



ART AND HERITAGE DISPUTES

CONFERENCE PROGRAMME

Dr. Valentina Vadi and Professor Hildegard Schneider

The conference aims to identify, map and critically assess the number of art and heritage disputes which have arisen in the past decades. The return of cultural artifacts to their legitimate owners, the recovery of underwater cultural heritage, the governance of sites of outstanding and universal value, the protection and promotion of artistic expressions, and the protection of cultural sites in time of war are just some of the issues which have given rise to art and heritage related disputes. Such disputes have involved a number of different actors arising among states, states and private individuals and individuals. As the regulation of cultural goods constitutes a good example of multilevel governance and legal pluralism, art and heritage related disputes have been brought before national fora, human rights courts and tribunals, international economic law fora and even before the International Court of Justice. Such disputes have certainly made headlines and attracted the varied interests of academics and policy-makers, museum curators and collectors, human rights activists and investment lawyers, thieves and guards, and artists and economists to mention a few. The conference will map these disputes and

assess the contribution that these cases are offering to the development of international law in both its public and private dimensions.

The conference is co-organized by Professor Hildegard Schneider and Dr. Valentina Vadi.

Professor Dr. Hildegard Schneider is the Dean of the Faculty of Law at Maastricht University. She has lectured in art law for more than twenty years and has regularly convened international workshops and conferences on cultural law on an almost yearly basis. She has published a number of contributions in this field, and has co-edited (with Peter Van den Bossche) *Protection of Cultural Diversity from a European and International Law Perspective* (Intersentia 2008), and (with Valentina Vadi) *Art, Cultural Heritage and the Market* (Springer, forthcoming 2013).

Dr. Valentina Vadi is a Marie Curie postdoctoral Fellow of the Faculty of Law at Maastricht University. She has been awarded a *Marie Curie Fellowship* by the European Commission for the years 2011-2013 concerning cultural heritage in international law. She has published a number of contributions in this field and has co-edited (with Hildegard Schneider) *Art, Cultural Heritage and the Market* (Springer, forthcoming 2013).

The conference will be held on 24-25 March in Maastricht, the Netherlands. The conference papers will be published in the special issue *Art and Heritage Disputes* (co-edited by Valentina Vadi and Hildegard Schneider) of *Transnational Dispute Management* in the last quarter of 2013.

For registration and logistic information, please check the conference website:

<http://www.maastrichtuniversity.nl/web/Faculties/FL/Theme/ResearchPortal/Conferences/ArtAndHeritageDisputes1.htm>

For further logistic information, please contact Mrs. Yleen Simonis at yleen.simonis@maastrichtuniversity.nl

SUNDAY 24 MARCH

SESSION I: INTANGIBLE HERITAGE

Chair: Hildegard Schneider (Maastricht University)

17:00-17:15 Introduction – Hildegard Schneider (Maastricht University)

17:15-17:30 Vittorio Mainetti (Graduate Institute, Geneva)
The New Frontiers of Cultural Heritage Law: the Safeguarding of Intangible Cultural Heritage and the Promotion and Protection of Cultural Diversity

17:30-17:45 Valentina Vadi (Maastricht University)
Language, Music, and Popular Culture in International Investment Law

17:45-18:00 Sarah Sargent (University of Buckingham)
Protecting the Horse Culture of Indigenous Peoples of the American Plains: Dispute Settlement Mechanisms of the Inter-American and United Nations

18:00-18:30 Discussion

SESSION II: INTANGIBLE AND INDIGENOUS HERITAGE

Chair: Hildegard Schneider (Maastricht University)

18:30-18:45 Paolo Farah (Edge Hill University) and Riccardo Tremolada (Edge Hill University and University of Eastern Piedmont)
Desirability of Commodification of Intangible Cultural Heritage: The Unsatisfying Role of IPRs

18:45-19:00 Cheng Mao (University of Hong Kong)
Ethnic Dress, Global Fashion and the Law under the Veil

19:00-19:15 Kristin Hausler (British Institute of International and Comparative Law)
The International Legal Framework Applicable to Foreign Claims to Indigenous Cultural Objects

