



Chaire UNESCO en droit international
de la protection des biens culturels,
Université de Genève



**UNIVERSITÉ
DE GENÈVE**

FACULTÉ DE DROIT
Centre du droit de l'art

First All Art and Cultural Heritage Law Conference Art-Law Centre, University of Geneva 13 and 14 June 2014

PROGRAMME & CALL FOR PAPERS

The Art-Law Centre of the University of Geneva is convening all those engaged in research and teaching in the field of Art and Cultural Heritage Law to the First All Art and Cultural Heritage Law Conference. At the Conference, the three themes described below will be examined and discussed. For each theme, a panel of 4 experts has been selected, and other experts will be drawn from this call for papers. The panel's chair will lead the discussion which will take place before the conference between the panelists and the authors. At the conference, the results of that exchange will be presented and further developed.

Overall Goals

For each theme, the panelists should identify:

- **present and future challenges and threats that need to be addressed,**
- **whether and how education may foster solutions.**

The aim is to foster an interaction between academics and practitioners, so that academics may gain from practical experience and practitioners from academic thinking.

Theme 1 - Property Concepts: Evolution and Limits

Chair: Marc-André Renold (Director of the Art-Law Centre, University of Geneva)

1. **Property concepts:** Are the boundaries of property concepts shifting with regard to cultural heritage and cultural property? What are the limits of traditional property concepts such as in the divide between private and public property? What is the role of less common types of property such as co-ownership? How can the perception of property – according to traditional categories such as public/ private, movable/ immovable etc. – create obstacles to an effective management of cultural heritage,

(including its conservation, access, etc.) or respond to various restitution claims (for example the case of indigenous communities)?

2. **Assessing property:** Who bears in practice the burden of assessing the restitution claim: the State, the museum, the individual, the judicial system, etc.? Does it correspond to the standards of international conventions on cultural property? Is the role allocation in assessing ownership and restitution claims satisfactory or should it be modified?
3. What role do or can **new technologies** play with regard to property concepts and restitution claims: Google art, online art collections, internet sales, making copies of objects, etc.

Theme 2 - Developing Due Diligence, Expert Interaction and Quality Impulses in the Art Market

Chair: Friederike Gräfin von Brühl (Associate, Lecturer at the Freie Universität, Berlin)

1. **Due diligence in the art market:** What is legally expected from art market players versus the actual due diligence standard adopted in practice; how can this gap be overcome without harming the art market's attractiveness? To what extent are ethical guidelines endorsed and applied by the market players? How do they interplay with legally binding rules? Does the players' approach change with respect to different art markets (for example Nazi-looted art, archaeological objects and ancient art or indigenous objects?)
2. **Drivers of market interest:** How can the interest in art shift from investment/speculation to a focus on the quality and technique of artworks? In what way is this a positive or negative development with regard to the functioning of the market, the significance of artists and their work? In what way can art market actors such as auction houses, galleries, investors, etc. tackle this issue?
3. **Exchange of expert knowledge:** In what way and to what extent may expert knowledge be exchanged on the market with regard to forgeries and art crime? Should communication be encouraged beyond the individual commercial interests of the art merchant?

Theme 3 - Beyond the Law: Fighting Illicit Traffic on the Field

Chair: Simon MacKenzie (Professor at the University of Glasgow)

1. **Implementation of international law:** How are international conventions aiming to the prevention of illicit trafficking of cultural property and ratified by the individual States effectively implemented in the field? How can compliance be improved? How can breaches be efficiently sanctioned? To what extent does the nature of national legislations on cultural property influence the cooperation between States (for instance, while negotiating bilateral agreements or simply for the recognition of such legislations at a foreign court)?
2. **Impact of economic factors:** How can economic incentives be developed in order to undermine illicit trafficking? To what extent does tourism endanger or enhance the protection of cultural heritage sites?
3. **The “human” factor:** How are the improvements made by the law applied by state officials or professionals in the field (for example during custom controls)? What individual leeway should States benefit from in emergency situations, such as disaster or conflict, to prevent the looting?

Abstracts of approximately 500 words are invited by 1 March 2014 with decisions on acceptance to be made within two weeks. Papers must refer to one of the three themes of the conference developed above. The list under each theme is not exhaustive. Abstracts may focus on other issues which fall under one of the three themes. In the case of co-authored papers, ONE person should be identified as the corresponding author. Due to restrictions of space on the conference schedule, multiple submissions by the same author are not accepted.

Abstracts should include the selected theme as well as full contact details, including your name, department, institutional affiliation, mailing address, and e-mail address. All delegates whose abstracts are approved will be expected to **submit by 15 May 2014 a more extended summary of arguments** which will be included in the debates taking place between the panellists prior to the conference. Moreover, selected authors will be invited to take part at the conference to be held at the University of Geneva, Switzerland. The selected papers will be published after the conference. The deadline for the submission of the papers is 30 September 2014.

Abstracts should be emailed to the Art-Law Centre’s team at art-droit@unige.ch.