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Lucas Lixinski and Lucie K. Morisset

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Federica Cittadino

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Federica Cittadino

1: Introduction

This chapter aims to illustrate the multiple and bidirectional relationships between heritage studies and environmental law. As noted by Gentry and Smith (2019, 1155), the link between environmental problems and the concept of heritage is already present in the work of Lowenthal, one of the founding figures of heritage studies. Reading heritage studies in light of environmental problems is nowadays particularly topical because current environmental crises, such as the increasingly more evident effects of global warming and the loss of biodiversity, risk compromising in a serious way the integrity of protected heritage (Apgar 2017; Kim 2011; Maffi 2005). In a complementary way, preserving heritage may play a fundamental role in supporting conservation and increased resilience against environmental degradation (Ekblom et al. 2019; UNESCO 2008; Winter 2013, 533).

While the factual relationship between heritage and the environment has been addressed in the literature, at least partially, it is less so for the interface between heritage studies and environmental law. Indeed, analysing how environmental law influences the protection of heritage may shed light on both the hidden power imbalances characterizing the regulation of heritage, especially when it relates to the natural environment, and, more generally, the common theoretical foundations underlying the two regimes. Furthermore, environmental governance may suggest avenues for reforming heritage law. While heritage law is sometimes treated as a sub-branch of environmental law (Lixinski 2019, 168; see the chapter on classification by Nicholas Augustinos in this volume), this chapter will help highlight both the distinguishing features of the two regimes and their potential overlaps.

In order to discuss these elements, section 2 illustrates the contaminations existing between some of the main principles in environmental law and the rationales of both orthodox and critical heritage studies. Section 3 proposes a similar reflection starting from the multifaceted notion of environmental justice. After laying some theoretical foundations, section 4 moves on to argue for the relevance of the literature about the multilevel governance of the environment in debates about the functioning of the governance of heritage in heritage sites. What emerges is that, similarly to what happens in environmental law, heritage law is the result of regulatory needs historically monopolized by states, which slowly but consistently are being contaminated by participation instances and community needs. These can no longer be ignored by both heritage scholars and

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managers. Furthermore, governance issues concerning coordination in policy-making need further attention and reflection.

2: Heritage and Some Relevant Principles of Environmental Law

Environmental law is a complex branch of law that includes an ever-growing set of environmental problems in its scope. While environmental needs may be very specific to the territories in which some habitats and species are located, the causes for environmental degradation are rarely exclusively local but rather depend on a series of events interlinked with one another in space and time (e.g. Alberton 2021, 28). This is one of the reasons why international law plays a central role in setting the legal background in which environmental problems need to be addressed, jointly solved by states, and then implemented at national levels. In particular, international environmental law is shaped by a series of important principles that have informed the regulation of environmental problems at the various levels of government, such as the prevention and the precautionary principles, the polluter-pays principle and others (Sands and Peel 2018, 197–251; Krämer and Orlando 2018). In the following, I refer to the two general principles that in my view bear more consequences for heritage studies, namely (1) the permanent sovereignty of states over their natural resources and (2) sustainable development. Linked to the latter principle, I also discuss the relevance of the ecosystem approach. While permanent sovereignty is the basis of both contemporary environmental law and the international regime on heritage protection discussed in this chapter, sustainable development and its subcomponents are instrumental for framing the instances of more inclusiveness and contamination with different societal needs that permeate both environmental and heritage law.[1]

The significance of these principles for heritage studies is also linked to the history of the heritage regime. In particular, the World Heritage Convention (WHC)[2] is the result of long negotiations, dominated by the incipient environmental movement (Cameron and Rössler 2013, 3–26), at the end of which a science-driven approach prevailed in the way in which cultural heritage is protected under the WHC. Significant instances of this are the strong role attributed to experts when identifying heritage and the creation of categories, such as natural properties,[3] mixed properties and cultural landscapes[4] that protect the natural characteristics of selected sites (Lixinski 2019, 168–172).[5] In this sense, the consideration of general environmental principles makes sense also in light of both the theoretical foundations of the international heritage regime and the existence of sites protected for their natural elements.

