

BOOK REVIEWS

THE ART OF INTERNATIONAL LAW – THE OXFORD HANDBOOK OF INTERNATIONAL CULTURAL HERITAGE LAW

Francesco Francioni and Ana Filipa Vrdoljak, eds. 2020. *The Oxford Handbook of International Cultural Heritage Law*. Oxford: Oxford University Press, pp. 1012.

At the dawn of the 21st century, a greater interest in International Cultural Heritage Law as a separate, specialised branch of Public International Law began to grow. Some of the main reasons behind this phenomenon were the following: the need for its better protection, the correction of historical injustices, raising awareness of indigenous rights and human rights in general, etc. It is no accident that the Cultural Heritage Law-making by UNESCO has gradually moved from treating issues of predominantly national importance (protection of cultural property during armed conflict and against illicit movement and trade) to dealing with those regarded as of more universal interest (the world's cultural and natural heritage) and those much more closely tied up with local and regional interests (intangible cultural heritage and diversity of cultural expressions) (Blake 2015, 9).

The Oxford Handbook of International Cultural Heritage Law, edited by Francesco Francioni (Professor Emeritus of International Law at the European University Institute, Florence and Professor of International Law at LUISS University, Rome) and Ana Filipa Vrdoljak (Professor of Law, Faculty of Law, and UNESCO Chair of International Law and Cultural Heritage at the University of Technology Sydney), represents an ambitious scholarly endeavour, underlining the most important developments in this dynamic and evolving area of law.

Despite the compartmentalization of culture conventions and the fragmentation of cultural heritage throughout international law, the editors shed light on growing evidence of cross-fertilization between these regimes, with special emphasis on their interpretation (Vrdoljak and Francioni 2020, 9). This has proved to be correct. One of the most outstanding characteristics of Cultural Heritage Law is its permeation with other areas of international law, such as Intellectual Property Law, Environmental Law, Human Rights Law, Trade and Investment Law, and many more. The afore-explained complexity is conveniently reflected through the Handbook's structure, which is divided into five different

thematic areas covering the majority, if not all, of topics related to cultural heritage and cultural property in general.

Following the introductory historical overview, the second section introduces the plethora of substantive cultural heritage aspects without bypassing contemporary debates on cultural diversity, women, indigenous peoples, intellectual property laws, and human rights. The third section touches upon the conjunction of General International Law with Cultural Heritage Law, which is depicted in the chapters relating to immunity, succession, and responsibility of the State. The Handbook's fourth section is dedicated to dispute adjudication mechanisms, a topic of growing importance, bearing in mind that the general dispute procedure is frequently not adequate to be applied to cultural property disputes. What stands out is the fifth section's profound devotion to regional approaches, which fully encircles the Handbook's theoretical contours. The regional approach is particularly significant in the field of legal anthropology, where several scholars have underlined the consequences of "Western concepts" on cultural heritage, for example, that the Western notion of "property" does not necessarily address the needs of all peoples (Lixinski 2013, 6).

In addition, although the topics of tangible, intangible, underwater, and indigenous cultural heritage are analysed in separate chapters, the Handbook can be considered to have an integral approach to cultural heritage, having in mind the interconnectivity between different chapters and the holistic approach, in addition to the profound legal analysis of the most relevant topics and legal provisions.

Having in mind the absence of a unified legal definition of cultural heritage as well as its multilayered nature, the aim of the Handbook in question is not to provide precise delineations with other areas of international law or to create a theoretical framework that is set in stone. The Handbook's main contribution is precisely depicted in its thorough insights into the various legal nuances of cultural heritage protection development. Therefore, having in mind its normative complexity, the Handbook would be of great use primarily to legal scholars, international law practitioners, and, of course, advanced or Ph.D. law students specialising in this area. However, it certainly represents an inevitable source for anthropologists, archaeologists, sociologists, (art) historians, and researchers in the field of international cultural relations, cultural policy, and diplomacy.

Forming the international legal framework for cultural heritage was conducted in phases, after the Second World War and mainly under the auspices of UNESCO. Stronger foundations have been laid in recent decades for the further development of Cultural Heritage Law and its interaction with other areas of International Law. Evidently, the formation process has not been finalized. Due to its prominent international dimension and often fraught with

enforcement obstacles, the legal protection of cultural heritage represents an ongoing affair. Especially given that law enforcement in this area necessitates the constant interaction and hybridization of different legal orders: private and public, domestic and international, national and regional, and soft and mandatory law (Francioni 2013, 9). Therefore, the intention of the editors is not to compress international cultural heritage law into one handbook, but rather to present the most important aspects and challenges of its legal protection while elucidating the way for further development in the area.

What particularly distinguishes this volume are the authors – world-renewed scholars, prominent experts and practitioners in the field of cultural heritage, with notable books and papers published and an overall experience relevant to the subject matter. This indeed represents an added value, paving the way for this Handbook to potentially become a general textbook and a mandatory reading when it comes to Cultural Heritage Law.

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Vanja PAVIĆEVIĆ