



*Legal Shape-Shifting: On the Protection of Traditional Cultural Expressions and Crossing the Boundaries between Copyright, Cultural Heritage and Human Rights Law*

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*For several decades, the protection of traditional cultural expressions (TCEs) has caused debate. The core of protection claims touches upon control and a say over the material as to its use, preservation, maintenance and development. Central concerns that arise from the absence of protection include unauthorised reproduction, commercialisation, offensive use or damage to the integrity of the heritage, and transmission to future generations. Protection interests are diverse. This thesis examines the protection of traditional cultural expressions (TCEs) from three legal perspectives: copyright, cultural heritage and human rights law. The interplay between existing legal regimes and the protection, preservation and promotion of traditional cultural heritage is central to the thesis. Protection discussions are further coloured and influenced by historical and contemporary power relations and (cultural) difficulties for indigenous peoples in dominant societies. The protection issue, which this thesis analyses from an information law perspective, is embedded in a larger political debate, in which land, environment and sustainability are other central, related themes. The aim of the thesis is to: analyse the protection issue from a historical perspective; explain the diversity of protection interests; map the relevant legal framework; indicate the shifts of, and challenges for, existing legal concepts and rationales; and distil shared central values from the overview of legal principles that should inform the protection of TCEs. The thesis hopes to contribute to creating more awareness of the various concerns at play in the context of indigenous heritage and recognition of the rights, viewpoints and participation of indigenous peoples with regard to their heritage. It offers a broader outlook on the protection issue, both legally and as to the historical and contemporary patterns and struggles that it is a part of. These are important aspects to take into account in moving forward.*