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KEEPING THE LID ON DAVY JONES' LOCKER



The Protection of Underwater Cultural Heritage from Titanic to Today

Next year marks the 100th
anniversary of Titanic.

For much of the past century, the world thought that its most famous ship was lost forever to a watery grave, along with the 1,513 men, women, and children who gave their lives in the disaster. But tragedy turned to triumph in 1985, when after a decades long quest, the wreck was discovered 12,000 feet beneath the icy surface of the Atlantic. The breakthrough heralded a new age of nautical exploration.

Technology has unlocked earth's last frontier to adventurers, scientists, and treasure hunters. Shipwrecks and lost cities await,

promising a wealth of knowledge about ancient civilizations and other untold riches. But they have long been at the mercy of nature and time, and now, sites once protected by the ocean depths are falling victim to plunder. We are in a race to the relics on the ocean floor — against the elements and each other — but who will prevail?

The law is struggling to keep pace, as it too enters uncharted territory. Traditionally, the oceans have been open to all nations, yet have belonged to none. That freedom of the seas can no longer hold with such valuable resources in the balance. The conflict is pitting archaeologists against salvors, ship owners against insurers, and

even countries against one another. In centuries past, such clashes were decided through naval warfare, but today's maritime campaigns are fought in courts of law. The stakes are high, and the battleground wide, since the sea covers three fourths of the planet.

What will be the fate of underwater cultural heritage?

November 3, 2011 at
the National Trust for
Historic Preservation
in Washington, DC

THE LAWYERS'
COMMITTEE FOR
CULTURAL
HERITAGE
PRESERVATION

The Lawyers' Committee for Cultural Heritage Preservation is a not-for-profit organization that fosters the stewardship of the objects, places, and traditions that define us as societies, nations, civilizations, and even human beings. We are lawyers, legal scholars, and law enforcement agents — but also anthropologists, archaeologists, architects, art historians, students, and others — who champion preservation through the justice system. Through our educational programs and resources, we additionally work to prepare a new generation of advocates and to educate the general public. Learn more at www.culturalheritagelaw.org.



The Center for Art, Museum & Cultural Heritage Law

is pleased to offer the

JD Certificate in IP: Arts & Museum Law

and

LL.M. in International Law: Cultural Heritage Law

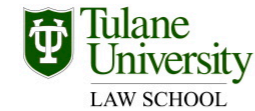
The first of their kind in the United States, these unique programs provide extensive coursework and cross-curricular offerings to those interested in expanding their training in this specialized field of law.

The International Law LL.M. in Cultural Heritage Law is designed for both experienced attorneys and recent law school graduates from the United States and abroad. The IP Certificate in Arts & Museum Law offers DePaul students an opportunity to combine their JD coursework with specialized coursework in arts and museum law, with the certificate appearing as a special designation on their JD transcript upon graduation.

For detailed LL.M. and certificate requirements, and a list of approved courses, please visit law.depaul.edu/programs.



law.depaul.edu/art_museum



THE TULANE-SIENA INSTITUTE FOR INTERNATIONAL LAW, CULTURAL HERITAGE & THE ARTS

SUMMER PROGRAM:

SIENA, ITALY: June 3 – 22, 2012

SAMPLE COURSES:

- ◆ **The International Legal Framework for the Protection of Art and Cultural Property**
- ◆ **From Gray to Black: The Markets in Stolen and Looted Art and Antiquities**
- ◆ **Collections and Collectors: The Ethical and Legal Issues**
- ◆ **The Protection of Art in Times of Crisis: From War to Natural Disasters**

FACULTY:

Professor Francesco Francioni

Prof. of Intl. Law and Human Rights & Director of Law Academy, European University Institute; Professor of Law & Co-Director Siena Program, University of Siena

Colonel Matthew Bogdanos

United States Marine Corps
Senior Investigative Counsel, Assistant District Attorney,
New York County District Attorney's Office

Professor Herbert Larson

Executive Director of International Legal Programs &
Professor of Practice, Tulane University Law School

Professor Riccardo Pavoni

Associate Professor of Intl. Law
Faculty of Law, University of Siena

Professor James Gordley

W.R. Irby Professor of Law
& Co-Director Siena Program,
Tulane University Law School

Professor Holly Flora

Assistant Professor of Art History
Tulane University

Professor Federico Lenzerini

Aggregate Professor of International & EU Law
Faculty of Law, University of Siena

OPEN TO:

J.D. Students, LL.M. Students, Graduate Students and Professionals in other disciplines, such as art history, archaeology, anthropology, museum studies, and architecture.



**The looting
of ancient art
and antiquities
hurts us all.**

**FACE THE FACTS.
SAVE OUR PAST.**

For more information on how you can help please contact

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Art: Nicola Kountoupes, First-prize Winner, SAFE 2007 Student Illustration and Photography Competition | Design: Sophia Georgiou | © 2011 SAFE/Saving Antiquities for Everyone, Inc.

Agenda

8:30 AM - 9:00 AM

Registration

A continental breakfast will be provided.

