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BOOK REVIEW: HERITAGE, CULTURE AND RIGHTS: CHALLENGING  
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At a time when the cultural sphere is charged with questions about responsibility and restoration in the context of heritage, it is helpful to think critically about the challenging legal discourses associated with the criteria, procedures, rights and duties that inform the identification and protection of heritage. In this compilation several well-known scholars turn their attention to the operationalisation of international law in the cultural sphere. The book resulted from a workshop convened under the auspices of the Australian Human Rights Centre at the Faculty of Law, University of New South Wales, Sydney and the Association of Critical Legal Studies in 2013. The contributions shine a light on the effects of this operationalisation at the interstices between heritage, culture and rights, as well as on the empirical research being done in this area. The editors have grouped the discussions into three distinct but interrelated themes: 'alliance', 'tension' and 'transformation'. Case studies range across Southeast Asia, China, Australia, Europe, Latin America and Africa.

The opening part, 'Human Rights and Heritage: A Possible Alliance?', grapples with the meeting point between human rights and cultural heritage, probing the human rights approach to cultural heritage and the scope that exists for mutual reinforcement. The middle part, 'Heritage in Tension with Rights', shows up the limitations, legal gaps and interpretive distortions at the intersection of human rights and heritage. In the concluding section, 'Heritage as a Tool for Broader Political Transformation', the pivotal question steers in the direction of the new. What potential is there for reconciliation at the meeting point between human rights and cultural heritage? The advantages of heritage listing for the states parties to the Convention Concerning the Protection of the World Cultural and Natural Heritage 1972 (1037 UNTS 151) – the international prestige, tourist income and access to emergency assistance for World Heritage Sites in Danger – have been written about frequently. For instance, James Nafziger and Robert Paterson cover this aspect in the compilation of essays they edited and published as the Handbook on the Law of Cultural Heritage and International Trade in 2014. It is rarer to find work that engages with the shadow side.

Part 1 offers reflections on the legal meaning and enforcement of cultural rights alongside evidence that cultural heritage cannot be separated from the human dimension of heritage and the rights of people. Co-authors Francioni and Lixinski identify human rights tools that can improve standards for safeguarding cultural heritage and promoting enforcement of heritage law. Boer considers the context of the post-2015 development agenda whereas Hawken focuses on developmental approaches that are based on urban heritage in emerging megacities of Southeast Asia that can curb urban poverty and support basic human rights. Vrdoljak's essay confronts the rapid change that war has undergone in recent decades. There has been a marked shift from the public to the private sphere and military service is outsourced to private security companies that employ their personnel in military operations. The shift brings pressures to bear on the normative principles for ethical conduct in war, affects cultural rights and cultural heritage, and exacerbates existing shortcomings in the implementation and enforcement of human rights and humanitarian law norms. Heritage professionals frequently bear the brunt of the burden for post-war reconstruction. Vrdoljak's essay is a welcome addition to the scholarly literature and hopefully it will encourage further work on how engagement with private security companies in war zones may intensify existing cultural tensions.

The middle part addresses the tension that prevails between the paradigms and priorities of rights, on the one hand, and cultural heritage protection on the other hand. Thorpe illustrates how human rights and cultural heritage protection can work at cross-purposes in planning processes in Sydney, Australia. She argues that when deliberations are manipulated and framed around broader public interest concerns such as heritage, public participation impedes the right to affordable housing. Gruber's study confirms that, in China, political, economic and broad community interests rank more highly than the cultural heritage of local communities. He comments on the level of respect shown for the rights of inhabitants of historic residential areas who have deep connections to the heritage located in ancient city centres and derive their cultural identity from them, but who must contend with having these areas developed as tourist attractions that threaten their way of life. Gillespie's essay considers the social and cultural problems and tensions that cultural heritage listing can bring. The inclusion of the Angkor Wat temple

complex in Cambodia on the UNESCO World Heritage List-in-Danger in 1992 (<http://whc.unesco.org/en/list/668>) caused tensions with local inhabitants' right to live in the area and bequeath land title in the Angkor Archaeological Park. Gillespie argues that management plans for the protection of World Heritage properties ought to incorporate human rights objectives before sites are designated. It would have been useful if more were said also about the state of the discourse after the site was removed from the list-in-danger in 2004. Shyllon's essay on the impact of prioritising development and economic growth in construction projects on monuments and sites in Sub-Saharan Africa concludes Part 2.

Part 3 considers cultural heritage as change agent. Increased international visibility and awareness follow in the wake of the listing on the Representative List of Intangible Cultural Heritage of Humanity established under the Convention for the Safeguarding of the Intangible Cultural Heritage 2003 (2368 UNTS 1). The inscription of cultural systems on international inventories, such as the UNESCO heritage listing of 'Buddhist Chanting of Ladakh', can set in motion events that have lasting implications for the way of life of cultural communities. Lixinski explains why the instruments that contain the criteria, procedures and mechanisms of inscription, are unable to deliver the external self-determination that minorities may be seeking. Listing shifts control towards the state that applies for the listing. The shift does not support the creation of rights against the territorial state but instead, enables the territorial state to determine what heritage is, why it is worth protecting, how it will be safeguarded, and what education minorities will receive. As such, listing may create greater dependency for the territorial state on the cultural tourism value of an inscription, and it may lead to the exclusion of certain minorities. Durbach addresses heritage that offends against human dignity and the aspirations of communities. Hers is a challenging research question: do the transformative aspirations of the post-apartheid cultural heritage protection framework in South Africa promote the reconstruction of a national post-apartheid identity, or are those aspirations interlinked with heritage tourism in ways that prevent transformation of the prevailing socio-economic conditions? She has collected data about four monuments and sites that stand as symbols of exclusion that demarcate the apartheid past, but that have come to represent a collective and inclusive cultural heritage. Nation-building has become possible through a process of cultural acknowledgement, reinterpretation and re-evaluation, but Durbach indicates also that the socio-economic support for the victims of apartheid remains too limited.

Jakubowski concludes by drawing much-needed attention to the potential for reconciliation and dispute-settlement that can result from trans-boundary and multi-regional collaboration in the context of nominations for inscription of sites that are situated in more than one state. If the inscribing function is reduced to a mere intergovernmental mechanism for mediation in territorial and interstate political disputes, the World Heritage Convention will not contribute much to stability and international peace, whereas the dimension of collaboration elevates the Convention to a level akin to a 'constitutional principle'. This potential to consolidate awareness gives the author hope that future listings of heritage in Iraq and Syria will see cultural and human dimensions regaining recognition.

This compilation brings hard questions about culture, cultural heritage and society into better focus. The common understanding across the parts is that this generation's success in discharging its responsibilities to future generations hinges on culture. The urgency of improving legal and policy frameworks to better reflect the interconnectedness of culture, development, and the rights and interests of individuals and communities, is clear. The importance of progress in respect of adjudication of cultural rights and rights related to heritage is equally plain to see. Any plan to realize these aspirations will benefit from acknowledging that unintended consequences may ensue when human rights are used in heritage law enforcement.

The scholarship demonstrated here deserves a strong recommendation for making more explicit the link between cultural heritage provision and human rights. Heightened awareness of the connection and its darker side makes it easier to develop international standards to advance rights relating to cultural heritage. If the restorative and transformative dimensions of cultural heritage for society can be kept in view, as this work does, change may start to happen.

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