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GOVERNING COUNCIL
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UNIDROIT 2021
C.D. (100) B.15
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Item n° 12 on the agenda: International protection of cultural property

(prepared by the Secretariat)

<i>Summary</i>	<i>Report on follow-up activities and promotion of the 1995 UNIDROIT Convention and related instruments</i> <i>Report on activities relating to private collections</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to take note of the activities reported</i>
<i>Mandate</i>	<i>Work Programme 2020-2022</i>
<i>Priority level</i>	- <i>Promotion 1995 Convention - High</i> - <i>Private art collections - Low</i>
<i>Related document</i>	<i>Annual Report 2020 - C.D. (100) B.2</i>

I. FOLLOW-UP ACTIVITIES AND PROMOTION OF UNIDROIT INSTRUMENTS RELATING TO THE INTERNATIONAL PROTECTION OF CULTURAL PROPERTY

A. Status of the 1995 UNIDROIT Convention

1. The 1995 UNIDROIT Convention entered into force in 1998 and, as of 27 July 2021, has 50 States Parties. Since the 99th session of the Governing Council, two States have deposited their instruments of ratification/accession to the Convention with the Government of Italy: Côte d'Ivoire (23 December 2020) and Benin (11 January 2021). The ratification/accession procedure is currently under way in other States.

2. At the Conference organised by UNESCO to celebrate the 50th anniversary of the 1970 Convention in the Asia-Pacific region (see para. 11), the Minister of Culture of Mongolia, the Minister of Culture of Thailand, and the Director General of the Ministry of Culture of Indonesia indicated that their countries were actively working towards accession to the UNIDROIT Convention.

3. UNIDROIT was associated with the work of the G20 on Culture through the participation in an online workshop on “Protection of Cultural Heritage and Illicit Trafficking: the future will give us back our past”, organised by Italy on 9 April 2021. Professor Maria Chiara Malaguti represented UNIDROIT. The Ministers of Culture of the G20 member States met in Rome on 29 and 30 July and adopted a [declaration](#) which recalls the importance of the ratification of the relevant instruments, including the 1995 UNIDROIT Convention:

“15. We reiterate our deepest concern for the growing looting and illicit trafficking of cultural property and threats to intellectual property, including through digital and social platforms, and other organised crimes committed globally against cultural heritage and cultural institutions. We call on the international community to take strong and effective measures, including: (a) Ratification of relevant international agreements and Conventions and progress on further development and better implementation of international standards, in strong cooperation with relevant international organisations including UNESCO, ICCROM, ICOM, ICOMOS and UNIDROIT;”.

B. 25th anniversary of the 1995 UNIDROIT Convention

(a) Conference organised by UNIDROIT

4. UNIDROIT celebrated the 25th anniversary of the 1995 Convention by organising an [International Conference](#) held on 8 and 9 October 2020 at the seat of the Institute in Rome entitled “The 1995 UNIDROIT Convention - Cultural Property at the Crossroads of Rights and Interests”. The Conference attracted a great deal of interest and the hybrid format allowed for the participation of over 300 people from all over the world. The Conference provided an opportunity to take stock of the implementation of the Convention, raise awareness as to the importance of uniform laws for the restitution and return of cultural objects, strengthen synergies between the Convention and other international instruments, as well as explore the future steps of projects aimed at promoting a legal framework conducive to the successful implementation of the Convention’s purpose, such as the 1995 UNIDROIT Convention Academic Project (UCAP).

5. Eminent speakers contributed to the success of the Conference, and several countries, both Parties and non-Parties to the Convention, wished to make statements of support at the Conference (i.e., Azerbaijan, China, Greece, Mauritania, Mongolia, and Norway). UNIDROIT was honoured by the presence of Mr Bennahi Lemrabott, Minister of Culture, Handicrafts and Relations with Parliament of Mauritania, accompanied by Mr Nami Salihy, Director of Heritage, who announced his country’s decision to accede to the 1995 Convention. In addition, their Excellencies Mr. Fessahazion Pietros Menghistu, Ambassador of Eritrea to Italy, and Mr. Jambaldorj Tserendorj, Ambassador of Mongolia to Italy, also physically participated in the Conference. The Conference was closed by the interventions of Ms Ingrida, Deputy Minister of Culture of Lithuania, the first State to have ratified the Convention, as well as that of Mr Giorgio Marrapodi, Director General for Development Cooperation at the Italian Ministry of Foreign Affairs and International Cooperation, who underlined the importance of the 1995 Convention and the need for its universal ratification.

