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Heritage Research

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Abstract

The classical notion of protection of material culture has proven ineffective. The destruction of Buddhas of Bamiyan as well as the "cultural" genocide in ex Yugoslavia, signify the need to move forward to a more antropocentric approach of cultural heritage protection. The reinforcement of group rights, indigenous people in particular, as well as cultural rights lead to the emergence of the human dimension of contemporary protection of cultural property. This new approach inevitably places the cultural object in its context, as a "narrative" of human creation, evolution and history and eventually as an integral part of the identity of each individual, group, people, and humanity as a whole.

The thesis aims at a critical re-evaluation of the international regulatory and institutional framework for the protection of cultural property -as the material aspect of cultural heritage-, showing the limits and weaknesses, which the 'human dimension' seeks to complement, providing additional and appropriate rules and mechanisms, through international human rights law and IHL.

The human dimension of cultural protection puts an end to the conflict between nationalists and internationalists, as it shows the vagueness and the lack of appropriate legal justification of these two concepts. Accordingly, the state has a dual role to play; primarily, as the guarantor of cultural heritage of mankind on its own territory under international conventional and customary law, and secondly by implementing and reassuring IHL and human rights law, through which cultural heritage may be properly attained.

Table of contents

Introduction

Part One: The Protection of Cultural Property in international cultural heritage law

Chapter A: The regulatory framework for the protection of cultural property

Chapter B: The Institutional framework for the protection of cultural property

Part Two: The individual as a catalyst for the Protection of Cultural Property

Chapter A: Cultural property protection in the event of armed conflict: the anthropocentric ratio of protection

Chapter II: The protection of cultural property through human rights law

Conclusions