

BOOK REVIEW

CULTURAL RIGHTS IN INTERNATIONAL LAW AND DISCOURSE: CONTEMPORARY CHALLENGES AND INTERDISCIPLINARY PERSPECTIVES

Chow, Pok Yin S. (Pok Yin Stephenson) (2018). *Cultural rights in international law and discourse: contemporary challenges and interdisciplinary perspectives*. Leiden: Brill Nijhoff. pp. 302.

Cultural rights are formally recognized and confirmed in numerous international declarations, covenants and resolutions, however, it seems that this area of human rights still suffers from ambiguity. In this book, the author highlighted the peculiar relationship between culture and human rights in the international legal order, successfully revealing misconceptions and conundrums surrounding the heterogeneous concept of 'culture.'

This book raises several challenging 'cultural questions' to be answered by the state and the communities involved, for instance - what are we trying to protect? Having in mind that culture represents a dynamical and fluid process rather than a strictly normative set of values and beliefs, the author rightly notes the danger of protecting the mere notion of culture, rather than cultural rights of individuals. Thus, the author is positioning individuals as the primary subjects of protection, emphasizing that an individual's access to culture is an indispensable part of his/hers personal development.

While exploring the progressive development of cultural rights, the author analyses relevant provisions of the Universal Declaration of Human Rights, followed by the International Covenant on Economic, Social and Cultural Rights, as two important instruments in establishing and recognizing cultural rights, along with the subsequent instruments and jurisprudence. Stephenson thoroughly interprets the work of treaty bodies and their 'quasi-judicial' role, observing that the treaty bodies in order to protect cultural rights often exceed their monitoring role. Hence, their decisions receive *de facto* recognition, although are not binding *per se*.

Following the conflict between women's rights and cultural rights, he indicates the necessary limitations of cultural rights, including negative practices attributed to customs and traditions which infringe upon other

human rights. In this respect, he systematically examines whether law properly addresses the position of women in the context of cultural practices, as well as the law's ability to address the nuances and contradictions of culture and cultural rights in general.

Furthermore, the author demonstrates that minority rights although different from cultural rights are also strongly interdependent and indivisible. In addition, culture is not strictly separate from religion – those two entities mutually influence each other in the context of one's identity formation. The author finds that it is the strong interconnection between culture and other various concepts and influences that makes it difficult to grasp and adequately promote cultural rights.

The author has shown how contemporary anthropological notion of culture has substantially shaped cultural rights, and in which manner this extensive concept of culture could be specifically applied in the work of the treaty bodies. In this respect, Stephenson suggests the concept of intracategorical intersectionality, through which the unique situation of each individual can be considered in order to understand the paradoxes and dilemmas associated with an individual's practice of culture.

The ability to comprehend and to transcend various aspects of human rights - law, politics, culture, anthropology, sociology, religion, philosophy – hence, to offer a profound interdisciplinary insight into the mutable area of culture and cultural rights is what distinguishes this book. It offers an excellent opportunity, especially for the states and treaty bodies, to reflect on how contemporary anthropological findings should be used as a heuristic device in order to understand and protect the dynamic and constantly evolving area of cultural rights.

Finally, having in mind its eclectic approach and its contribution to the complexity of the intellectual debate on cultural rights and its limitations, this book would be of great benefit to a wide range of public – from legal scholars, international law practitioners, and law students, to anthropologists, sociologists, and decision-makers in the field of culture.

Vanja PAVIĆEVIĆ