6. The conference was recorded; the [video](#) can be viewed on YouTube and the publication of contributions is underway.

(b) Other conferences

7. As indicated at the Governing Council session in 2020, other institutions chose to celebrate the 25th anniversary of the 1995 UNIDROIT Convention, at times together with the 50th anniversary of the 1970 UNESCO Convention. This was the case of the National Heritage Board of Latvia, which organised an online conference on 24 and 25 November 2020 with the participation of UNIDROIT.

The objective of the conference was to promote an understanding of private actors in the art and antiquities trade in their role in the protection of cultural property, particularly with regard to international conventions. Also, the Second Brazilian Conference on Law and Art, which was to be held in João Pessoa from 20 to 22 May 2020, was cancelled but a thematic edition of the [Brazilian Journal of International Law](#), dedicated to art law and cultural heritage law and celebrating 25 years of the 1995 UNIDROIT Convention and 50 years of the 1970 UNESCO Convention, was published in 2020. The special issue included an article entitled “The Impact of the UNESCO and UNIDROIT Conventions and the EU Directives on the International Art Market: An analysis fifty years after the introduction of the obligation to return stolen or illicitly exported cultural goods” by Geo Magri (Assistant Professor of Private Law at the Faculty of Law, University of Insubria).

C. Second edition of the Commentary on the 1995 Convention

8. The second edition of Professor Lyndel Prott’s Commentary on the 1995 UNIDROIT Convention was published in April 2021 by the Institute of Art and Law ([ISBN : 978-1-903978-43-8](#)). Professor Prott was deeply involved in the elaboration and adoption of the 1995 Convention, as a representative of UNESCO, and this edition was prepared with the collaboration of Thomas Adlercreutz, Ruth Redmond-Cooper, and Marina Schneider.

D. Model Provisions on State Ownership of Undiscovered Cultural Objects

9. On 19 July 2021, the Peruvian Congress adopted a revision of the Constitution amending its Article 21 ([Law Nº 31304 published on the Official Gazette](#) on 23 July 2021). This law establishes State ownership of undiscovered cultural property, and the explanatory memorandum of the law refers to the UNESCO-UNIDROIT Model Provisions as the basis for this reform.

E. UNIDROIT and its partners

UNESCO

10. UNIDROIT has continued and developed its co-operation with its regular partners. Thus, UNIDROIT has been closely involved in the statutory meetings relating to the 1970 UNESCO Convention (6th Meeting of States Parties – online 25-26 May 2021 – and 9th Meeting of the Subsidiary Committee of the Meeting of States Parties – online 27-28 May 2021) as well as in the capacity-building events that UNESCO organised in the fight against illicit trafficking in cultural property in several regions of the world (see Annual Report 2020, (C.D. (100) B.2).

11. UNIDROIT also participated in all the conferences organised in the framework of the celebrations of the 50th anniversary of the 1970 UNESCO Convention. Maria Chiara Malaguti, President of UNIDROIT, and Marina Schneider, Principal Legal Officer and Treaty Depositary, took part in various sessions at the [international online conference](#) “Cultural Heritage and Multilateralism: Regional and International Strategies for the Protection of Cultural Heritage”, organised by the German Federal Foreign Office in partnership with UNESCO, the European Union, and the Council of Europe, from 16 to 18 November 2020. Ignacio Tirado, Secretary-General, spoke at the Regional Conference for Africa “50th Anniversary of the 1970 UNESCO Convention in the Africa Region: An [Online Regional Dialogue](#) on the Fight against Illicit Trafficking in Cultural Property, and the Return and Restitution of Cultural Property in the Africa Region” (26 - 27 April 2021). Finally, Marina Schneider was invited to make a presentation at the [Asia-Pacific Regional Online Conference](#) on 29-30 June 2021. One of the objectives of these conferences was to identify

current obstacles to the ratification of the 1970 and 1995 Conventions, and to suggest ways for UNESCO Member States in the region to accede to these instruments.