The permanent sovereignty of states over their natural resources is one of the founding principles of general international law, which implies the right of states to freely exploit the natural resources present in their territory (Gestri 2018; Nollkaemper 2009, 255; Schrijver 1997). While international environmental law has created some constraints to the way in which this right can be exercised within states and from a transboundary perspective, it has also contributed to anchoring environmental protection to territoriality, thus indirectly supporting a material notion of nature and its protection. For instance, many early environmental treaties protect specific lists of habitats and species that are located in specific portions of the territory of the contracting states. This approach is similar to that adopted in international heritage law (Cittadino 2019, 300), since for instance under the WHC properties of outstanding universal value need to be nominated and listed by individual states, which then have the duty to ensure their protection locally. This legal regime is based upon theories elaborated in the framework of orthodox heritage studies, according to which heritage is valuable for its material characteristics and is in the exclusive purview of experts, who need to certify its existence (Wells and Lixinski 2016, 349). The materialization of heritage, which

is translated into a territorialized protection of heritage sites, goes conceptually hand in hand with the materialization of nature, testified by environmental treaties of the first generation.

Only with the introduction of the concept of common concern of humankind (Sands and Peel 2018, 245), treaty-making in environmental matters has partially overcome a vision of environmental protection exclusively founded on the territorial protection of natural resources to embrace a vision based more on common problems and common responsibilities (Nollkaemper 2009, 261; Yussuf 1995). This conceptual shift also coincides with the emergence of the principle of sustainable development in international law. The integration of environmental, economic and social components lies at the heart of sustainable development (Barral 2012), which is articulated through additional specific principles, namely sustainable use, and inter- and intragenerational equity (Sands 1995, 57–62).

While sustainable use is still premised upon sovereignty over natural resources, it imposes substantive limits to the use of natural resources by states with a view to avoiding the long-term decline of natural resources to the benefit of future generations (Sands and Peel 2018, 222–225; Cittadino 2009, 19–43). In the context of conservation treaties, especially the Convention on Biological Diversity (CBD),[6] the principle of sustainable use lies at the basis of a more specific approach to nature conservation, i.e. the so-called ecosystem approach. While promoting the most appropriate balance between conservation and the use of biological diversity, the ecosystem approach recognizes that finding this balance is a matter of societal choice (Cittadino 2019, 284). In proposing a notion of nature that is hybridized with cultural and societal values, the ecosystem approach emphasizes the importance of the human contribution to the conservation of nature. Nature therefore is not an aggregate of material goods but the result of the interaction of man with the natural environment, in other words a social construct with cultural connotations.

The blurring of categories such as tangible versus intangible and nature versus culture has emerged in a similar way in critical heritage studies (Guermandi 2019; Wells and Lixinski 2016, 352–353; Witcomb and Buckley 2013, 567). In this sense, heritage is not to be protected only for its material value but also, and especially, for "the values and meanings that everyday people have for tangible and intangible heritage of all forms" (Wells and Lixinski 2016, 345). Notwithstanding the intangible origins of heritage, critical heritage scholars are clear in emphasizing the material consequences of legally protecting heritage (Gentry and Smith 2019, 1149). Identifying some sites as heritage of outstanding universal value within the WHC framework, for instance, makes them worthy of protection and thus both crystallizes and perpetuates the underlying power imbalances (Wells and Lixinski 2016, 357). Therefore, it becomes crucial that all subjects are allowed to effectively participate in the processes that contribute to both the emergence and legal recognition of heritage.

Under international environmental law, the need for effective participation of the public (concerned) in environmental decision-making is strongly affirmed in Principle 10 of the Rio Declaration[7] (Tsioumani 2018) and is translated into concrete obligations in many environmental treaties, including the CBD (Cittadino 2019), alongside being part of human rights approaches to heritage and the environment (see the chapter on heritage and human rights by Andrzej Jakubowski in this volume). The logic of territoriality is not completely abandoned but is mitigated by a definition of public that generally includes all concerned actors independently from their nationality or place of residence. In contrast, under international heritage law, the participation of concerned actors is less established, although recent developments explicitly recognize the interest of some groups, such as communities, in some phases of the nomination and management of heritage sites (Cittadino 2019, 304–314).[8]

Participation is backed conceptually by the principle of intergenerational equity, according to which the integration of environmental protection with other social and economic concerns must be done in a way that does not undermine the capacity of future generations to use today's environmental resources (Brown-Weiss 1989). This principle has reinforced the legal position of young people and minors before national and international courts. Similarly, the same principle could be used to argue for more participation of young people in public decision-making. Indeed, the explicit reference to the transmission of heritage to future generations in the WHC[9] has led to an interpretation that favours experts over representatives of future generations. Therefore, there is a tension between the way in which the transmission of heritage to future generations has been framed within the WHC and the way in which it might be interpreted in light of the general principle of intergenerational equity. Most importantly, there is certainly a tension between the prevalence of experts over representatives of the current generation, whose participation is warranted in light of intragenerational equity (Lixinski 2019, 174).

