

EDITORIAL

Dear Reader,

We are pleased to present you with a new, already fourth English issue of the biannual “Santander Art and Culture Law Review” (SAACLR) (2018, Vol. 4). The publication of this journal was initiated in 2015 as a part of the project entitled *Creating and Managing an Interdisciplinary Legal Journal Dealing with Culture-Related Issues*, founded by an individual grant of the Santander Group within the Programme Santander Universidades. Since 2017, SAACLR has been edited by the UNESCO Chair on Cultural Property Law, the Faculty of Law and Administration, University of Opole (Poland), and published by the Jagiellonian University Press in Kraków (Poland). Each odd-numbered issue of our biannual is published in Polish and each even-numbered issue in English. 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).

SAACLR’s Editorial Board is committed to following the general journal strategy of establishing a leading theme for each issue. The first English issue of the SAACLR (2015, Vol. 2) was dedicated to the role of international law in the protection of cultural heritage in the event of armed conflicts and terrorism. In turn, the second English issue (2016, Vol. 2) was edited in cooperation with the consortium of the project HEURIGHT – *The Right to Cultural Heritage: Its Protection and Enforcement through Cooperation in the European Union*. That issue, prepared with two guest editors – Francesca Fiorentini (University of Trieste, Italy) and Kristin Hausler (British Institute of Comparative and International Law in London, United Kingdom) – was entirely devoted to the implementation and operationalization of Directive 2014/60/EU of the European

Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No. 1024/2012 and the movement of cultural objects in the European Union (EU). The third English issue, co-edited with Hanna Schreiber (University of Warsaw, Poland) and Lucas Lixinski (University of New South Wales) – also compiled in cooperation with the consortium HEURIGHT – dealt with the topic of *successes, problems, and challenges surrounding intangible cultural heritage ten years after the entry into force of the Convention for the Safeguarding of the Intangible Cultural Heritage (the 2003 Convention)*. For the present issue, we again chose a topic related to the law and policy of the EU: *the European Year of Cultural Heritage 2018 (EYCH 2018): legal and policy developments*.

The EYCH was established by the Decision (EU) 2017/864 of the European Parliament and of the Council of 17 May 2017 “to encourage the sharing and appreciation of Europe’s cultural heritage, raise awareness of common history and values, and reinforce a sense of belonging to a common European space” (Preamble, 25th recital). Moreover, it was launched to both highlight the diversity of Europe’s cultural heritage, as well as “celebrate, understand and protect its unique value and reflect on the place that cultural heritage occupies in all our lives” (www.eych2018.com/themes-and-objectives). The EYCH 2018 was also intended to enhance the importance of the EU’s increasing engagement in cultural heritage. In fact, since the entry into force of the Treaty of Maastricht (1993) the European integration – within the framework of the EU – has been more and more marked by cultural considerations and the growing common action in the realm of culture and heritage. In this regard, the EYCH 2018 emphasizes the importance of cultural heritage to European societies from the cultural, environmental, social, and economic points of view, acknowledging that the sustainable management and governance of cultural heritage should constitute a strategic choice for the 21st century. This overall objective is also reflected by the EYCH 2018’s slogan: “Our heritage: where the past meets the future”. To this end, the agenda of the EYCH 2018 has featured a great number of events and activities at the European, national, regional, and local levels. Hence the EYCH 2018 may be seen as a crucial response from the EU and its Member States to the current challenges faced by cultural heritage, both world-wide and in the region.

The present issue includes our regular sections: Interviews; General Articles; Commentaries; Varia; Debuts; Events and Conferences; and Book Reviews. We have also invited many new reviewers, both academics and practitioners – renowned experts in heritage studies and cultural heritage law and policy. Accordingly, the issue opens with an interview with Diego Marani, a famous novelist, translator, and newspaper columnist, who also serves as Advisor for cultural policy at the European External Action Service. The interviewee addresses the role of the EYCH 2018 within the broader context of the expanding scope of the EU’s external policy, highlighting the importance of cross-institutional coordination.

The General Articles section begins with an introductory contribution on the EYCH 2018 by Markus J. Prutsch. The author analyses the political reasoning and priorities of the European Parliament with regard to the EYCH 2018, and offers some reflections on the ex-post evaluation of the Year's achievements as well as the Parliament's future priorities pertaining to cultural heritage at the European political level. The next article, written by Viktorija L.A. Čeginskas, focuses on the European Heritage Label (EHL), a recent EU heritage action, in the context of the EYCH 2018. The author explains that the two initiatives share similar approaches and create opportunities to complement one another. She argues that while the designation of the EYCH 2018 was an attempt to communicate an understanding of EU cultural heritage to a broader European public, the EHL offers new approaches to heritage that challenge national discourses and exclusionary narratives of belonging. She concludes that the promotion of European heritage serves the political objectives of European integration and may strengthen a sense of belonging to Europe as a cultural and political community. Subsequently, Sabrina Urbinati explores one of the key legal initiatives within the framework of the EYCH 2018: the proposal for a regulation of the European Parliament and of the Council on the import of cultural goods. The main aim of this article is to discuss whether the EU legal framework can effectively contribute to the fight against the illicit trafficking in cultural property coming from situations of armed conflict. In turn, Żaneta Gwardzińska scrutinizes the role of cultural heritage in the Eastern Partnership (which provides an institutional cooperation between the EU and Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) since its establishment in 2009. While analysing various initiatives and programmes undertaken in the countries in question, she argues that the partnership has indeed created a new cultural dimension of the European Neighbourhood Policy.

