizing and remarkable collection on the 3rd of October 2019 at the Temple of Poseidon sits atop the craggy cliff of Cape Sounion, celebrating her brand’s 10th Anniversary. Katrantzou

showed her collection in collaboration with ELPIDA, founded by Marianna Vardinoyannis, an organization that helps and supports children suffering from cancer. So, the show, rather than be with the intention to make profit for the clothes, was entirely dedicated to raising funds through ticket sales and charitable donations towards ELPIDA’s cause.

4.1. THE MARY KATRANTZOU’S SHOW

As a result of the analysis of the International conventions on Archaeological Heritage sites and the guidelines of the ICOMOS, it emerges clearly that the obligations to preserve the cultural heritage, thus including the archaeological heritage is deemed to the countries themselves. So, it has to be a national or a local regulation that, in harmony with the International and European conventions and treaties, disciplines the protection (thus including restoration, communication to the general public, conservation and access) of cultural heritage sites.

In the case of Greece, where Ms. Katrantzou showed her collection, there is the Law 3028/2002 “On the Protection of Antiquities and Cultural Heritage in General”. The Law is divided in 10 chapters and 73 articles thus disciplining in detail all the aspects on the protection of cultural heritage: from the definitions to the criminal law provisions. What is of interest for this analysis is article 46 of Chapter 6 of Law 3028/2002, which rules the “access to and use of museums and sites”.

In particular, the second sentence of comma 1 of the mentioned article states that “It is possible to hold an event or to concede the use of the aforementioned sites, in the context of the decision of the previous section, upon permission granted by the Minister of Culture issued upon a relevant opinion of the Board²⁴, while the decision may impose special terms regarding the way such events are conducted”. The article allows clearly to stage events in monuments, but only after the granted permission by the Minis-

²² This was also the designer’s 45th Anniversary which marked his retirement from fashion and which has inspired the movie “Valentino the last emperor” by Matt Tynauer.

²³ Members of the Board are also the 17 members of the CAC (Central Archaeological council) which as been instituted by this law at article 50 and which has the aim to recommend the minister on the principles governing the protection of the cultural heritage, annual programs of expropriations or direct purchases, excavations, restorations, conservation as well as other works on monuments as well as the loan, temporary export, exchange and transfer of antiquities forming part of museum collections.

ter of Culture after the opinion issued by the Board and with the possibility to give special terms for the realization of the event. It is also stated that there has to be paid a fee to the Fund of Archaeological Resources and Expropriations for the use of the aforementioned sites, places and immovable monuments²⁵.

Comma 4 of article 46, that rules the fees that everyone has to pay in order to produce, reproduce or disseminate “for direct or indirect economic or commercial purpose, of impressions, copies or depictions of monuments belonging to the Public Sector, or immovable monuments that are located in archaeological sites and historical places or are isolated, or movable monuments that are kept in museums or collections of the Public Sector”, gives also a protection to the sites on an Intellectual Property base.

Still, there is not an exact amount on the fee that has to be paid in order to stage an event in an archaeological site in Greece, because this is, as stated in comma 8 of article 46, a decision of the “Minister of Economy and Finance and the Minister of Culture, who specifies the amount of the fees of the previous paragraphs, the procedures and the method

of their payment, the cases and conditions of exemption from the obligation to pay the fees, and also regulates any other necessary relevant detail”.

So what was possible to understand through the reading of Law 3028/2002 in relation to Katrantzou's show was that it was possible, from a Greek law legal perspective, to show a collection in such historic heritage place, but at the same time, as the article 46 states, this need has to be motivated by a special reason in order to be granted. And the fact that the designer showed of a charitable event rather than an event with the aim of profit, for sure helped her in getting the permission. In fact, many brands, also Gucci, got the refusal on the application for events in Greece since were not as well structured as the one of Katrantzou. At the same time, by reading the law, it emerges clearly that Greek authorities are very protective of their cultural heritage thus aiming, as the UNESCO itself states, the “safeguarding this unique and irreplaceable property, to whatever people it may belong”.

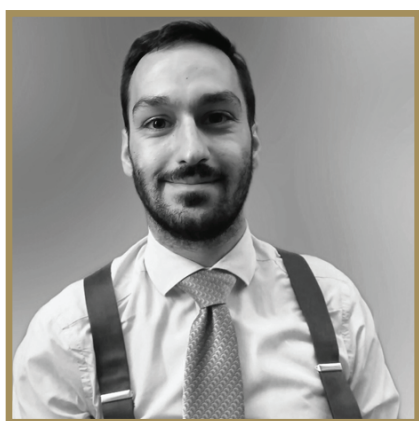
CONCLUSION

The conclusions of this work are many. Firstly, it was possible to trace the history as well as a panoramic overview about the most important International Conventions made to protect cultural heritage and archaeological heritage. Secondly, analyzing the show of Mary Katrantzou it was possible to focus on Greece own Law on the procession of cultural heritage and archaeological heritage thus highlighting the procedure in Greece to stage an event in archaeological heritage sites.

²⁵ The exception to pay a fee may be given only, as the sentence as article 46 states “n the case of non-profitable events, upon decision of the Minister of Culture”.

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