9:00 AM - 9:15 AM

Welcome and Introductions

Diane Penneys Edelman, President,
Lawyers' Committee for Cultural Heritage
Preservation; Director of International
Programs and Professor of Legal Writing,
Villanova University School of Law

Paul Edmondson, Vice President and
General Counsel, National Trust for Historic
Preservation

9:15 AM - 10:45 AM

*The Importance of Underwater Cultural
Heritage and the Threats Facing It*

The first panel will introduce "underwater cultural heritage" (UCH). What is it? Why should we care about it? What are the manmade threats facing it, ranging from commercial salvage, to shoddy excavation, to outright looting? And how can we work together to best preserve it?

Richard M. Leventhal, Director, Penn
Cultural Heritage Center (Moderator)

Elizabeth Greene, Associate Professor,
Brock University

Caroline Blanco, Assistant General
Counsel, National Science Foundation

James Goold, Of Counsel, Covington and
Burling

Carla Mattix, Attorney, National Park
Service

David Gadsby, Archaeologist, National Park
Service

10:45 AM - 11:00 AM

Break

11:00 AM - 12:30 PM

*The 10th Anniversary of the 2001 UNESCO
Convention: Is It Working?*

The second panel will tell the story of the 2001 *UNESCO Convention on the Protection of Underwater Cultural Heritage*. The panelists will discuss its creation and implementation over the last decade. They will also address how party and non-party states can cooperate to preserve UCH in a manner consistent with international customary law, as well as international agreements, such as the *Law of the Sea Convention*.

Agenda

11:00 AM - 12:30 PM (cont)

Ole Varmer, Attorney, National Oceanic and Atmospheric Administration (Moderator)

James Nafziger, Professor, Willamette University College of Law

Ulrike Guerin, Secretariat of the 2001 UNESCO Convention

Guillermo Corral, Cultural Counselor, Embassy of Spain

Joel Gilman, Solicitor, Heritage Council of Western Australia

Mary Lou Doyle, Manager of Government Relations and Legislation, Parks Canada

Sarah Dromgoole, Professor, University of Nottingham

12:30 PM - 1:00 PM

Break

A boxed meal will be provided for the luncheon address.

1:00 PM - 2:00 PM

Titanic Exploration, Recovery, and Research: Past, Present, and Future

The 100th anniversary of Titanic is an appropriate time to review the saga of the wreck since its 1985 discovery. This includes exploring recent initiatives to better understand the wreck as both an archaeological site and a memorial, as well as discussing how best to manage and protect the site in the future. Keynote speaker Dr. Delgado has been involved with Titanic since 1986, as an archaeologist, museum director, and Federal official, even participating in a 2000 dive to the wreck and serving as the chief scientist for last year’s scientific mapping expedition. He was also one of the authors of the *Titanic Treaty*. In this presentation, he will put forward a plan of action for Titanic that addresses the needs of the public, private sector, and preservation community.

James P. Delgado, Director, Maritime Heritage Program, National Oceanic and Atmospheric Administration

2:00 PM - 3:45 PM

Titanic at 100: A Case Study of Cooperation on Salvage in a Manner Consistent with the 2001 UNESCO Convention and the Law of the Sea Convention

Using Titanic as a case study, the third panel will examine the controversy surrounding the recovery of underwater cultural heritage. Can UCH be commercially salvaged in accordance with scientific standards and international law? If so, how? The panelists will also investigate the legal implications of Titanic's 100th anniversary, which will bring it under the protection of the

Agenda

2:00 PM - 3:45 PM (continued)

2001 UNESCO Convention, and the recent court award of the Titanic Collection to salvors. Finally, they will address how existing U.S. law can be used to deter the looting, unwanted salvage, and trafficking of UCH like that from Titanic.

Caroline Blanco, Assistant General Counsel, National Science Foundation (Moderator)

Ole Varmer, Attorney, National Oceanic and Atmospheric Administration

Mariano Aznar Gómez, Chair of Public International Law, University Jaume I

David Bederman, Professor, Emory School of Law

Laura Gongaware, Tulane Law School

Bonnie Magness-Gardiner, Program Manager, Art Theft Program, Federal Bureau of Investigation

Michael Marous, Assistant U.S. Attorney, Department of Justice

3:45 PM - 4:00 PM

Break

4:00 PM - 5:15 PM

Moving Forward

During the last panel – a moderated discussion including questions from the audience – selected panelists will address other challenges facing underwater cultural heritage and then suggest recommendations for moving forward.

Ole Varmer, Attorney, National Oceanic and Atmospheric Administration (Moderator)

5:15 PM - 6:00 PM

Closing Reception

DePaul | College of Law

NATIONAL CULTURAL HERITAGE LAW MOOT COURT COMPETITION

February 24 – 25, 2012
Everett McKinley Dirksen
United States Courthouse
Chicago, Illinois

Cultural heritage law deals with the issues that arise as our society comes to appreciate the important symbolic, historical and emotional role that cultural heritage plays in our lives. A dynamic and growing legal field, cultural heritage law has become the subject of often-contentious legal debates and policies.

The National Cultural Heritage Law Moot Court Competition was created as a means for students to compete through oral and written advocacy in this nuanced field. The competition is open to 20 two- and three-member student teams from ABA-accredited or provisionally accredited law schools.