

# Book Reviews

Ana Filipa Vrdoljak, *International Law, Museums and the Return of Cultural Objects* (Cambridge University Press, Cambridge, 2006, ISBN: 13 978-0-521-84142-9, ISBN: 10 0-521-84142-9, 382 pages, AUD \$180.00, hardback)

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Recent events in Australia's northern Indigenous communities and the scale of the Federal Government's intervention in response reflect the fraught, ongoing negotiation of the relationship between the State and Indigenous Australians. The disparity between the language of 'shared responsibility' in Indigenous affairs policy and its limited manifestation in the governance of Aboriginal communities in Australia continues to drive calls for Indigenous self-determination. Further, international support for the collective rights of Indigenous peoples has been recently expressed by the adoption of the Declaration of the Rights of Indigenous Peoples by the United Nations Human Rights Council in June 2006.

In *International Law, Museums and the Return of Cultural Objects*, Ana Filipa Vrdoljak explains that the restitution of cultural objects to Indigenous peoples is integral to the process of self-determination and the attendant right to cultural development. Cultural objects — the 'movable physical manifestation of the culture of an occupied people' — are defined as an essential component of cultural heritage, together with land, ancestral remains and knowledge. Vrdoljak sets out to examine the processes of removal and return of cultural objects by colonial powers from occupied communities. These processes are considered in the context of developments in international law, the evolving role of museums, and the changing political status of Indigenous communities following decolonisation. The historical backdrop of the discussion is Anglo-American colonialism during the nineteenth and twentieth centuries, which Vrdoljak considers particularly aggressive in its collecting practices.

The effects upon colonised peoples of the dispossession of land and resources are routinely decried by human rights activists around the world. However, the erosion of cultural identity signified by the loss of cultural objects is arguably less well-understood. Vrdoljak not only enhances our understanding of the consequences of the European colonial project, but illuminates the full range of policies and practices that must be confronted to achieve moral restitution. The discussion is structured around the three

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rationales for restitution of cultural objects in international law proposed by Vrdoljak — the notion of sacred property; righting international wrongs; and self-determination and reconciliation. Each rationale is explored against the actions of a particular state; respectively, the United Kingdom from the nineteenth century to the interwar period, the United States from the early twentieth century to decolonisation, and Australia from decolonisation to the present day.

The book's chronology of relevant developments in international law reveals a close connection to simultaneous shifts in anthropological and political discourse. Vrdoljak explains that displays in British museums in the nineteenth century helped achieve a unified imperial identity and the possession of cultural objects of the empire's territories served to demonstrate its economic and military strength. The collecting practices of museums were facilitated by the ascendancy of cultural Darwinism, which rationalised the colonial project by placing peoples along a 'scale of civilisation'. During this time, international efforts to protect the cultural heritage of communities were largely limited to prohibiting the destruction of a narrow range of sites and objects conceptualised as culturally significant in European terms, during armed conflict.

Vrdoljak posits that the second phase in the development of international law governing the return of cultural objects, aligned with the second rationale for restitution, was shaped by the events of the Second World War. The genocidal policies of fascist regimes in the 1930s and 1940s prompted a recognition by the Allied nations of the importance of restitution to ameliorate such acts, and led to the replacement of cultural Darwinism with cultural pluralism. Although those nations embraced a program of restitution of cultural objects removed or destroyed by the Nazi regime, they resisted the inclusion of cultural elements in the definition of genocide in the Convention on the Prevention and Punishment of the Crime and Genocide ('1948 Genocide Convention'). Vrdoljak provides a valuable account of the negotiations leading to the adoption of the 1948 Genocide Convention and the anxiety among settler states and metropolitan powers that their policies of assimilation or 'nation-building' would be held up to scrutiny. The claim of many of these states that the cultural component in the 1948 Genocide Convention was more appropriately dealt with by minorities and human rights protections is developed into a discussion about the continuing aversion among states with Indigenous populations to the inclusion of 'group rights' in international human rights instruments.

According to Vrdoljak, the evolution of the law of the return of cultural objects in the post-war period until the present day has been underpinned by the rationale of self-determination and reconciliation between newly independent states and former colonial powers, or Indigenous communities and settler states. Vrdoljak notes that although the structures of colonialism have been formally dismantled, the rights of Indigenous communities to reclaim their cultural heritage remain highly qualified and vulnerable. She traces the development of several United Nations Economic, Social and Cultural Organisation initiatives and the limited progress made towards the development of a multilateral instrument that obliges states to negotiate with individual claimants for the restitution of cultural objects. Attention is also given to the changes in Australian

museum policy and the transition in the relationship between the Australian Museum and Indigenous Australians in recent decades. The final chapter of the book contains a helpful comparative analysis of the models for restitution to Indigenous peoples developed by the governments in Australia, the United States and the United Kingdom.

Although ambitious in its scope, *International Law, Museums and the Return of Cultural Objects* avoids any superficiality in its treatment of the law, history and anthropological theory relevant to the restitution of cultural objects. Vrdoljak combines a thorough knowledge of international and comparative legal developments with a sense of the humanitarian political project at the heart of this area of policy. Although the book is designed principally for a legal audience, its highly readable style and breadth of subject matter will make it an extremely valuable resource for all those working in the field of Indigenous and cultural rights.