12. UNIDROIT will also participate in the international virtual conference “The fight against the illicit trafficking of cultural property: for a strengthened global dialogue” organised by UNESCO, in partnership with the European Union, to be held on 14 September 2021 and, more particularly, in Panel 2 “Due diligence of professionals in the fight against trafficking in cultural property”. The conference will take stock of the regional priorities highlighted during the regional conferences celebrating the 50th anniversary of the 1970 Convention and will try to establish a common agenda of priorities for a strengthened fight through enhanced cooperation and dialogue between actors, including civil society through new partnerships and mechanisms.

13. Finally, UNIDROIT took part in various capacity-building workshops or other expert meetings organised by UNESCO, in particular in 2020-2021 (see Annual Report 2020, (C.D. (100) B.2). In 2021, UNIDROIT participated in:

- a national seminar for Somalia organised by the UNESCO Regional Office for West Africa (Nairobi) at the end of which the ratification of the 1995 Convention was included in the Somali Heritage Action Plan;

- a regional seminar for the Southern African States, organised by the UNESCO Regional Office for Southern Africa (Harare) on 20 and 21 July 2021;

- a training course (June-December 2021), organised by the UNESCO Dakar Office in partnership with the *Ecole du Patrimoine Africain* (EPA) on “Introduction to the current challenges of the fight against illicit trafficking in cultural property in West and Central Africa for heritage professionals”. The objective is to perpetuate this training through EPA’s online platform targeting African heritage professionals. This training responds to a clearly identified operational need: the lack of basic knowledge on this type of trafficking in Africa among African heritage actors which prevents them from fully occupying their role in the chain of actors in the fight against illicit trafficking of cultural property.

AFRICAN UNION

14. Following the Conference celebrating 25 years of the UNIDROIT Convention, to which Angela Martins, Head of the Culture Division, Department of Social Affairs of the African Union Commission, was invited as a speaker, UNIDROIT developed a closer collaboration with the African Union in the framework of the “Year 2021 of Arts, Culture and Heritage: Levers for Building the Africa We Want” and Aspiration 5 of Agenda 2063. In particular, UNIDROIT was invited to participate in the virtual meeting with partners from the arts, culture, and heritage sectors on the launch of the concept note and roadmap for the Year 2021 theme (26 March 2021).

15. The roadmap includes a conference (if possible in person) co-organised by the University of Geneva (Department of Public International Law and International Organisation (INPUB) and the UNESCO Chair in International Law for the Protection of Cultural Property) and UNIDROIT, in partnership with the Office of the African Union in Geneva and the Permanent Representations of Senegal and Togo to the United Nations Office in Geneva, entitled “Decolonising Heritage – The Return of Cultural Objects to Africa: an International Law Perspective”, on 24 September 2021 in Geneva.

16. UNIDROIT has also been invited to present the 1995 Convention at an event organised by the International Committee of the Red Cross, in partnership with the African Union and the Institute of Professional Security Studies (IPSS), on “The Impact of Armed Conflict on Cultural Property: Ensuring the Protection of our Common Heritage under International Law”.

ECOWAS

17. UNIDROIT is also continuing its collaboration with the Economic Community of West African States (ECOWAS) on the implementation of the 2019-2023 Action Plan for the Return of African Cultural Property to their Countries of Origin, which was validated by the ECOWAS Ministers of Culture in Cotonou (Benin) in April 2019 and which, among other things, calls on Member States to take the necessary steps to become party to the 1995 UNIDROIT Convention as soon as possible. A [meeting of the Directors of Heritage](#) of the 15 ECOWAS States was organised on 18 March 2021 to take stock of the steps towards ratification in the (virtual) presence of the Secretary-General of UNIDROIT and Marina Schneider, Principal Legal Officer responsible for the follow-up of the Convention at the UNIDROIT Secretariat. Following this meeting, the ECOWAS Commissioner for Culture undertook political advocacy with member States (ongoing) and UNIDROIT has been participating remotely in concomitant technical meetings (to date with Gambia, Guinea Bissau – where the ratification of the 1995 Convention was included in the country's first Cultural Strategy adopted on 30 July 2021 –, Liberia, and Togo) to accompany States. Finally, UNIDROIT was invited to participate (online) in the first meeting of the [Monitoring Committee](#) on the Action Plan held in Cotonou on 29 and 30 June 2021.

