



BOOKREVIEW: Handbook on the Law of Cultural Heritage and International Trade edited by James Nafziger and Robert Paterson [Edward Elgar Publishing, 2014, pp. 1-650, £180, h/bk]

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Handbook on the Law of Cultural Heritage and International Trade by J.A.R. NAFZINGER-R.K. PATERSON (eds) [Edward Elgar Publishing Limited, 2014, ISBN: 978 1 78100 733 4, pp. 1-650, £ 180, h/bk]

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This handbook analyzes the legal and practical problems arising from the need to balance the exigency of protecting cultural properties against illicit appropriation and the interest of the international community in the development of international trade. These problems affect both international and domestic legal orders. Although the protection of cultural heritage and the development of free trade are both fundamental goals of the international community as a whole and of single States, the way in which diverse legal orders attempt to achieve these goals may be considerably different. For example, one of the main reasons why national legislation may vary is due to the different, or even opposing, interests of States. In fact, it is undeniable that some States possess a large amount of cultural objects while others are mainly interested at importing “foreign cultural goods”. For this reason, the book is authored by several experts of diverse nationalities that examine their national legislation concerning this issue.

The handbook is divided into 24 chapters, five of which (two at the beginning and three at the end) investigate the main subject matter from the perspective of international law. These five chapters pay special attention to the obligations arising from global treaty regimes, such as the UNESCO conventions on cultural goods, international human rights treaties safeguarding the right of peoples to the protection of their cultural self-determination and the GATT. The remaining 19 chapters analyze the legislation of several States relating to the control over the export of cultural properties and domestic instruments implementing international and, for EU Member States, EU obligations.

The handbook intends to provide an overall analysis of some controversial issues affecting trade in cultural property. These include the clarification of the term “cultural heritage”, the prevention of illicit removal of cultural goods, and the need to reduce forms of commercial protectionism that States frequently disguise under the false pretext of safeguarding national cultural heritage. These matters are jointly investigated in the book with the aim of ascertaining whether or not international law and bodies (such as international courts and organizations) have proposed some solutions towards reconciling cultural and commercial interests.

The audience to whom the handbook is addressed includes lawyers (in particular, experts of international and comparative law) that already have some basic knowledge of international norms concerning cultural heritage and international trade. The book intends to help its readers to gain a general picture of existing international and domestic norms and practice relating to this area of law.

In spite of the general title of the handbook and the broad definition of cultural heritage that is provided in Chapter one, the volume almost exclusively concentrates on the issue of the export of cultural properties and analyzes it from the point of view of export States. This approach emerges from the 19 chapters, devoted to the analysis of domestic legislation (in particular, national statutes implementing international conventions concerning the export of cultural properties). However, the perspective of the book does not entail a comparative analysis of diverse domestic regimes, but rather results in the evaluation of national norms from a super-national point of view, in order to ascertain whether some coordination between these diverse regimes is possible.

The book does not investigate new issues, but it has the merit of examining the matters under consideration in a conjoined manner. Existing legal doctrine has so far taken into account only single aspects related to the fields of cultural heritage and international trade. Thus, the handbook may also help a rethink of previous doctrine under this new perspective with the aim of identifying further solutions to the problems arising from the export of cultural properties.

The handbook is successful for its capacity to identify several issues relating to the conservation of cultural heritage. In particular, the three final chapters of the book (Chapters 22, 23,

and 24) analyze very interesting issues, such as the connection between human rights and cultural heritage, the need to reconcile the diverse interests affecting the export of cultural objects that occur outside their State of origin, and, finally, the exigency of providing a multilevel regulation of international trade on cultural goods. In particular, the last chapter raises very important issues, such as the difficulty of establishing an effective global regime that may help to control the export of objects comprising the cultural heritage. As this chapter's author suggests, the existing pluralism of sources of law relating to this matter (of both an international and domestic nature) may be considered as a positive element to ensure the effective control over the export of cultural goods as long as the multilevel protection of these goods operates in a coordinated manner.

Therefore, this volume deserves a positive evaluation and must be considered as an interesting and useful doctrinal resource.

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