Intragenerational equity brings to the fore the need to give special weight to those actors that are in a disadvantaged position and suffer more from environmental problems without being directly responsible for them. Considering the internal implications of this principle (within states), it could be used to justify the participation of the weakest and more disadvantaged people and groups in policy-making. Concerning inter-state relations, intragenerational equity has been used in environmental treaties as the basis to justify international cooperation and assistance in the form of transfer of technologies and expertise. The same principle could be used in the context of heritage law to justify similar measures both in the management of heritage sites internally and to support more international assistance between states when it comes to the nomination and management of sites.

3: Heritage and Environmental Justice

Environmental justice is an ever-expanding explanatory concept (Schlosberg 2013, 42), used both in legal studies and political science to generally account for the disproportionate distribution of burdens to low-income and minority communities (Kaswan 1997, 225–229; Rosignoli 2020). While the original core of these studies emerged in the United States, this paradigm has progressively been applied to other contexts, both in different countries and for different environmental problems, habitats and concerned communities. For instance, this concept has been employed to operationalize the equity component of some international environmental treaties (Morgera 2015). It has also been used to argue that a functioning and well-protected natural environment lies at the basis of achieving justice in contemporary societies (Schlosberg 2013, 44, 46).

In the following, I will explain why this concept can offer insights when it comes to the protection of culture in the context of critical heritage studies. In order to do that, I will refer to environmental justice as a combination of three main concepts: distributive justice, justice as recognition, and justice as participation (Rosignoli 2020, 58).[10] I am aware that these are not separated components but form a conceptual continuum. Analysing them separately, however, brings more conceptual clarity and is what is usually done in studies about environmental justice.

Distributive justice is the historical core of environmental justice movements since, as explained, it aims to highlight the correlation between some environmental goods and bads and the social conditions of the people and groups mostly affected (Schlosberg 2013, 38; Rawls 2005). This paradigm, therefore, allows us to zoom in from global multi-causal environmental problems to the specific effects of locally identified environmental issues (Nollkaemper 2009, 260)[11]. This conceptual shift is instrumental for acknowledging that concerned actors/communities are

important players when it comes to regulating environmental resources, at least because they bear the consequences of regulative choices. In the same vein, some studies have been conducted on the distribution of goods and bads when heritage sites are created and managed. Not many studies of this kind exist, instead, concerning natural heritage sites, which certainly experience the same set of distributive and social justice problems. These studies would be essential to identifying those actors who need to have a say in how benefits and burdens are to be distributed in the context of heritage protection (Johnston and Marwood 2017; Siebrandt et al. 2017, 6). Applying the paradigm of distributive justice to heritage studies, therefore, unveils the power dynamics underlying the protection of heritage and shows that this protection may have disproportionately negative effects on some actors, for instance, local communities that have not been involved in the creation of protected sites.

Having a say in distributive decisions concerning the environment and heritage is in turn linked to the dimensions of recognition and participation. Recognition can be described by lawyers as the reverse of discrimination since it aims to ensure equal treatment for all and diversified treatment when universal measures would be discriminatory (Coolsaet 2021, 59). Recognition means, therefore, in a broad sense and from a philosophical perspective, recognition and acceptance of otherness; it implies acknowledgement of others as equals with their own specificities (Coolsaet 2021, 53–55). If applied to environmental and heritage regulation and management, this translates into considering other peoples' concerns, views and world visions, especially when it comes to the weakest people and groups. This has happened in environmental law, especially before courts, with the recognition of the legal standing of minors (future generations) (Abate 2020, 204; Atapattu 2019). The same narrative lies at the basis of the recognition of people and groups that have suffered historical wrongs, such as Indigenous peoples ("past generations", Coolsaet 2021, 60). For instance, the recognition of Indigenous peoples in the framework of the WHC is discussed openly, although it has not achieved enough legal teeth to be deemed established (Cittadino 2019).