ICCROM

18. UNIDROIT continued its collaboration with ICCROM (more specifically with the ICCROM Office in Sharjah, United Arab Emirates) in the framework of the project on strengthening legal and institutional frameworks for the protection of cultural heritage in the region, through the development of regional co-operation and national capacity building. In particular, a cycle of online courses and webinars prepared by the different partners will start early 2022.

EL PAaCTO

19. UNIDROIT also continued its links with the judiciary in different countries and, in particular, in Latin America by being associated with the regional webinar "Tráfico de bienes culturales: el negocio del crimen organizado", organised on 20 May 2021 by the judicial cooperation component of the [EL PAaCTO programme](#) (Europe-Latin America Programme of Assistance against Transnational Organised Crime). EL PAaCTO has published a guide on the fight against illicit trafficking in cultural property, entitled [Diagnóstico de la situación y de las herramientas existentes en la lucha contra los delitos de tráfico ilícito de bienes culturales](#), to which UNIDROIT as contributed.

CARABINIERI TUTELA PATRIMONIO CULTURALE

20. UNIDROIT continued in 2020 and 2021 its collaboration with the Italian Carabinieri Specialised Unit by participating in the Unit's officer specialisation course and delivering a presentation on the international instruments relevant to the protection of heritage, in particular, the 1995 UNIDROIT Convention (20th course in November 2020 and 21st course in autumn 2021).

21. The importance recognised by the European Union to cultural heritage has led to the decision to add the protection of cultural heritage to the tasks of the Common Security and Defence Policy missions, where appropriate, building on ongoing missions and projects. The Carabinieri Unit was tasked with conducting a training needs analysis for the protection of cultural heritage in order to determine whether and how the needs are met by existing training efforts and to propose measures for improvement. UNIDROIT was involved in the expert working group comprising international and EU military and civilian actors who were consulted to avoid duplication in areas of common interest and to assess the potential for joint training. Among the conclusions, the need for more training in the international legal framework for the protection of cultural

property, including international conventions such as the 1995 UNIDROIT Convention, was highlighted.

F. Academic Project on the 1995 UNIDROIT Convention

22. In July 2021, the [Academic Project](#) (UCAP) had 17 institutional and 38 individual partners. While most of the partners are academics with expertise in cultural heritage law, UCAP also attracts students who want to learn more about the Convention and become involved in its dissemination and study. Since the last session of the Governing Board, following the conference celebrating the 25th anniversary of the Convention, the [Law Schools Global League](#) (LSGL), an association of 31 leading law schools on five continents, has expressed interest in becoming an institutional partner of UCAP to promote academic collaboration in Convention research, teaching, and outreach to government agencies, market actors, and non-profit organisations. LSGL has several research working groups and organises academic conferences and an annual summer school (which UNIDROIT attended in July 2021). Professor Amnon Lehavi (Dean, Harry Radzyner Law School, Interdisciplinary Center (IDC) Herzliya, Israel) initiated the proposal and is also an individual partner, and projects are underway (conferences, roundtables, setting up a joint class with several LSGL universities for co-teaching on the 1995 Convention).

23. The [European Students' Association For Cultural Heritage](#) (ESACH) has also joined UCAP in proposing to include the 1995 Convention and the restitution of cultural property in general as themes for a forthcoming issue of the ESACH Quarterly and an ESACH Talk. Both ESACH activities raise awareness of heritage, provide platforms for students or young professionals to express their ideas, promote projects, and facilitate the exchange of knowledge.

24. In addition, UNIDROIT celebrated the first International Day against the Illicit Traffic in Cultural Property, now set for 14 November - the date of adoption of the 1970 UNESCO Convention. UNIDROIT joined its partners in promoting international frameworks for the prevention of theft and looting and the return of illegally traded cultural objects, along with other advances in the fight against illicit trafficking. A [video](#) was prepared by UNIDROIT and shared on UNIDROIT social media.

