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By *Lucas Lixinski*



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## Intangible Cultural Heritage in International Law (Cultural Heritage Law and Policy) By Lucas Lixinski

This book offers a comprehensive analysis of the legal issues around intangible cultural heritage (also known as traditional cultural expressions or folklore). It explores both institutional and substantive responses the law offers to the safeguarding of intangible heritage, relying heavily on critiques internal and external to the law. These external critiques primarily come from the disciplines of anthropology and heritage studies.

Intangible cultural heritage is safeguarded on three different levels: international, regional, and national. At the international level, the foremost instrument is the specific UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003). At the regional level, initiatives are undertaken both in schemes of political and economic integration, a common thread being that intangible cultural heritage helps promote a common identity for the region, becoming thus a desirable aspect of the integration process. Domestically, responses range from strong constitutional forms of protection to rather weak policy initiatives aimed primarily at attracting foreign aid.

Intangible heritage can also be safeguarded via substantive law, and, in this respect, the book looks at the potential and pitfalls of human rights law, intellectual property tools, and contractual approaches. It investigates how the law works and ought to work towards protecting communities, defined as those from where intangible cultural heritage stems, and to whom benefits of its exploitation must return. The book takes the critiques from anthropological and heritage studies into account in order to posit a re-shaped law, offering tools that can be valuable to both scholars and practitioners when understanding how to safeguard intangible heritage.



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#### Review

"Lixinski thoroughly covers novel theoretical tensions as well as complex substantive and institutional legal matters in a clear and readable manner, providing useful insights into legal and social issues surrounding ICH protection... This book provides an excellent summary of overarching themes in efforts to safeguard ICH and provide remedies, including addressing the difficulties of providing legal protection for constantly evolving and self-defining living cultures... This book is highly recommended for practitioners and students within the legal field, especially those focusing on intellectual property or cultural heritage sectors, and related interdisciplinary areas." -Megan Rae Blakely, *The Kelvingrove Review*

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#### About the Author

**Lucas Lixinski** is the Dean's Postdoctoral Research Fellow at the University of New South Wales Faculty of Law (Sydney, Australia). He holds a PhD in International Law from the European University Institute (Florence, Italy). He researches and writes primarily in the areas of international cultural heritage law and international human rights law. He is Brazilian, and received his first law degree from the Universidade Federal do Rio Grande do Sul (Porto Alegre, Brazil).

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