Participatory justice is complementary to recognition in that it allows concerned actors recognized as such to effectively express their views and integrate them into the decision-making process. As seen in international environmental law (section 2), also in the framework of environmental justice, participation means meaningfully engaging in and being able to influence final decisions (Suiseeya 2021, 38). Enhancing capabilities is thus discussed as a means to boost effective participation and implies, for instance, providing for language interpretation to facilitate mutual understanding, educating leaders and young people for them to be able to equal the technical expertise usually in the hands of public decision-makers and firms, and granting dedicated financial resources for ensuring presence at meetings (Suiseeya 2021, 44–46). The intake of environmental justice discourses on participation is therefore much more practical than that usually embraced in environmental law, heritage law or even human rights discourses. However, contamination exists when looking at how participatory rights are declined in decisions taken by human rights treaty bodies, especially for Indigenous peoples, and legal guidelines in the framework of some environmental treaties, such as the CBD. Less marked is instead the resonance of these discourses in the WHC regime, where participation is conceived more as involvement and is not specifically addressed to the weakest subjects (Cittadino 2019, Chap. 4).

Similar discourses are increasingly, but still incipiently, taking place among heritage specialists under the conceptual hub of heritage justice. One example is the notion of compensation (corrective justice) used to argue for the restitution of material culture (e.g. Joy 2020). The Association of Critical Heritage Studies (ACHS) organized in 2021 a dedicated symposium for young scholars focusing on heritage justice, where questions of power in heritage were read through the lenses of race, decolonization, urban politics, as well as trauma and conflict. In addition, the ACHS general

conference planned for 2024 will similarly focus on heritage justice. The discussion conducted in this section seems therefore all the more important since classic debates about environmental justice may be transposed in debates taking place among heritage specialists.

In a nutshell, similarly to the principles analysed in section 2, the multifaceted concept of environmental justice brings to the fore the role of people as central stakeholders and agenda-settlers in policy-making, when it comes to regulating both the environment and heritage.

4: Heritage and the Multilevel Governance of the Environment

Environmental federalism is a label coined in the 1990s by legal and political scholars applying the conceptual categories and analytical tools of federal studies to the protection of the environment as a policy field in the context of national policy-making and from a comparative perspective. The main research question interrogated by those scholars is what is the most adequate level of government to regulate, in general, environmental problems and, more specifically, some environmental policy fields, such as water, energy, climate change, landscape, and others (Esty 1996; Adelman and Engel 2008; Andreen 2012; Mostert 2015).

These kinds of debates are usually not replicated to the same extent concerning the governance of heritage at different policy levels. It is true that some discussions on the distribution of powers and heritage-related funds may exist at national levels (see the chapter on federalism by Lucas Lixinski in this volume). What is lacking in my view is a more theoretically comprehensive discussion on heritage as a national, subnational, and local policy field in relation to the existing international regime. The main difficulty to this end is that heritage protection, similar to environmental protection (Palermo and Kössler 2017, 326), is not per se a unitary and well-defined policy field at national and subnational levels, but rather a trans-sectorial matter that crosses the boundaries of traditional fields in public policies. Indeed, policy-making authorities involved in heritage regulation belong necessarily to both different policy fields (for instance, cultural affairs, environment, territorial planning, and international cooperation) and different policy levels (international, national, subnational, and local). For instance, the Dolomites, protected as a natural site under the WHC, comprises an area that spans four subnational governments in Italy (the Autonomous Provinces of Trento and Bolzano, Region Veneto and the Autonomous Region Friuli-Venezia Giulia) and regroups a number of protected areas under the same status of an internationally protected site. The authorities involved in the protection of this UNESCO property are, therefore, international (World Heritage Committee), national (Italy), subnational (above-mentioned Italian provinces and regions), as well as local (municipalities within which territory the protected areas are located), and site-specific (natural parks). This overlap of regulatory and executive authorities therefore necessitates a discussion about possible overlaps as well as conflict resolution and cooperation mechanisms in place.

