

EVENTS AND CONFERENCES

Żaneta Gwardzińska*

Two International Conferences on Private Rights and Cultural Property Gdańsk, 6-7 June 2019

In June 2019 two international conferences took place in Gdańsk (Poland) to discuss the workings of international law relating to the trade and protection of cultural objects and property: *Ratification and Implementation of the 1995 UNIDROIT Convention in Poland* and *Private Collections: Historical and Legal Perspectives*. The conferences were organized by the International Institute for the Unification of Private Law (UNIDROIT), the Faculty of Law and Administration of the University of Gdańsk, the University of Opole, and the UNESCO Chair on Cultural Property Law (University of Opole). The partners of the conference were the Gdańsk University Press and the National Heritage Board of Poland. The event was also supported by the UNESCO Regional Office in Venice and the Marshal's Office of the Opolskie Voivodeship. The conference sessions were held in the Faculty of Law and Administration of the University of Gdańsk and took place under the honorary patronage of the Ministry of Culture and National Heritage and the Polish National Commission for UNESCO.

* **Żaneta Gwardzińska** (Ph.D.) is Researcher at the UNESCO Chair on Cultural Property Law, Faculty of Law and Administration of the University of Opole (Poland).

6 June: Implementation of the 1995 UNIDROIT Convention in Poland

The subject of the conference was the legal experience and consequences resulting from the interpretation and implementation of the UNIDROIT Convention of 24 June 1995 on Stolen or Illegally Exported Cultural Objects (“the UNIDROIT Convention”).

Scholars, representing many scientific disciplines – not only lawyers, but also historians and conservators of monuments – took part in the conference proceedings. The conference was opened by Prof. Kamil Zeidler (University of Gdańsk), who drew attention to the need for discussion on the UNIDROIT Convention and expressed the hope that the conference would contribute to Poland’s ratification of the Convention. After the ceremonial opening of the conference, the first panel began, during which Marina Schneider (Principal Legal Officer & Treaty Depositary, UNIDROIT) introduced participants to the issues of the UNIDROIT Convention, Prof. Manlio Frigo (University of Milan) characterized current developments of the international art market and their significance for the regime of the UNIDROIT Convention, and Edouard Planche (Head of Culture Unit, UNESCO Office in Venice) showed synergies between the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the UNIDROIT Convention. At the end of the panel, Dr. Alicja Jagielska-Burduk (University of Opole) discussed the issue of due diligence and its importance for the future of the art market.

During the second panel the international representatives related their comparative experiences concerning the ratification of the UNIDROIT Convention. Prof. Luis Javier Capote-Pérez (University de la Laguna, Tenerife) presented the experience of the Kingdom of Spain, and Prof. Ren Yatsunami (Kyushu University) that of Japan, which to this day, like Poland, has not yet ratified the Convention. Prof. Wojciech Kowalski (University of Silesia in Katowice) discussed the legal perspectives of ratification of the UNIDROIT Convention by Poland.

The concluding address by Prof. Zeidler and Julia Stępnowska (University of Gdańsk) summarized the main areas of discussion covered by the panel at which time they also addressed the difficult question as to why Poland had not yet ratified the 1995 UNIDROIT Convention.

In recognition of the beneficial insights and shared experience provided by the conference participants, the organizers were very pleased to provide a token of their appreciation by inviting their guests to experience the magical atmosphere of Tri-City hospitality. On Thursday evening, the hosts organized a joint tour of the Basilica of the Assumption of the Blessed Virgin Mary in Gdańsk. The guide for the trip was Dr. Jacek Friedrich (University of Gdańsk, director of the National Museum in Gdańsk, then director of the Gdynia City Museum), who familiarized participants with the history of Gdańsk, referring to specific architectural elements of

the Basilica. The trip ended with a dinner at the Gdańsk Museum, hosted by the director of the Gdańsk Museum – Prof. Waldemar Ossowski (University of Gdańsk).

7 June: Private Collections: Historical and Legal Perspectives

The conference was organized under UNIDROIT leadership as part of the UNIDROIT Convention Academic Project. The issues of the Friday conference were indirectly related to the ratification of the 1995 UNIDROIT Convention and the task of UNIDROIT in the field of testing private collections in 2016-2019.

Marina Schneider (UNIDROIT) in her opening address gave a brief summary of the main points arising during the conference the previous day and gave a presentation outlining the UNIDROIT mission in the field of private collections which also comes within the scope of the Convention. Next, Prof. Toshiyuki Kono (Kyushu University, President of ICOMOS) presented his views and perception of private collections in the context of the protection of cultural heritage, and Prof. Elina Moustaira (National Capodistrias University of Athens) assessed the international differences resulting from comparative law on private art collections. In turn, Prof. Piotr Stec (University of Opole) gave a presentation on the subject of the law in relation to the private collections of cultural objects, while Prof. Kowalski spoke on the perspectives of the development of global collecting, citing many examples from his own rich experience in this field. In the following talk, Dr. Andrzej Jakubowski (Polish Academy of Sciences) discussed the ethical principles of the art market and outlined the framework of his own ethical code. The first panel ended with the speech of Dr. Friedrich who shared with the participants his reflections on the past, present and future of the collection gathered in the Basilica of the Assumption of the Blessed Virgin Mary in Gdańsk.

The proceedings of the second panel began with the speech of Prof. Marcílio Toscano Franca Filho (Federal University of Paraíba), who described the outline and performance of Brazilian laws regarding private collecting. Then representatives of various European countries presented the most important aspects of protecting private collections in the countries which they represented. Prof. Capote-Pérez discussed the solutions adopted in Spanish law, Dr. Miriam Kellerhals (lawyer, Federal Republic of Germany) described German legal regulation, and Dejan Nikolovski (Ministry of the Interior of the Republic of Northern Macedonia) outlined Macedonian legal regulations giving many examples from his long experience.

The panel ended with a speech by Dr. Monika Drela (University of Wrocław). She presented Polish legal regulations regarding the collection of works of art. During the debates, the future of the legal conditions required for the regulation of both the legal trade and successful building of private cultural collections was discussed, as well as the role of international law and civil law in this respect.

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After the conference, participants visited the Gdynia City Museum, where they were given a presentation about the history of Gdynia in a state of the art multimedia permanent exhibition, which was very well received. It should be added that the conferences were held in the year of the 25th anniversary of the University of Opole and the 50th anniversary of the University of Gdańsk and constitute an important element of university cooperation in building expert teams dealing with cultural heritage and strengthening academic cooperation.