Table of Contents

Table of Cases Table of National Legislation and International Instruments List of Abbreviations		x xii
J/ 5	51 0j 21001c0ianons	XX
1.	Cultural Heritage Law: Contextual Issues	1
	Valuing and Protecting Cultural Heritage]
	Some Terminological Questions	(
	Universal, National, or Local Heritage?	12
2.	Cultural Heritage: Illicit Excavation, Theft, and Trafficking	23
	Introduction	23
	The Scale of the Problem of Illicit Movement and Site Destruction	24
	Nature of the Illicit Trade in Antiquities	26
	Existing Forms of Control	29
	The Role of Transit States in Antiquities Trafficking	36
	The Relevant International Treaties	37
	International Litigation for the Recovery of Cultural Objects	50
3.	Cultural Heritage Located Underwater	70
	Introduction—What is Underwater Cultural Heritage?	70
	The Challenges in Protecting Marine Cultural Heritage	73
	The Different Maritime Zones	76
	Salvage Law and Ancient or Historic Wrecks	85
	UNESCO's 2001 Convention on Underwater Cultural Heritage	91
	Conclusion	113
4.	Cultural Heritage and the Environment	114
	Introduction	117
	Norms and Approaches Common to Cultural Heritage	
	and Environmental Law	119
	An Analysis of the Relevant International Law	124
	Two Illustrative Cases	140
	Conclusion	149
5.	Cultural Heritage: Intangible Aspects	150
	Introduction	150
	Identifying 'Intangible Cultural Heritage'	151
	UNESCO's Normative and Operational Activities	
	from 1970 to 1999	159

	Developing a Convention for Safeguarding ICH 2003 Convention for Safeguarding Intangible Cultural Heritage Evolutions in implementation—gender and community participation Conclusion	163 168 182 191
,		194
ь.	Cultural Heritage: The Diversity of Cultural Expressions	
	Introduction	194
	Some Contextual Issues	195
	International Cooperation for Cultural Diversity and Development	203 212
	The 2005 Convention on Diversity of Cultural Expressions Conclusion	212
7	Cultural Hards and Intellegenal Decomposity I am	230
/•	Cultural Heritage and Intellectual Property Law	
	How Appropriate are Intellectual Property Rules?	231
	IP Rules as Applied to Traditional Culture and Knowledge	239
	A New IP Treaty Based on Sui Generis Approaches to Protection?	257
8.	Cultural Heritage and Human Rights	271
	Introduction	271
	Some Key Notions Linking Cultural Heritage and Human Rights	275
	Human Rights Applicable to Cultural Heritage	288
	Character of the Human Rights Related to Cultural Heritage	296
	Human Rights as Expressed in Cultural Heritage Instruments	304
	Conclusion	311
9.	Regional Trends and Approaches	313
	Introduction	313
	Regional Systems of Protection	315
	Conclusion	333
	Bibliography	
In	Index	