As demonstrated in studies about the multilevel governance of the environment, a too-rigid division of powers in environmental matters is undesirable because the multiple allocation of legislative and administrative powers in environmental matters to different government levels is inherent in the multifaceted subject matter to be regulated. Furthermore, the entrenchment of environmental problems with other subject matters, such as for instance transport, tourism, spatial planning and others, may create frictions between different government levels as to the exact allocation of environmental powers for both policy-making and policy implementation (Alberton and Cittadino 2016, 2023).

In this sense, beyond the classic question about the allocation of powers, emerging problems worth investigating are the lack of and need for coordination among national and subnational authorities competent at different governance levels (vertical integration) and among different

officers operating in separated but overlapping policy fields (horizontal integration) (Cittadino et al. 2022; Nelson 2019; Alberton and Palermo 2012; Peters 1998). Participatory arrangements are also studied more generally in federal studies as new forms of governance that complement the classical division of powers between different government levels (Geißel and Joas 2013). Again, similar debates in the field of heritage would certainly benefit the field of heritage studies, since they will draw attention to the operationalization of the protection of heritage on the field and the institutional difficulties that may intervene in the correct protection of heritage when multilevel systems of governance are concerned.

Differently from tendencies illustrated in previous sections, this research agenda would contribute to a re-materialization of heritage, because heritage would need to be investigated as a well-delimited material policy field. At the same time, the delimitation of this policy field could be done by taking into account both the importance of non-expert culture in defining what heritage deserving protection is and the consequent need for heritage to involve concerned people and communities to define its precise scope. In this sense, this debate would only be the direct consequence of the fact that, as said previously, the dematerialization of heritage also brings about material consequences.

5: Conclusion

This chapter has discussed the relationship between heritage and environmental law in light of some environmental principles, the concept of environmental justice, and debates about the multilevel governance of the environment. These discussions have highlighted some common trends and some specificities that may influence the evolution of heritage studies in the future and are recapitulated in the following. The chapter has also evidenced a certain degree of conceptual overlap between environmental and heritage legal regimes, linked to the historic evolution of these fields, as well as to the hybrid scope of the WHC, which includes both cultural and natural heritage as well as mixed properties.

The principles of permanent sovereignty over natural resources and sustainable development with its subcomponents have evidenced two competing trends in (international) environmental law, namely a material conception of nature, which in turn promotes a territorialized protection of the environment, and an immaterial conception of nature, which focuses more on shared responsibilities and may integrate culture and humans in the definition of what is the environment to be protected. Similar debates are ongoing in heritage studies, where heritage is conceived either as a material product to be identified by experts or as a cultural construct that needs to be identified by those actors and communities that contribute to constructing it. In this sense, the dematerialization of nature may contribute to a larger acceptance of the dematerialization of heritage in heritage studies, especially for what is commonly defined as natural heritage.

Indeed, both materialization and dematerialization are not unidirectional and irreversible movements, but instead contaminate each other and compete with each other, so that one particular conception of nature and heritage may prevail in some contexts. For instance, while the ecosystem approach may contribute to dematerializing natural heritage, environmental federalism may push in the opposite direction, since it might frame the protection of heritage as a well-defined material policy field. Whatever direction heritage studies take, in my view, it is important to be aware of the conceptual biases implied when framing heritage and heritage legal regimes in light of principles that promote territoriality rather than a more holistic vision of protection.

The ecosystem approach and sustainable development have also highlighted the importance of participation in environmental policy-making. Crucial questions are then which subject participates

in decision-making, how effective is their participation, and to what extent participation influences final decision-making. This chapter did not provide answers to these questions, which are very specific to the legal environmental regimes concerned, but highlighted that there are important differences in how participation is conceived and operationalized in the context of biodiversity protection and in the context of heritage law. Suggesting avenues on how to improve and institutionalize participation in the designation, inscription and management of heritage sites is, in my view, a research avenue for critical heritage studies that must be addressed urgently.

Participation is also at the core of environmental justice discourses. In particular, distributive justice highlights the need to recognize and give a voice to those actors and communities that are mostly affected by environmental problems or environmental policy-making. The same needs emerge also in the context of heritage law and further discussions on distribution, recognition and participation would be needed in the context of natural heritage sites. More in general, environmental justice brings to the fore a number of issues that relate to the way in which states regulate the environment and heritage in their internal policies. Therefore, as suggested by Nollkaemper (2009, 267), these concepts may represent a way to breach the veil of inter-state cooperation that is usually attached to international law, when dealing with the protection of both environment and heritage.

