

# ART & CULTURAL HERITAGE LAW CERTIFICATE PROGRAM

ARTISTIC  
FREEDOM  
INITIATIVE



GEORGETOWN  
LAW

## Executive Certificate Program Summary

This week-long program on “Art and Cultural Heritage Law” focuses on the intersection of law with art and cultural heritage, particularly on different legal regimes for protecting art and cultural heritage “at risk.”

The first part of the program centers on contested cultural symbols and historical narratives that have intersected, directly and indirectly, with areas of art law, including intellectual property, free speech, and museum deaccessioning. Some challenges play out in public spaces, like Confederate monuments, sites of reckoning with America’s history of racism. Other conflicts arise in intellectual property disputes, where authorship is challenged as cultural theft from marginalized groups. The program also contemplates authorship in terms of speaker rights, with artistic expression a traditionally enshrined First Amendment ideal of individual autonomy. It reconsiders the meaning of artistic freedom when speakers are the video game industry or wedding vendors seeking religious exemptions to state antidiscrimination statutes—or celebrity artists invoking copyright’s fair use doctrine. The sessions on art law conclude with discussion of high-profile protests over deaccessioning decisions by museums and controversial art exhibitions, revealing that cultural contestation is reflected in and helps constitute legal change.

The program then proceeds to explore legal protections for cultural heritage in both domestic and international law. On the domestic front, the program considers the domestic implementation of international treaties governing cultural heritage protection, the use of forfeiture and other mechanisms to regulate the illicit trafficking in cultural artifacts, the protection and preservation of indigenous cultural heritage through the Native American Graves Protection and Repatriation Act (NAGPRA), and the availability of historic preservation laws to preserve the endangered cultural heritage of minority communities. On the international front, the program explores the development of human rights law to protect cultural heritage (including access to cultural heritage), the extent to which the law of armed conflict and international criminal law prohibit or redress attacks on cultural property, and the World Heritage program and the extraterritorial protection of cultural heritage. These sessions include discussion of World War II-related art disputes and the restitution debates surrounding cultural heritage held by former Colonial powers.

## Monday, December 7th

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8:30 a.m. - 9:00 a.m. Welcome & Program Overview

9:00 a.m. - 10:30 a.m. Overview of Threats to Art & Cultural Heritage & the Legal Framework

### **Session 1A**

- The Legal Framework Governing Art & Cultural Expression  
*Sonya Bonneau, Professor of Law, Legal Practice, Georgetown University Law Center*

### **Session 1B**

- The International & Domestic Legal Regimes for Protecting Cultural Heritage  
*Anne-Marie Carstens, Visiting Assistant Professor of Law, University of Maryland Francis King Carey School of Law*

10:30 a.m. - 11:00 a.m. Break

11:00 a.m. - 12:30 p.m. Monuments as Sites of Public Cultural Contestation

### **Session 2**

- Racial Reckoning & Confederate Monuments
- Renarrating a National Past
- Whose speech? Whose rights?  
*Naomi Mezey, Professor of Law, Georgetown University Law Center*

## Tuesday, December 8th

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9:00 a.m. - 10:30 a.m. Authoring Free Expression

### **Session 3**

- First Amendment: Autonomy Narratives
- Copyright & Free Speech: Valuing Artists  
*Sonya Bonneau, Professor of Law, Legal Practice, Georgetown University Law Center*

10:30 a.m. - 11:00 a.m. Break

11:00 a.m. - 12:30 p.m. Cultural Appropriation – Innovation or Theft?

### **Session 4**

- Trademark (Racist Trademarks & Logos)
- Copyright (Music, Dance, Fashion)  
*Madhavi Sunder, Professor of Law and Associate Dean, International & Graduate Programs Georgetown University Law Center*

## Wednesday, December 9th

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9:00 a.m. - 10:30 a.m. Museum Collections in Crisis

### **Session 5**

- Deaccessioning Museum Collections
- Risks of Authentication
- Controversial Exhibitions

*Lisa Strong, Director of Art and Museum Studies MA Program & Professor of the Practice, Department of Art and Art History, Georgetown University*

10:30 a.m. - 11:00 a.m. Break

11:00 a.m. - 12:30 p.m. Cultural Heritage & Human Rights

### **Session 6A**

- Cultural Heritage as a Human Right
- Resolution of Colonial-Era Art Disputes
- Cultural Identity and International Human Rights

*Kristin Hausler, Director, Centre for International Law & Dorset Senior Research Fellow in Public International Law, British Institute of International and Comparative Law*

### **Session 6B**

- Curbing Trafficking & Destruction Through Human Rights Law & Transnational Criminal Law
- The Role of International Organizations

*Mark Vlasic, Adjunct Professor of Law, Georgetown University Law Center*

## Thursday, December 10th

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9:00 a.m. - 10:30 a.m. Cultural Heritage in Armed Conflict: International Humanitarian Law & International Criminal Law

### **Session 7**

- Protecting Cultural Property During Armed Conflict and Occupation (International Humanitarian Law)
- Punishing Attacks on Cultural Heritage in International Tribunals (International Criminal Law)
- The Concept of Cultural Genocide: When Destruction of Cultural Heritage Coincides with Attempts to Eradicate a Culture or People
- Finding "Just and Fair Solutions" for World War II-Era Art Disputes

*Anne-Marie Carstens, Visiting Assistant Professor of Law, University of Maryland Francis King Carey School of Law*

## Thursday, December 10th (cont.)

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10:30 a.m. - 11:00 a.m. Break

11:00 a.m. - 12:30 p.m. Cultural Artifacts at Risk

### **Session 8**

- International Regulation of the Movement and Trafficking in Cultural Goods—1970 UNESCO Convention (and Implementation)
- Forfeiture of Cultural Objects and Other Domestic Laws for Curbing the Illicit Movement of Stolen and Looted Objects

*Patty Gerstenblith, Distinguished Research Professor of Law, Faculty Director, Center for Art, Museum & Cultural Heritage Law DePaul University College of Law*

## Friday, December 11th

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9:00 a.m. - 10:30 a.m. Protecting and Preserving Endangered Cultural Sites & Spaces: The World Heritage Convention & Historic Preservation Law (Part 1)

### **Session 9A**

- Navigating the World Heritage Framework & Inscription on the World Heritage “in Danger” List
  - Extraterritorial Protection of Endangered Cultural Heritage Sites
- Anne-Marie Carstens, Visiting Assistant Professor of Law, University of Maryland Francis King Carey School of Law*

11:00 a.m. - 11:45 a.m. Protecting and Preserving Endangered Cultural Sites & Spaces: The World Heritage Convention & Historic Preservation Law (Part 2)

### **Session 9B**

- Using Historic Preservation to Preserve Cultural Identity
- Trends in the Preservation of Properties Representing Black & LGBTQ Communities

*J. Peter Byrne, John Hampton Baumgartner, Jr. Professor of Real Property Law, Georgetown University Law Center*

11:45 a.m. - 12:30 p.m. Intangible Cultural Heritage & the Law

### **Session 10**

- Intangible Cultural Heritage & UNESCO Law
  - Intellectual Property Law & Traditional Cultural Expressions
- Lucas Lixinski, Associate Professor, Faculty of Law, UNSW Sydney*

12:30 p.m. – 12:45 p.m. Program Concludes, Closing Remarks