25. The [UNIDROIT Foundation](#) had expressed its intention to support the work of UNIDROIT in the field of the protection of cultural property and, in particular, UCAP. Thus, a student prepared a paper on the development of a voluntary electronic register of transactions in cultural property (methodology, purpose, maintenance, cost, benefits, challenges, etc.). The first findings of this study were presented at the 4th Workshop on Best Practices in the Design and Operation of Electronic Registries (part of the Foundation's BPER Collateral Registry Project) in September 2020.

26. Furthermore, Tamás Szabados, Associate Professor at ELTE University in Budapest and UCAP individual partner, won fourth place in the UNIDROIT and COVID-19 Competition organised by the UNIDROIT Foundation with an article entitled "[The Global Pandemic as an Opportunity: Towards a Cutting-Edge Legal 'App' for Online Art Trade](#)" which he presented, together with the other prize-winners, at a webinar organised by UNIDROIT on 8 March 2021.

27. UNIDROIT continues to host students for internships on the international protection of cultural property. In particular, UNIDROIT receives students each year from (1) the Tulane-Siena Institute for International Law, Cultural Heritage and the Arts – a joint cooperation project between the University of Siena Law School and the Tulane University Law School, (2) the Master 2 in Cultural Heritage Law at the Jean Monnet Law School of the University of Sceaux, as well as (3) the Master 2 in Art Market Law (Ecole du Louvre). This year, despite the pandemic, UNIDROIT has also welcomed students from the Political Science Department (as part of their Erasmus year in Italy at LUISS) as well as from the International Master on Cultural Diplomacy ALMED - ASERI of the

Università Cattolica del Sacro Cuore in Milan. The students' internship [reports](#) are usually posted on the UCAP website.

28. Finally, UNIDROIT has been widely requested to deliver lectures by universities. These include:

- International Master on Cultural Diplomacy ALMED - ASERI of the Università Cattolica del Sacro Cuore in Milan – “UNIDROIT and its activities related to cultural diplomacy”, (21 April 2021);
- Association du Master 2 Droit du marché et du patrimoine artistiques de l'Université Panthéon-Assas Paris II, CEJART, in partnership with the Association du Master 2 Marché de l'art de l'Université Panthéon-Sorbonne Paris I, AMMA – “Trafic et restitutions des œuvres d'art - La Convention d'UNIDROIT de 1995 et sa relation avec la France” (22 April 2021);
- Master Programme Policies and Governance in Europe (PAGE), Module in European Union Law and Regulation - Cultural Heritage Policies, Libera Università Internazionale degli Studi Sociali Guido Carli, Rome (LUISS) – “Interaction between international, European Union and national regulation: the Cape Town Convention and the 1995 Convention” (30 April 2021);
- Geneva Summer School on International Cultural Property Law - University of Geneva – “The fight against trafficking in cultural property through national law and international instruments” (23 June 2021);
- International Summer Seminar on Museology at the École du Louvre 2021, “Fighting against illicit trafficking of cultural goods: an urgent challenge for heritage” (August-September 2021).

II. PRIVATE ART COLLECTIONS

29. As this topic, which is included in the Work Programme 2020-2022 with low priority, is closely linked to the 1995 UNIDROIT Convention, UNIDROIT has continued to examine the subject and to raise awareness among private collectors about ethical acquisition.

30. As reported at the previous session of the Governing Council (C.D.(99) B.15, paras. 25 and 26), UNIDROIT organised a colloquium with the University of Geneva and the Gandur Foundation for Art in Geneva on 4 and 5 February 2021, “What prospects for ‘orphan works’? Reflections on Cultural Goods without Provenance” (see the programme in Annex II and the [video](#) of the conference). This conference provided an opportunity for collectors, gallerists, lawyers, historians, archaeologists, academics, and museums to come together virtually and share their ideas and perspectives on the ever-growing debate around orphan objects.

31. If an orphan work in the sense of intellectual property law is a work without an identified author, orphan cultural property is cultural property without an identified provenance, and there are many of these. How does the law deal with these orphan cultural goods? As a matter of principle, the law does not deal well with the absence of proof. However, several proposals – ranging from facilitating proof to reversing the burden of proof – have already been made concerning these objects without provenance. Many solutions have yet to be invented, however – starting with a codified definition of orphan cultural objects – some of which were proposed in Geneva, and UNIDROIT is continuing its research on the issue. The next step will be the publication of the Proceedings of the Geneva Conference, followed by a meeting of some experts and finally a conference in the first quarter of 2022 which an institutional member of UCAP has offered to organise.