Finally, this chapter sketched possible research avenues coming from environmental federalism and studies on the multilevel governance of the environment. What emerges from these studies is that the correct implementation of international heritage law is influenced by how and at which level of government heritage is regulated nationally. Exploring, in a comparative way, under which subject matter heritage is subsumed in different legal systems may shed light on which authorities need to be involved for effectively implementing heritage law. Similarly to environmental federalism, the new frontier is not to identify the best-suited level to regulate heritage, but the ways in which different concerned authorities may coordinate themselves vertically and horizontally to achieve the goal of effectively protecting heritage. Also, federal studies point to the importance of participation to achieve effective governance.

To conclude, current developments in environmental law demonstrate that the more human-centred and culturally tailored vision of environmental law that is increasingly gaining importance may contribute to a truly culturally oriented notion of heritage, whereby heritage is conceived as a social construct to be publicly discussed with those who contribute to co-create and maintain heritage. In this sense, heritage scholars and managers should first of all be cognizant of applicable environmental law, since some environmental regimes may overlap in their scope with or compete with heritage-related regulations. Second, they should be aware of the fact that heritage law, similarly to environmental law, is not neutral in terms of the power dynamics generated by a given conception of heritage and nature. In other words, if heritage is protected and managed merely as a material object, this narrower focus will have significant consequences on the subjects involved in its protection and management. In this sense, taking inspiration from more consolidated developments in environmental law, scholars and managers should open up the field of heritage protection to all concerned stakeholders, in order to ensure more effective protection through increased ownership.

Notes

1 For a discussion of how sustainable development is entrenched in international heritage law, see Lixinski 2019, 172–177.

2 Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 16 November 1972, in force 17 December 1975). Inscription of national sites in the World Heritage List is decided by the World Heritage Committee, see arts. 8–10 WHC.

3 Art. 2 WHC.

4 Operational Guidelines for the Implementation of the World Heritage Convention, WHC.21/01 (31 July 2021), paras. 46–47.
5 I thank Lucas Lixinski for raising this point. Lucie Morisset complementary observed that, while environmental thinking has influenced the WHC regimes, cultural categories have conversely shaped the way in which natural heritage is protected under the WHC.
6 Convention on Biological Diversity (Rio de Janeiro, 5 June 1992, in force 29 December 1993).
7 Declaration of the United Nations Conference on Environment and Development, UN Doc. A/CONF.151/26, vol. I (12 August 1992).
8 See also Operational Guidelines, paras. 39–40, 108, 110, 111(b) and 117; 2018 UNESCO Policy on Engaging with Indigenous Peoples, available at https://unesdoc.unesco.org/ark:/48223/pf0000262748.
9 See art. 4 WHC and Operational Guidelines, paras. 49 and 109.
10 The vast literature on environmental justice usually refers to two addional components: corrective justice and capability justice. See Schlosberg 2013; Coolsaet 2021.
11 This author argues that distributive justice is relevant for evaluating the soundness of national policies.

6. Bibliography

Abate, Randall S. 2020. *Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources*. Cambridge: Cambridge University Press.

Adelman, David E. and Engel, Kirsten H. 2008. "Adaptive Federalism: The Case Against Reallocating Environmental Regulatory Authority." *Minnesota Law Review* 92(6): 1796–1850.

Alberton, Mariachiara. 2021. *Governance ambientale negli ordinamenti composti: Traiettorie italiane e spagnole tra unità e asimmetria*. Napoli: Edizioni Scientifiche Italiane.

Alberton, Mariachiara and Cittadino, Federica. 2016. *La tutela dell'ambiente tra Stato e regioni alla luce della riforma costituzionale*. Napoli: Edizioni Scientifiche Italiane.

Alberton, Mariachiara and Cittadino, Federica. 2023. "Multilevel Management of Environmental Issues." In *Encyclopedia of Contemporary Constitutionalism*, edited by Javier Cremades and Cristina Hermida. Cham: Springer. https://doi.org/10.1007/978-3-319-31739-7_218-1.

Alberton, Mariachiara and Palermo, Francesco (eds.). 2012. *Environmental Protection in Multi-Layered Systems: Comparative Lessons from the Water Sector*. Leiden: Brill.

