

# EDITORIAL

*Dear Reader,*

We are pleased to present you with the latest, already the eighth volume of the biannual “Santander Art and Culture Law Review” (SAACLR) (2022). This year has been marked by extremely difficult challenges for cultural heritage and its legal regulation and policy. In particular, with the next phase of Russia’s aggression against Ukraine, which began on 24 February, the international community has once again witnessed a series of crimes against civilians and against cultural heritage, both tangible and intangible. Despite the great commitment of many individuals, institutions, organizations, and states, heritage in Ukraine is constantly under threat, not only from the effects of military action, but also from illegal exports, looting, and the annihilation of intangible culture, including the forced displacement of the population. Questions about the effectiveness of the existing legal regime on the protection of cultural heritage in the event of armed conflict remain even more pressing.

This year has also been marked by an increasingly wide-ranging debate on accountability for the crimes against cultural heritage committed during the colonial era and on the proper forms of redress for the harm done. In many countries, a number of initiatives have been undertaken to respond to and address the claims made by victimized communities from formerly colonized territories around the globe. Various initiatives have occurred at both the level of legislation and within the framework of provenance research, as well as in the context of other programmes launched by museums and other cultural and academic institutions. In relation to these developments, the present issue of the SAACLR – continuing its general strategy of having a special theme for each issue of the journal – focuses on the broader topic of colonial

loot and its restitution. Notably, the vast number of articles published in this issue stems from the truly wide response to the open call for papers launched on 18 February 2022 ([www.ejournals.eu/SAACLR/menu/1357](http://www.ejournals.eu/SAACLR/menu/1357)).

We are very pleased that this issue is also the fruit of cooperation with two renowned guest editors: Evelien Campfens, a Postdoctoral Fellow at the Centre for the Arts in Society, Leiden University; and Surabhi Ranganathan, Professor of International Law and Deputy Director of the Lauterpacht Centre for International Law, University of Cambridge. Alongside their co-edition of this issue, they also offer a Guest Editorial to the articles devoted to the leading theme, included in the sections: Interviews, General Articles, Debuts, and Country Reports (a special section that replaces our usual one of “Legal Commentaries”). We are very grateful to them for their superb work, expertise, and cooperation.

As in the case of the former issues of the SAACLR, this one also features a *Varia* section, which this time offers two articles. The first – “Ethnonationalism and Cultural Heritage Law in Myanmar” – is authored by Anaïs Mattez, who warns that the implementation of international conventions such as the World Heritage Convention, the 1970 UNESCO Convention, and the 1995 UNIDROIT Convention, calling on national governments to single out cultural heritage that deserves protection in national heritage laws, may become closely linked to ethnonationalist ideologies. The article highlights how this is the case in Myanmar, with its complex ethnic history; where the conventions have been used to serve the promotion of the dominant ethnic group, to the detriment of minorities such as the Rohingya people. In turn, the contribution by Grzegorz Mania, “Legal Scenarios for Borrowing in Electronic Music”, refers to various intertextual strategies in the field of electronic music and their legal categorization. The main part of this article is devoted to the problem of sampling. In this regard, possible legal qualifications are discussed, as well as controversies related to the different scope of protection of works, artistic performances, and phonograms. The article also refers to other phenomena in the electronic field, including reedit, remix, or mash-up.

Finally, this issue includes a series of notes on the most pertinent new books on cultural heritage law published in English in 2022. It also features two Appendices: the Executive Summary of the Final Report and Recommendations adopted by the Committee on Participation in Global Cultural Heritage Governance of the International Law Association (ILA) and endorsed by the 80th Biennial Conference of the ILA in June 2022; and the report on the implementation of the ERC-funded project “Trafficking Transformations: Objects as Agents in Transnational Criminal Networks” (University of Maastricht).

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](mailto: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. We would also like to remind you that the journal is avail-

able both in print and online in Open Access ([www.ejournals.eu/SAACLR](http://www.ejournals.eu/SAACLR)). We are also pleased to inform you that the journal is currently indexed in Scopus; 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 2022, SAACLR has also been listed among the research journals supported by Poland's Ministry of Science and Higher Education, and indexed in its official index.

*Andrzej Jakubowski & Alicja Jagielska-Burduk*