32. Finally, UNIDROIT has been invited to participate in a conference on “Culture and Law”, organised by the International Academy of Comparative Law and the Centro Mexicano de Derecho Uniforme, which will take place on 21 and 22 April 2022 in Mexico City, to present the UNIDROIT Project on Private Collections.

III. ACTION TO BE TAKEN

33. *The Governing Council is invited to take note of (a) the follow-up activities and promotion of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the UNESCO-UNIDROIT Model Provisions (b) the activities carried out on private art collections.*

ANNEXE I

List of States Parties to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

(in chronological order)

	STATE	DATE OF ENTRY INTO FORCE	TYPE OF INSTRUMENT	DECLARATIONS
1	China	01-07-1998	Accession	Arts. 3(5), 16, 17
2	Ecuador	01-07-1998	Accession	Arts. 3(5), 16, 17
3	Lithuania	01-07-1998	Ratification	Arts. 16, 17
4	Paraguay	01-07-1998	Ratification	Arts. 16, 17
5	Romania	01-07-1998	Ratification	Arts. 16, 17
6	Peru	01-09-1998	Ratification	Arts. 16, 17
7	Hungary	01-11-1998	Ratification	Arts. 3(5), 16, 17
8	Brazil	01-09-1999	Accession	Arts. 16, 17
9	Bolivia	01-10-1999	Ratification	Arts. 16, 17
10	Finland	01-12-1999	Ratification	Arts. 13(3), 16, 17
11	El Salvador	01-01-2000	Accession	Arts. 16, 17
12	Italy	01-04-2000	Ratification	Arts. 13(3), 16, 17
13	Croatia	01-03-2001	Ratification	Arts. 16, 17
14	Argentina	01-02-2002	Accession	Arts. 16, 17
15	Norway	01-03-2002	Accession	Arts. 13(3), 14, 16, 17
16	Spain	01-11-2002	Accession	Arts. 3(5),13(3), 16, 17
17	Cambodia	01-01-2003	Ratification	Arts. 16, 17
18	Portugal	01-01-2003	Ratification	Arts. 16, 17
19	Azerbaijan	01-12-2003	Accession	Arts. 16, 17
20	Slovakia	16-06-2003	Accession	Arts. 16, 17
21	Guatemala	01-03-2004	Accession	Arts. 3(5), 16, 17
22	Cyprus	01-09-2004	Accession	Arts. 16, 17
23	Slovenia	01-10-2004	Accession	Arts. 16, 17
24	Gabon	01-11-2004	Accession	-
25	Iran (Islamic Republic of)	01-12-2005	Accession	Arts. 16, 17
26	Afghanistan	01-03-2006	Accession	Arts. 16, 17
27	Nigeria	01-06-2006	Accession	-
28	New Zealand	01-05-2007	Accession	Arts. 16, 17
29	Greece	01-01-2008	Accession	Arts. 13(3), 16, 17
30	Panama	01-12-2009	Accession	Arts 3(5), 16, 17
31	Denmark	01-07-2011	Accession	Art. 14, 16, 17
32	Sweden	01-12-2011	Accession	Arts. 13(3), 16, 17
33	Colombia	01-12-2012	Accession	Arts. 16, 17
34	North Macedonia	01-02-2014	Accession	Arts. 16, 17
35	Honduras	01-02-2014	Accession	-
36	Angola	01-12-2014	Accession	Arts. 16, 17
37	Algeria	01-10-2015	Accession	Arts. 16, 17
38	Tunisia	01-09-2017	Accession	Arts. 16, 17
39	Bosnia-Herzegovina	01-11-2017	Accession	Arts. 16, 17
40	Lao People's Democratic Republic	01-11-2017	Accession	Arts. 16, 17
41	Botswana	01-02-2018	Accession	Arts. 16, 17
42	South Africa	01-07-2018	Accession	Arts. 16, 17
43	Syrian Arab Republic	01-10-2018	Accession	Arts. 16, 17
44	Myanmar	01-12-2018	Accession	Arts. 3(5), 16
45	Burkina Faso	01-04-2019	Ratification	Arts. 16, 17
46	Latvia	01-08-2019	Accession	Art. 16
47	Montenegro	01-01-2020	Accession	Art. 16
48	Ghana	01-03-2020	Accession	Arts. 16, 17
49	Côte d'Ivoire	01-06-2021	Ratification	Arts. 16, 17
50	Benin	01-07-2021	Accession	Arts. 16, 17

ANNEXE II

INTERNATIONAL CONFERENCE WHAT PROSPECTS FOR « ORPHAN WORKS »?