Andreen, William L. 2012. "Of Fables and Federalism: A Re-Examination of the Historical Rationale for Federal Environmental Regulation." *Environmental Law* 42(3): 627–676.

Apgar, J. Marina. 2017. "Biocultural Approaches: Opportunities for Building More Inclusive Environmental Governance." *IDS Working Paper 502*, November.

Atapattu, Sumudu. 2019. "Intergenerational Equity and Children's Rights: The Role of Sustainable Development and Justice." In *Children's Rights and Sustainable Development: Interpreting the UNCRC for Future Generations*, edited by Claire Fenton-Glynn, 167–191. Cambridge: Cambridge University Press.

Barral, Virginie. 2012. "Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm." *European Journal of International Law* 23(2): 377–400.

Brown-Weiss, Edith. 1989. *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*. Ardsley-on-Hudson, NY: Transnational Publishers.

Cameron, Christina and Rössler, Mechtild. 2013. *Many Voices, One Vision: The Early Years of the World Heritage Convention*. London: Routledge.

Cittadino, Federica. 2009. *Master's Thesis: Il principio dello sviluppo sostenibile nel diritto internazionale*. Trento: University of Trento.

Cittadino, Federica. 2019. *Incorporating Indigenous Rights in the International Regime on Biodiversity Protection: Access, Benefit-sharing and Conservation in Indigenous Lands*. Leiden: Brill.

Cittadino, Federica, Parks, Louisa, Bußjäger, Peter and Rosignoli, Franceca (eds.). 2022. *Climate Change Integration in the Multilevel Governance of Italy and Austria*. Leiden, The Netherlands: Brill | Nijhoff. https://doi.org/10.1163/9789004513006.

Coolsaet, Brendan (ed.). 2021. *Environmental Justice: Key Issues*. Oxon/New York: Routledge.

Coolsaet, Brendan and Néron, Pierre-Yves. 2021. "Recognition and Environmental Justice." In *Environmental Justice: Key Issues*, edited by Brendan Coolsaet, 52–63. Oxon/New York: Routledge.

Ekblom, Anneli, Shoemaker, Anna, Gillson, Lindsey, Lane, Paul and Lindholm, Karl-Johan. 2019. "Conservation through Biocultural Heritage – Examples from Sub-Saharan Africa." *Land* 8(1): 5. https://doi.org/10.3390/land8010005.

