

ARTISTIC
FREEDOM
INITIATIVE



2021 Executive Education Program on Cultural Heritage & Art Law

Program Summary

This week-long program on “Cultural Heritage and Art Law” explores broad themes of art law and cultural heritage protection, with some geographic-specific content focused on the art and cultural heritage of Latin America and the Caribbean.

The program will explore international legal dimensions of cultural heritage protection and the domestic legal regimes that implement those protections within U.S. borders. On the international front, the program will present themes that will include the listing of both tangible and intangible heritage of Latin America and the Caribbean on international registries (such as the World Heritage List and the Representative List of the Intangible Cultural Heritage of Humanity), how international tribunals have interwoven heritage considerations into their jurisprudence in leading cases, and how differences in the common law and civil regimes can control outcomes in World War II-related art restitution litigation. On the domestic front, the program will explore differing mechanisms for regulating the illicit trafficking in cultural artifacts (such as prosecution and forfeiture), the special attention given to protecting and preserving pre-Columbian monuments and artifacts in U.S. legislation, and the differing approaches to issues of repatriation of art and artifacts to countries of origin.

The program then turns its focus to legal frameworks involving the arts, which have become embroiled in cultural contestation and embattled meanings. The program will cover copyright and trademark claims sounding in cultural appropriation, where marginalized creators challenge the ownership and authorship

rights of dominant creators. It will also discuss laws mobilized to preserve or remove Confederate monuments from public spaces, thus drawn into the dynamic forces of resistance and historical reevaluation. The theme of repudiated meanings and conflicting rights also arises in cases under the Visual Artists Rights Act, which reveal variant alignments and clashes between authors, communities, and private property interests. Finally, the program will examine high-profile protests and controversial art exhibitions in museums, further evidence of culture's resistance to stable meaning and consensus—despite law's pursuit of exactly that.

Program Agenda*

Day 1 - Monday, December 6th

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

Introduction of Faculty Co-Chairs:

[Christine Washington](#)

**Senior Director, Executive Education
Georgetown University Law Center**

Program Overview, Faculty Co-Chair Welcome and Participant Introductions:

[Sonya Bonneau](#)

**Professor of Law, Legal Practice
Georgetown University Law Center**

[Anne-Marie Carstens](#)

**Law School Assistant Professor
Director, Lawyering Program
University of Maryland Francis King Carey School of Law**

9:00 a.m. - 10:30 a.m. **Session 1: Registering Cultural Heritage: The Function of Inventories for Listing and Saving the World's Cultural Sites and Intangible Cultural Heritage**

[Anne-Marie Carstens](#)

**Law School Assistant Professor and Director, Lawyering Program
University of Maryland Francis King Carey School of Law**

Navigating the World Heritage Framework & Inscription on the World Heritage
“in Danger” List

Registration of Intangible Cultural Heritage: Process and Political Dimensions

Registries as a Tool for Responding to Threats to Tangible and Intangible
Heritage

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

11:00 a.m. - 12:30 p.m. **Session 2: Cultural Artifacts at Risk**

Patty Gerstenblith

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

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

Day 2 - Tuesday, December 7th

9:00 a.m. - 10:30 a.m. **Session 3: Cultural Heritage and Human Rights**

Kristin Hausler

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

Cultural Heritage as a Human Right

Cultural Identity and International Human Rights

Cultural Heritage of Indigenous Peoples and Minorities

Restitution and repatriation of cultural heritage from a human rights perspective

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

11:00 a.m. – 12:30 p.m. **Session 4: Intangible Cultural Heritage and International Tribunals**

Gabriele Gagliani

**Lecturer in Law
Bocconi University**

The extent to which international tribunals, such as the International Court of Justice, the Inter-American Court of Human Rights, Panels and the Appellate Body of the World Trade Organization, and ICSID investment arbitral tribunals have contributed to international cultural heritage law by considering cultural practices in a wide variety of disputes.

How cultural practices have influenced decisions spanning territorial disputes to indigenous communities' rights to issues of state (sovereign) immunity.

How international tribunals can continue to recognize and elevate the role of intangible cultural heritage in international disputes.

Day 3 - Wednesday, December 8th

9:00 a.m. - 10:30 a.m. **Session 5: Illicit Antiquities Trafficking**

[Emily Behzadi](#)

**Assistant Professor of Law
California Western School of Law**

Illicit trafficking in antiquities from Central & South America

Current restrictions in the U.S. (including import/export restrictions)

How U.S. is conforming to 1970 UNESCO Convention

Recent trafficking cases and returns

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

11:00 a.m. - 12:30 p.m. **Session 6: Whose Law Is It Anyway? Foreign Countries' Efforts to Regain Stolen Objects**

[L. Eden Burgess](#)

**Partner, Cultural Heritage Partners
Professional Lecturer in Law, GW Law**

[Olga Symeonoglou](#)

Associate, Cultural Heritage Partners

Defining Terminology: Export Law v. Patrimony/Ownership Law; Restitution v. Repatriation

Recognition and Application of Foreign Patrimony Laws by U.S. Courts

How Foreign Nations Can Understand and Interpret U.S. Court Decisions on Repatriation Claims

12:30 p.m.-1:00 p.m. **Break**

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1:00 p.m. – 1:45 p.m. **Fireside Chat, “An In-depth Look into the Cassirer Case”**

Speaker: [Carlos Manuel Vázquez](#)
The Scott K. Ginsburg Professor of Law
Georgetown University Law Center

Moderator: [Anne-Marie Carstens](#)
Assistant Professor of Law and Director, Lawyering Program
University of Maryland Francis King Carey School of Law

Join Faculty Co-Chair Anne-Marie Carstens as she interviews international law expert Carlos Vázquez about issues presented in the famed case, “Cassirer v. Thyssen-Bornemisza Collection Foundation.” Professor Vázquez filed a declaration involving the application of European property law principles in the case, involving efforts by heirs to seek restitution of works of art from a famed Spanish museum, the Thyssen-Bornemisza Museum.

Day 4 - Thursday, December 9th

9:00 a.m. – 10:30 a.m. **Session 7: Cultural Appropriation – Innovation or Theft?**

[Madhavi Sunder](#)
Professor of Law and Associate Dean, International & Graduate Programs
Georgetown University Law Center

Trademark (racist trademarks/logos)

Copyright (music, dance, fashion)

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

11:00 a.m. - 12:30 p.m. **Session 8: Monuments as Sites of Public Cultural Contestation**

[Naomi Mezey](#)
Professor of Law
Georgetown University Law Center

Racial Reckoning and Confederate Monuments

Renarrating a National Past

Whose speech? Whose rights?

Day 5 - Friday, December 10th

9:00 a.m. - 10:30 a.m. **Session 9: Moral Rights: Authors, Owners, and Communities**

Sonya Bonneau
Professor of Law, Legal Practice
Georgetown University Law Center

Copyright Interests: Economic and Personhood

The Visual Artists Rights Act – Defining Art

Collisions of Rights (murals, graffiti)

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

11:00 a.m. - 12:30 p.m. **Session 10: Museum Collections in Crisis**

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

Deaccessioning Museum Collections

Risks of Authentication

Controversial Exhibitions

12:30 p.m. –1: 00 p.m. **Program Concludes, Closing Remarks**

*Subject to change.