**Reflections on cultural goods
without provenance**
University of Geneva,
4th and 5th February 2021*

THURSDAY 4TH FEBRUARY 2021

8h30 – 9h00

Reception of the participants / *Accueil des participants*

9h00 – 9h25

Opening speech / *Discours d'ouverture*

- Yves FLÜCKIGER (Recteur de l'Université de Genève)
- Sami KANAAN (Maire de Genève, en charge du Département de la culture et de la transition numérique)
- Jean Claude GANDUR (Président de la Fondation Gandur pour l'Art)

9h25 – 9h40

- Marina SCHNEIDER, Marc-André RENOLD, Isabelle TASSIGNON
- « Qu'est-ce qu'une 'oeuvre orpheline' ? »

I. Historical aspects / Aspects historiques

1. The private collector in front of the inventory and the archives *Le collectionneur privé face à l'inventaire et aux archives*

XIXth Century

9h45 – 10h15

- Marc-André HALDIMANN (Université de Berne)
- « La constitution des collections : perspectives historiques »

10h15 – 10h45

- Cécile COLONNA (INHA, Paris)
- « Collectionner les antiquités au XIX^e siècle : archives et provenances »

10h45 – 11h00

Break / Pause

XXth Century: before the 1970 UNESCO Convention / UNIDROIT / CPTA **XX^e siècle: avant la Convention UNESCO de 1970 / UNIDROIT / LTBC**

11h00 – 11h30

- Véronique KRINGS (Université de Toulouse II - Jean Jaurès)
- « Les passions des antiquaires au début du XX^e siècle »

11h30 – 12h00

- Léa SAINT-RAYMOND (ENS, Paris) et Maxime Georges MÉTRAUX (Université Gustave Eiffel/Galerie Hubert Duchemin, Paris)
- « Une mémoire parcellaire ? Le legs du docteur Faure à la ville d'Aix-les-Bains »

XXth Century: the evolution of law on provenance questions **XX^e siècle: l'évolution du droit sur les questions de provenance**

12h00 – 12h30

- Kamil ZEIDLER (Université de Gdansk)
- « Freedom of Collecting, Provenance Research and Restitution of Cultural Property »

13h00 – 14h00

Lunch / *Déjeuner*



COLLOQUE INTERNATIONAL QUEL AVENIR POUR LES « ŒUVRES ORPHELINES » ?

**Réflexions sur les biens
culturels sans provenance**
Université de Genève,
4 et 5 février 2021*

JEUDI 4 FÉVRIER 2021

- II. What to do with works without pedigree ? / Que faire des oeuvres sans pédigrée ?**
- 1. Researchers' point(s) of view on works without pedigree
*Point(s) de vue des chercheurs face aux oeuvres sans pédigrée***
- 14h00-14h30 • Pierre LERICHE (Directeur de recherche émérite, CNRS)
« Le problème de l'authenticité et de l'interprétation des oeuvres orphelines. Exemples proche-orientaux »
- 14h30-15h00 • Boris WASTIAU (Musée d'ethnographie de Genève)
« Les biens coloniaux sans pédigrée dans une collection ethnographique »
- 15h00-15h30 • Corinne HERSCHKOVICH (Avocate à la Cour, Paris)
« Comment le droit traite-t-il les oeuvres sans pédigrée ? »
- 15h30-16h00 Break / Pause
- 2. Museums and collectors' positions
*Position des musées et des collectionneurs***
- 16h00-16h30 • Marcel MARÉE (British Museum, Ancient Egypt and Sudan Department)
« The Circulating Artefacts platform (CircArt) as a tool for provenance research »
- 16h30-17h00 • Markus HILGERT (CEO of the Cultural Foundation of the German Federal States)
« Provenance Research on Orphan Objects in German Museum's Collections »
- 17h00-17h30 • Jean-Yves MARIN (Directeur du Musée d'art et d'histoire de Genève, 2009-2019)
« Du musée prédateur au musée normatif, retrouver la cohérence des collections »

