

1. Record Nr.	UNINA9910816731803321
Autore	Nafziger James A. R.
Titolo	Frontiers of cultural heritage law / / James A.R. Nafziger
Pubbl/distr/stampa	Leiden, The Netherlands ; ; Boston : , : Brill, , [2021] ©2021
ISBN	90-04-34764-X
Descrizione fisica	1 online resource
Disciplina	340.115
Soggetti	Cultural property - Protection (International law) Cultural property - Protection - Law and legislation
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Intro -- Frontiers of Cultural Heritage Law -- Copyright -- Dedication -- Contents -- Preface -- Part I Introduction -- Frontiers - Past, Present and Future -- 1 Historical Background -- 2 A Few Definitions -- 3 The ILA Projects -- 4 New Frontiers -- 5 Conclusion -- Part II Underwater Cultural Heritage -- A 1990 and 1992 Reports -- 1 Introduction -- 2 Definition of Protected Property -- 3 Summary of Municipal or Domestic Law -- 4 International Legal Protection of the Underwater Heritage -- 5 Toward a More Effective International Regime -- B 1994 Report -- Buenos Aires Draft Convention on the Protection of the Underwater Cultural Heritage -- Preamble -- Annex -- C Reading: International Legal Protection of the Underwater Cultural Heritage -- 1 The Past -- 2 The Present -- 3 The Future -- Selected Bibliography -- D Reading: The Evolving Role of Admiralty Courts in Litigation Related to Historic Wreck -- I Introduction -- II The Evolution of Admiralty Court Supervision of Historic Wreck -- III (Re)Globalization of Admiralty Law -- IV Conclusion -- E Reading: The UNESCO Convention on the Protection of the Underwater Cultural Heritage: Its Growing Influence -- I Institutional Framework -- II The Convention's Resonance and Influence -- III The Convention -- IV Conclusion -- Part III Heritage Law Creation -- A 1996 Report -- 1 Organizations -- 2 Range of Subjects -- 3 Preparing the Instrument -- B 1998 Report -- 1 Introduction -- 2 Non-governmental Organizations -- 3

Intergovernmental Organizations -- 4 Recommendations -- Part IV A Blueprint for the Development of Cultural Heritage Law -- A 2000 Report -- 1 Definition of "Cultural Heritage" -- 2 International Return of Cultural Objects: Remaining Questions -- 3 Returns of Cultural Heritage to Indigenous Peoples -- 4 Cultural Property Export Controls. 5 Cultural Exemptions in International Trade Agreements -- 6 Museum Funding -- 7 The Regime of Historic Preservation -- 8 Cultural Rights -- 9 Droit de Suite -- 10 General Framework for Protecting Cultural Heritage Law during Wartime -- 11 The Regime of the 1954 Hague Convention -- 12 International Regulation of the Cultural Heritage: Toward a Collaborative Regime -- B 2002-2004 Reports -- C Reading: The Responsibilities to Protect Cultural Heritage and Prevent Cultural Genocide -- I The Responsibility to Protect Persons -- II The Extension of R2P to Cultural Heritage -- III Cultural Genocide and Cultural Cleansing -- IV Moving Forward -- Annex -- Part V Cooperation in the Mutual Protection and Transfer of Cultural Material -- A 2004 Report -- 1 Background -- 2 Jurisprudential Foundations -- B 2006 Report -- Principles for Cooperation in the Mutual Protection and Transfer of Cultural Material -- Conclusion -- C Reading: The Principles for Cooperation in the Mutual Protection and Transfer of Cultural Material -- I Introduction -- II Legal Background -- III The Principles -- IV Conclusion -- Part VI Safe Havens for Cultural Material -- A Introduction -- B 2008 Report -- Guidelines for the Establishment and Conduct of Safe Havens for Cultural Material -- Annex -- Part VII International Trade Law and Cultural Heritage Law -- A 2008 Report: Overview on Trade Law -- 1 Introduction -- 2 Culture and Trade Liberalization -- 3 GATT 1994, Article XX(f): The "National Treasures" Exception -- 4 The European Community Treaty -- 5 The North American Free Trade Agreement (NAFTA) -- 6 Conclusion -- Sources -- B 2010 Report -- The International Legal Framework of Export Controls -- 1 Generally -- 2 The 1970 UNESCO Convention -- 3 The UNIDROIT Convention.

4 European Union Legal Regime on the Export of Cultural Goods to Third Countries and the Return of Objects Unlawfully Removed from the Territory of a Member State -- 5 Cultural Material Export Controls and Human Rights -- 6 Enforcement of Foreign Cultural Material Export Controls through International Agreement -- 7 Surrogate Role for Restitution and Return of Cultural Material -- 8 Summary -- National Export Controls Generally -- 1 Historical Overview -- 2 The Scope of Export Controls -- 3 Public/Private Ownership -- 4 Definitions of Cultural Material -- 5 Categories of Significance -- 6 Coverage of Goods of Foreign Origin -- Permit and Licensing Systems -- 1 Government Agencies or Ministries at National and Subnational Levels -- 2 Registration of Cultural Material -- 3 Rates of Refusal -- 4 Challenge and Appeal Procedures -- 5 State Bidding, Preemption, and Financial Assistance for the Retention of Material -- 6 Temporary Permits for Loans -- 7 Fines and Penalties -- Effectiveness of the Regimes -- C Export and Import Controls: Handbook on the Law of Cultural Heritage and International Trade -- Part VIII Immunity of Cultural Material from Suit and Seizure -- A 2012 Report -- 1 Introduction -- 2 A Short Survey of Cultural Immunity Law -- 3 Issues to be Resolved in an International Instrument -- B 2014 Report -- Convention on Immunity from Suit and Seizure for Cultural Objects Temporarily Abroad for Cultural, Educational or Scientific Purposes -- Explanatory Notes -- C Reading: The Draft Convention on Immunity from Suit and Seizure for Cultural Objects Temporarily Abroad for Cultural, Educational or Scientific Purpose -- I Introduction -- II The International Law Association's Drafting Project -- III A Summary of the

Draft Convention -- Part IX The Law Pertaining to Cultural Landscapes of Significance to Indigenous Peoples -- A 2016 Report.
1 Applicable International and Regional Law -- 2 Toward a Transnational Legal Regime to Protect Cultural Landscapes of Significance to Indigenous People -- 3 A Typology of Cultural Landscapes and Seascapes -- 4 Territorial Bases for Indigenous Custodianship of Particular Cultural Landscapes -- 5 Recommendations -- B 2016 Working Session -- Part X Epilogue -- A Concluding Words -- B Reading: The World Court, the World Heritage, and the World of Non-state Actors -- I The Preah Vihear Case -- II World Heritage Convention -- III The Threat to the Heritage from Non-state Actors -- IV The Protection of the Heritage by Non-state Actors -- V Conclusion -- Index.

Sommario/riassunto

In this book James Nafziger covers emerging topics of cultural heritage law, particularly at the international level, by focusing primarily on the numerous work products of the International Law Association's Committee on Cultural Heritage Law. Cultural heritage law has become a landmark in the field of international law. Its construction is a good example of transnationalism at work, combining legislation, judicial decisions, and other national initiatives, diplomacy, intergovernmental agreements, especially within the framework of UNESCO, and non-governmental activities and instruments. This volume focuses on the seminal contributions to this process of the Committee on Cultural Heritage Law of the International Law Association, while situating these projects against the broader background of the development of the modern international regime for protecting cultural heritage.
