

ART AND LAW: CURRENT DEVELOPMENTS IN TURBULENT TIMES

WORKSHOP: MAASTRICHT 20th MARCH 2019

NH Hotel Maastricht

The TEFAF period in Maastricht is an excellent occasion to discuss recent developments in the area of art and law. Therefore, it has meanwhile become a tradition to organise a workshop during this period in order to exchange with experts from various jurisdictions current developments, new legislative initiatives and relevant case law.

This year we wish to address the following topics specifically:

The recent and ongoing conflicts in the Middle East and North Africa have been devastating for both humans and the cultural heritage of humanity. The failure of international law to protect the remains of the past has been glaringly and painfully obvious, as foreign governments, international organizations including UNESCO and the United Nations, and a multitude of private non-governmental cultural organizations have issued countless statements condemning the destruction. While international treaty law has continued to evolve in the effort to protect cultural heritage, several obstacles to effective protection and deterrence persist. One aim of our workshop is to discuss how these obstacles can be addressed best.

Closely related to the destruction of cultural heritage sites during conflicts is often the illicit trafficking in cultural objects. In the 1970s, the UNESCO has developed two important conventions: the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1972 Convention for the protection of the World Cultural and Natural Heritage. The illicit trafficking in cultural goods is generally recognized as one of the biggest criminal trades. Following recent events in Iraq and Syria and considering the call for action from the United Nations Security Council, the issue of illicit trafficking in cultural goods has received widespread political visibility. This trade has many negative effects such as the development of organized crime, money laundering, the financing of warring factions and terrorism activities, as well as the destruction of the cultural goods and cultural identity.

On 13 July 2017, the European Commission therefore submitted to the Council and the European Parliament a Proposal for a Regulation of the European Parliament and of the Council on the import of cultural goods. Meanwhile, this Draft Regulation has been adopted by the Council and the EU Parliament. It is therefore a very appropriate moment to discuss the content and the consequences of this new European legal instrument.

Furthermore, since the 1990s restitution claims concerning looted art objects stolen or taken away from the rightful owners due to confiscations or forced sales during occupation by the Nazi government have increasingly emerged. International and national reactions followed this development. Many restitution cases have been brought before courts and restitution committees in various jurisdictions. The discussions concerning these cases, whether a “fair and just solution” has been found and which implications the Washington Principles and the new US HEAR Act have, are still very much on the agenda.

Even perhaps more topically at this moment is, however, after the Macron initiative and the Sarr/Savoy report published in 2018, recommending the permanent repatriation of African heritage looted during the colonial era, the discussions concerning the return of cultural property and objects taken during colonial periods or during foreign occupation.

Finally, only some days before the 29th of March 2019, it is certainly appropriate to address shortly some consequences BREXIT, in whatever form, might have for the trade in art and cultural goods.

DRAFT PROGRAMME

Wednesday 20 March

09.00-09.30 Registration

09.30-09.35 Words of welcome

Chair Lars van Vliet

09.35-10.00 The fight against illicit trade in art and cultural objects: A UNESCO Perspective, Edouard Planche, UNESCO

10.00-10.25 Hildegard Schneider/Elena Maidou, EU Commission: The new regulation and its consequences, tbc

10.25-10.40 Questions and Discussion

10.40-11.00 Coffee/ tea break

Panel 1 *Chair Hildegard Schneider*

11.00-11.20 The Art Market's Laundrymen: Examining the Art World's Witting and Unwitting Partners in Crime, Lynda Albertson, ARCA

11.20-11.40 20 Years of Repatriations: What's Next from the Traffickers? Christos Tsirogiannis

11.40-12.00 Marja van Heese, Dutch Cultural Inspectorate

12.00-12.30 Questions and Discussion

12.30-13.30 Lunch

Panel 2 *Chair Lars van Vliet*

13.30-13.50 The Role of Art Market Self-Regulation in Global Protection of Cultural Heritage Andrzej Jakubowski, Polish Academy of Science

13.50-14.10 T.b.c.

14.10-14.30 Return of cultural objects taken during colonial periods: current developments Jos van Beurden, VU Amsterdam

14.30-14.50 Manlio Frigo

14.50-15.15 Questions and Discussion

15.15-15.35 Brexit and its consequences: A VAT and Custom's perspective, Jacq Linssen, Maastricht University/TEFAF

15.35-15.45 Closing