FRIDAY 5TH FEBRUARY 2021



VENDREDI 5 FÉVRIER 2021

- III. Trade and provenances / Commerce et provenances**
- 1. How to do a provenance research ? / Comment faire une recherche de provenance ?**
- 9h00-9h30 • Antoinette MAGET-DOMINICÉ (Université de Munich)
« Origines et provenances : quels défis pour l'histoire de l'art ? »
- 9h30-10h00 • Niklaus GÜDEL (Archives Jura Brüscheweiler, Genève et Delémont)
« Le cas du Courbet légué au canton du Jura »
- 2. Art dealers and auctions / Les marchands et salles de vente**
- 10h00-10h30 • Anna ZIELINSKI (Galerie Sycomore, Genève)
« A good provenance! À la recherche des histoires perdues »
- 10h30-11h00 • Anthony MEYER (Galerie Meyer Oceanic Art, Paris)
« Provenance has to start somewhere »
- 11h00-11h15 Break / Pause
- 11h15-11h45 • Jean-Christophe ARGILLET (Galerie Fürstenberg, Paris)
« Un adopté américain devenu orphelin européen »
- 11h45-12h15 • Pierre TAUGOURDEAU (Conseil des ventes volontaires, Paris)
« Un objet sans provenance déterminée est-il une oeuvre orpheline pour le marché ? »
- 12h15-13h30 Lunch / Déjeuner

IV. Tracks for solutions ? / Pistes pour des solutions ?

1. **Experiences with “regularisation periods” and patrimonialisation issue** **Expériences de « périodes de régularisation » et questions de patrimonialisation**

- 13h30-14h00 • Denis MOSCHOPOULOS (Université ionienne, Corfou)
« La genèse des collections privées d'œuvres archéologiques en Grèce pendant la période entre les deux guerres mondiales : la société civile partenaire de l'État à l'administration de l'héritage culturel »
- 14h30-15h00 • Laurie RUSH (CHAC - Nordic Center for Cultural Heritage and Armed Conflict, Copenhagen) « I found it in my garden; the Fate of Italian Private Collections »
- 15h30-16h00 • Anne-Marie AFEICHE (Conseil général des Musées, Beyrouth)
« Dons et acquisitions au Musée national de Beyrouth dans les années 1950 »
- 16h00-16h30 • Apolline SANS (Juriste en droit du patrimoine culturel, élève-attachée d'administration, Institut régional d'administration de Metz)
« Patrimonialisation des œuvres orphelines dans les collections privées et dans les collections publiques »
- 16h30-16h45 Break / Pause

2. **Round-table discussion / Table-ronde** **Starting / À partir de 16h45**

Moderator/Modérateur : Jean-Robert GISLER
(coordinateur biens culturels, Office fédéral de la police, Berne)

- Dora JANSSEN (collector)/ Vincent BOELE (Janssen collection, MAS Museum, Antwerp)
« Mon expérience de collectionneuse »
- Jean Claude GANDUR (Fondation Gandur pour l'Art, Genève)
« Le collectionneur d'aujourd'hui et les archives »
- Anne-Marie AFEICHE (Conseil général des Musées, Beyrouth)
« La question des œuvres ayant perdu leur étiquette d'identification »
- Sophie DELEPIERRE (Responsable du Département Protection du patrimoine, ICOM)
« La recherche de provenance, une clé de la lutte contre le trafic illicite de biens culturels. Le rôle de l'ICOM au sein de la communauté muséale mondiale »
- Mariya POLNER (World Customs Organization, Brussels)
« Illicit trafficking of looted objects : challenges for law enforcement »
- Corrado CATESI (Coordinator of Works of Art Unit in the INTERPOL General Secretariat, Lyon)
« Police capability in the licit provenance research and how INTERPOL can support »

V. Conclusions

* The conference will be held in French and English with simultaneous translation
Le colloque se tiendra en français et en anglais avec traduction simultanée.

