

EDITORIAL

Dear Reader,

We are pleased to present you with the latest, already the tenth, issue of the biannual “Santander Art and Culture Law Review” (SAACLR) (2019), marking the passage of five years since we began this fascinating journey. Everything started from an individual grant of the Santander Group within the Programme Santander Universidades, awarded with the objective to launch a new research journal devoted to current problems arising from the intersection of law, culture, and cultural heritage. Each odd-numbered issue of the SAACLR is published in Polish, and each even-numbered issue in English. Since 2017, the journal has been edited by the UNESCO Chair on Cultural Property Law, the Faculty of Law and Administration of the University of Opole (Poland), and published by the Jagiellonian University Press in Kraków (Poland). The journal is available in print and online in Open Access (www.ejournals.eu/SAACLR). It is currently indexed in the European Reference Index for the Humanities and the Social Sciences (ERIH PLUS); the Central and Eastern European Online Library (CEEOL); and the Central European Journal of Social Sciences and Humanities (CEJSH). In 2019, SAACLR was also listed among 500 journals supported by Poland’s Ministry of Science and Higher Education, and indexed in its official list of research journals.

This issue of the SAACLR, as the previous ones, includes our regular sections: Interviews; General Articles; Legal Commentaries; Varia; Debuts; Events and Conferences; and New Books. Accordingly, the issue opens with an interview with Professor Ignacio Tirado, who since 2018 has served as the Secretary-General of the International Institute for the Unification of Private Law (UNIDROIT). The interviewee addresses the role of this organization and its 1995 Convention on Stolen or Illegally Exported Cultural Objects in protecting cultural heritage worldwide against illicit trade, often coupled

with illicit financing and arms flows. He addresses the need for closer multi-level international cooperation for the safeguarding of cultural property, in particular to ensure the return of illegally-transferred objects to their state of origin. In this regard, a particular role is played by the 1995 UNIDROIT Convention Academic Project (UCAP), the main objective of which is to promote a favourable legal environment for the restitution and return of stolen or illegally-exported cultural objects through knowledge-sharing and dissemination, as well as projects pursued individually by the partners and members or on the basis of joint initiatives.

In turn, the second interview – with Mylène Bidault and Johanne Bouchard, two scholars working for the Office of the UN High Commissioner for Human Rights – addresses the practice of the special procedure in the field of cultural rights. This procedure, entitled “Independent expert in the field of cultural rights”, was established by the UN Human Rights Council in 2009 and has already proven to be an important vehicle for promoting and fostering the implementation of cultural rights. The mandate of Independent Expert, and since 2012, that of Special Rapporteur in the Field of Cultural Rights, has been held by two eminent human rights scholars and activists: Farida Shaheed (2009-2015); and since 2015 by Karima Bennouna. To date, 18 comprehensive reports have been issued, dealing with various aspects of the operationalization of cultural rights in their individual and collective dimensions, and offering recommendations on the further implementation of such rights. Importantly, the 2016 report substantiated the intentional destruction of cultural heritage as a violation of human rights. The interviewees present their views on the development and functioning of the special procedure.

In this issue we also continue our general strategy of having a main leading theme for each issue of the journal. While the previous issue was dedicated to legal and policy developments within the framework of the European Year of Cultural Heritage 2018 (EYCH 2018), the present volume deals with the legal notion of “national treasures” and its relevance for the cross-border movement of cultural objects. This leading theme arises from debates and discussions held at the Third All Art and Cultural Heritage Law Conference, “Cross-border Movement of Works of Art in Europe: Freedom or Constraints”; jointly organized by the Art-Law Centre and the UNESCO Chair in the International Law of the Protection of Cultural Heritage of the University of Geneva, and the Art Law Foundation (Switzerland) on 10 November 2018. We are very pleased that this issue has been co-edited by three guest editors who are renowned experts in the field: Anne Laure Bandle, Director of the Art Law Foundation and an attorney-at-law at the law firm Borel & Barbey, Geneva (Switzerland); Alessandro Chechi, senior researcher and teaching assistant at the University of Geneva (Switzerland) and lecturer in Public International Law at the Université Catholique of Lille (France), as well as author of *The Settlement of International Cultural Heritage Disputes* (Oxford University Press, 2014); and Marc-André Renold, Professor of art and cultural heritage law at the University of Geneva and the Director of its Art-Law Centre, who since March 2012 also

holds the UNESCO Chair in international cultural heritage law at that university. Alongside their co-edition of this issue, they also offered introductions to the sections entirely devoted to the leading theme: General Articles, and Varia. We are very grateful to them for their superb work. We would also like to acknowledge the support received from the Faculty of Law of the University of Geneva.

As in the case of the former volumes of the SAACLR, this one also features a Debuts section dedicated to works by younger and emerging scholars. This time, Musab Talha Günay, Maastricht University, offers an evaluation of Daesh's destruction of Palmyra using the gravity assessment made by the ICC Prosecutor in the *Al Mahdi* case. This is followed by a section containing reports and notices on the variety of events in the field of cultural heritage law and policy that took place in 2019. The final section contains a series of short notes on the most pertinent recent books.

Last but not least, this issue also includes a call for papers on the impact of the digital turn on cultural heritage law and policy, i.e. "Cultural Heritage and Technology", for the next English issue of the SAACLR (2020, vol. 6). The call is jointly launched by SAACLR's Editorial Board and the project "Digital Heritage in Cultural Conflicts" (DigiCONFLICT; <https://digiconflict.net>), an international research consortium funded by the Joint Programming Initiative on Cultural Heritage (JPICH). DigiCONFLICT explores the impact of digital heritage on contemporary engagements with the past in specific national frameworks in Poland, Sweden, and Israel, and particularly focuses on multimedia museums, oral histories, and photography as the most common media employed in the creation and dissemination of digital heritage.

We hope that you will enjoy this new issue of the "Santander Art and Culture Law Review". We encourage you to contact us (at: saacreditors@gmail.com) if you wish to reply to the call for papers, or just to express your opinion regarding the content of our volumes.

Andrzej Jakubowski & Alicja Jagielska-Burduk