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PUBLIC-INTEREST LITIGATION BEFORE THE ECtHR: TOWARDS A HUMAN RIGHTS APPROACH TO THE “UNIVERSAL” PROTECTION OF CULTURAL HERITAGE?

Taking as a starting point the inadmissibility decision issued in 2019 by the European Court of Human Rights in the case *Abunbay and others v. Turkey*, the article proposes some reflections concerning the possibility of lodging applications with the Court which are aimed at protecting collective interests and common goods as recognized (or emerging) under international law. While the case at hands concerned the specific issue of the protection of cultural heritage, it cannot be denied that, more generally, the importance in contemporary international law of public-interest litigation before international courts and tribunals is growing. And indeed, it is much discussed in the field of the protection of the environment and the fight against climate change. Taking into account this wider potential scope of application, the article is structured in two main parts. After an introduction, Section 2 deals with the procedural issue of the *locus standi* and representation of abstract entities, such as “humanity” and present and future “generations” before the ECtHR. Section 3 deals with the substantial issue of gap-filling in the ECHR case-law, through the so-called European consensus doctrine or the balancing of principles technique. It argues that, had the Court focused on the future generations’ interest in the protection of cultural heritage, it could have probably recognised, through said techniques, the existence under the ECHR of a “universal right to the protection of, and access to, cultural heritage”. The conclusion calls for further reflection on the subject, given several cases that are currently pending before the Court in the field of climate change.