19:15-19:45 Discussion

20:00 *Speakers Dinner*

MONDAY 25 MARCH

SESSION III: TANGIBLE HERITAGE

Chair: Hildegard Schneider (Maastricht University)

09:00-09:15 Michail Risvas (University of Oxford)
*The Protection of Underwater Cultural Heritage:
Multilateral v. Bilateral Approaches*

09:15-09:30 Yannick Radi (Leiden University)
*Identifying Culture and Shaping Expectations in
International Investment Law*

09:30-09:45 Anne-Marie Carstens (University of Oxford)
*The Protection of World Heritage Sites during Armed
Conflict*

09:45-10:00 Sebastián A. Green Martínez (University of Buenos Aires)
*Dispute Settlement Mechanisms: Standing before the
International Court of Justice*

10:00-10:30 Discussion

10:30-11:00 *Coffee break*

SESSION IV: DISPUTE SETTLEMENT MECHANISMS

Chair: Hildegard Schneider (Maastricht University)

11:00-11:15 Eleni Polymenopoulou (Brunel University)
*Cultural Rights in the Jurisprudence of the International
Court of Justice*

11:15-11:30 Alessandro Chechi (University of Geneva)
*Cultural Heritage Protection through International
Adjudication*

11:30-11:45 Jos Van Beurden (Free University of Amsterdam)
The Future of Colonial Acquisitions and Conflict Studies

11:45-12:00 Anne Laure Bandle (University of Geneva)
*Fakes, Fears, and Findings - Disputes over the Authenticity
of Artworks*

12:00-12:30 Discussion

12:30-13:30 *Lunch*

SESSION V: ART RESTITUTION

Chair: Valentina Vadi (Maastricht University)

- 13:30-13:45 Jan Hladík (Chief of the UNESCO Cultural Heritage Protection Treaties Section)
The UNESCO Draft Declaration of Principles Relating to Cultural Objects Displaced in Connection with the Second World War
- 13:45-14:00 Nicholas O'Donnell (Sullivan & Worcester LLP-Boston)
American Wartime Art Restitution Litigation in the 1990s and Beyond- Has it All Been Worth It?
- 14:00-14:15 Andrzej Jakubowski (Polish Academy of Science, Warsaw)
Restitution or Re-purchase? Critical Remarks on Recent Polish Art-Recovery Practice
- 14:15-14:45 Discussion
- 14:45-15:00 Sabrina Urbinati (University of Milan Bicocca)
Improving the Principle of Cooperation against Illegal Movements of Cultural Objects: Two Cases of Archaeological Objects Restitution from Italy to Bulgaria
- 15:00-15:15 Asoid Garcia-Marquez, (Lawyer at the UNESCO Office of International Standards and Legal Affairs), and Athina Papaefstratiou Fouchard, (Associate at the International Arbitration Group of Freshfields Bruckhaus Deringer LLP, Paris),
The Role of UNESCO in the Resolution of Disputes Regarding the Recovery of Stolen or Illicitly Exported Cultural Property
- 15:15-15:30 Bruno S. Frey (Warwick Business School, Zeppelin University, Center for Research in Economics, Management and the Arts, Switzerland and University of Zurich)
Alternatives to "Legitimate Ownership" of Heritage
- 15:30-16:00 Discussion
- 16:00-16:30 *Coffee break*

SESSION VI: ART & PROCEDURAL/PRIVATE LAW

Chair: Valentina Vadi (Maastricht University)

16:30-16:45 Craig Forrest (T.C. Beirne School of Law)
Art and Heritage on Loan: The Role of Immunity in Dispute Resolution

16:45-17:00 S. I. Strong (University of Missouri)
Rubin Redux: Rights Balancing in Cultural Heritage Litigation

17:00-17:15 Christa Roodt and David Carey Miller (University of Aberdeen)
Stolen Cultural Property: The Implications of Vitium Reale in Private Law and Private International Law

17:15-17:30 Christian Armbruester (Free University Berlin)
Private Law as an Instrument for the Protection of Cultural Property

17:30-18:00 Discussion and Conclusion

18:00 *Drinks*