The two final contributions in this section, although not directly linked to the topic of the EYCH 2018, address a more general issue of the role of European integration – within the structures of both the EU and Council of Europe (CoE) – for the protection of cultural heritage. Berenika Drazewska discusses the existence of “common European standards” on cultural heritage protection in relation to the ongoing struggle to save the historical and archaeological sites of Hasankeyf from the now imminent flooding in connection with the construction of the hydroelectric dam at Ilisu on the Tigris river in the southeastern part of Turkey. In particular, she analyses the case against Turkey brought by Turkish citizens before the European Court of Human Rights in connection with the construction of the Ilisu dam, highlighting that – despite the outcome of the case – it might still be considered a step forward toward advancing public interest litigation for the protection of cultural heritage. The next paper, by Elisabetta Mottese, investigates the role of preventive measures in the CoE's Convention on Offences relating to Cultural Property (Nicosia Convention), open for signature since 2017. While outlining its most important and relevant provisions relating to preventive and other adminis-

trative measures, the author argues that States Parties to this treaty, by adopting and applying risk-preparedness tools, will be able to focus their efforts in the field of cultural property protection in the most effective and efficient way.

While the other sections of this issue are not directly related to the EU or CoE dimension of cultural heritage law and policy, they still refer to Europe. Accordingly, the two articles in the Commentaries section deal with domestic cultural heritage law. Jure Škrbec and Bojan Dobovšek present their pilot research on art crime in Slovenia – research which identifies and examines the problems surrounding art crime and people’s opinions about art culture in Slovenia. The results of their research show that notwithstanding the fact that most respondents do not own or possess important and valuable works of art and art culture does not play a significant role in their life, they are still aware of the challenges faced by the cultural heritage sector, in particular theft and war pillage. The following contribution, written by Yulianna Vertinskaya, continues the SAACLR’s objective of presenting national cultural heritage legislation. This time, an overview is offered of the legal framework for the circulation of cultural objects under the law of the Russian Federation.

The Varia section of this issue includes two comprehensive studies. Karolina Wierczyńska’s article discusses the complex legal and practical aspects of Polish-German relations in the area of cultural heritage between 1990-2019. The author argues that notwithstanding the Second World War trauma, the wider perspective shows that Polish-German relationships in the area of cultural heritage refer currently not only to lost goods but to broader cooperation in many aspects of cultural heritage, such as the preservation of cultural goods, regional cooperation, etc., which is conducted and developed mostly by non-governmental organizations, societies, and foundations. In turn, the second article in this section, by Evelien Campfens, explores the timely topic of adopting alternative dispute resolution (ADR) mechanisms to resolve disputes over cultural property. In particular, she presents and scrutinizes two recent initiatives: the 17 January 2019 resolution of the European Parliament “on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars”; and the newly established *Court of Arbitration for Art* in The Hague (The Netherlands).

As in the case of the former volumes of our journal, the Debuts section follows with contributions by younger scholars. First Claudia S. Quiñones Vilá critically analyses the ongoing challenges to cultural heritage preservation in the EU and presents recommendations for improvement. She focuses on two countries – the UK and Italy – as practical examples, both of which have a wealth of cultural heritage but differing approaches to its protection and management. By investigating the results of these approaches from a critical and outside (non-European) perspective, she is able to offer insights into the nature of the underlying problems and suggest how they should be addressed for greater effectiveness. Next Nicholas Augustinos addresses the role of non-state actors in the cultural heritage field, presenting the case of the Orthodox Church and its heritage in Turkey. He argues

that international law and policy should be open for a more participatory approach which includes the involvement of all-affected actors in the post-conflict management of religious sites.

This is followed by a section containing reports and notices on a variety of events in the field of cultural heritage law and policy which took place in 2018. The final section contains timely and pertinent book reviews.

Last but not least, this issue also includes a brief presentation of the next, fifth English issue of SAACLR (2019, Vol. 5), which will be devoted to the topic of national treasures and the limits on private property ownership of cultural objects and their cross-border movement. In this regard, we are most happy and honoured to announce the issue will be co-edited by Marc-André Renold from the Art-Law Centre (ALC), University of Geneva (Switzerland), Alessandro Chechi, the SAACLR thematic editor, also from the ALC, and Anne Laure Bandle from the Art Law Foundation (Switzerland).

We hope that you will enjoy this fourth English issue of the “Santander Art and Culture Law Review”. We encourage you to contact us (at: saacreditors@gmail.com), if you wish to submit a paper, or just to express your opinion regarding the content of our volumes.

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