Esty, Daniel C. 1996. "Revitalizing Environmental Federalism." *Michigan Law Review* 95(3): 570–653.
Geißel, Brigitte and Joas, Marko (eds.). 2013. *Participatory Democratic Innovations in Europe: Improving the Quality of Democracy?* Berlin/Toronto: Barbara Budrich Publishers.
Gentry, Kynan and Smith, Laurajane. 2019. "Critical Heritage Studies and the Legacies of the Late-Twentieth Century Heritage Canon." *International Journal of Heritage Studies* 25(11): 1148–1168.
Gestri, Marco. 2018. "Sovereignty of States over Their Natural Resources." In *Principles of Environmental Law*, edited by Ludwig Krämer and Emanuela Orlando, 79–91. Cheltenham: Edward Elgar.
Grear, Anna (ed.). 2020. *Environmental Justice*. Cheltenham/Northampton: Edward Elgar.
Guermandi, Maria Pia. 2019. "Critical Heritage Studies and Italian Tradition: A Necessary Meeting." *Rivista IBC* XXVII(4).
Harrison, Rodney. 2013. *Heritage: Critical Approaches*. New York: Routledge.
Johnston, Robert and Marwood, Kimberley. 2017. "Action Heritage: Research, Communities, Social Justice." *International Journal of Heritage Studies* 23(9): 816–831.
Joy, Charlotte. 2020. *Heritage Justice*. Cambridge: Cambridge University Press.
Kaswan, Alice. 1997. "Environmental Justice: Bridging the Gap Between Environmental Laws and 'Justice'." *The American University Law Review* 47: 221–300.
Kim, Hee-Eun. 2011. "Changing Climate, Changing Culture: Adding the Climate Change Dimension to the Protection of Intangible Cultural Heritage." *International Journal of Cultural Property* 18: 259–290.
Krämer, Ludwig and Orlando, Emanuela (eds.). 2018. *Principles of Environmental Law*. Cheltenham: Edward Elgar.
Lixinski, Lucas. 2019. *International Heritage Law for Communities: Exclusion and Re-Imagination*. Oxford: Oxford University Press.
Maffi, Luisa. 2005. "Linguistic, Cultural, and Biological Diversity." *Annual Review of Anthropology* 34: 599–617.
Morgera, Elisa. 2015. "Justice, Equity and Benefit-Sharing under the Nagoya Protocol to the Convention on Biological Diversity." *Italian Yearbook of International Law* 24(1): 113–141.
Mostert, Erik. 2015. "Who Should Do What in Environmental Management? Twelve Principles for Allocating Responsibilities." *Environmental Science and Policy* 45: 123–131.
Nelson, Rebecca. 2019. "Federalism and Environmental Frontiers." *IACL Blog*, November.
Nollkaemper, P. André. 2009. "Sovereignty and Environmental Justice in International Law." In *Environmental Law and Justice in Context*, edited by Jonas Ebbeson and Phoebe Okowa, 253–269. Cambridge: Cambridge University Press.
Palermo, Francesco and Kössler, Karl. 2017. *Comparative Federalism: Constitutional Arrangements and Case Law*. Oxford: Hart Publishing.
Peters, B. Guy. 1998. "Managing Horizontal Government: The Politics of Co-Ordination." *Public Administration* 76(2): 295–311.
Rawls, John. 2005. *A Theory of Justice*. Cambridge, US: Harvard University Press.
Redgwell, Catherine. 2018. "Sustainable Use of Natural Resources." In *Principles of Environmental Law*, edited by Ludwig Krämer and Emanuela Orlando, 115–124. Cheltenham: Edward Elgar.
Rosignoli, Francesca. 2020. *Giustizia ambientale: Come sono nate e cosa sono le diseguaglianze ambientali*. Roma: Castelvecchi.
Sands, Philippe. 1995. "International Law in the Field of Sustainable Development: Emerging Legal Principles." In *Sustainable Development and International Law*, edited by Winfried Lang, 57–62. New York: Springer.
Sands, Philippe and Peel, Jacqueline (eds.). 2018. *Principles of International Environmental Law*. Cambridge: Cambridge University Press.
Schlosberg, David. 2013. "Theorising Environmental Justice: The Expanding Sphere of a Discourse." *Environmental Politics* 22(1): 37–55. https://doi.org/10.1080/09644016.2013.755387.
Schrijver, Nico. 1997. *Sovereignty over Natural Resources: Balancing Rights and Duties*. Cambridge: Cambridge University Press.
Siebrandt, Diane, Kraak, Anne-Laura, James, Luke and Saldin, Melathi. 2017. "Editorial: Heritage, Sustainability and Social Justice." *Historic Environment* 29(3): 2–10.
Suiseeya, Kimberley R. Marion. 2021. "Procedural Justice Matters: Power, Representation and Participation in Environmental Governance." In *Environmental Justice: Key Issues*, edited by Brendan Coolsaet, 37–51. Oxon/New York: Routledge.

Tsioumani, Elsa. 2018. "Public Participation in Environmental Decision-Making." In *Principles of Environmental Law*, edited by Ludwig Krämer and Emanuela Orlando, 366–378. Cheltenham: Edward Elgar.

UNESCO. 2008. *Policy Document on the Impacts of Climate Change on World Heritage Properties*. Paris: UNESCO.

Wells, Jeremy C. and Lixinski, Lucas. 2016. "Heritage Values and Legal Rules: Identification and Treatment of the Historic Environment via an Adaptive Regulatory Framework (Part 1)." *Journal of Cultural Heritage Management and Sustainable Development* 6(3): 345–364.

Winter, Tim. 2013. "Clarifying the Critical in Critical Heritage Studies." *International Journal of Heritage Studies* 19(6): 532–545.

Witcomb, Andrea and Buckley, Kristal A.M. 2013. "Engaging with the Future of 'Critical Heritage Studies': Looking Back in Order to Look Forward." *International Journal of Heritage Studies* 19(6): 562–578.

Yussuf, Abdulqawi. 1995. "International Law and Sustainable Development: The Convention on Biological Diversity." *African Yearbook of International Law* 1: 109–137.