International Cultural Heritage Law

January 2022 > June 2023

FACULTY OF LAW
ART-LAW CENTRE

UNIVERSITÉ DE GENÈVE
Direction

- **Prof. Marc-André Renold**, Faculty of Law, Art-Law Centre, University of Geneva; UNESCO Chair in the International Law of the Protection of Cultural Heritage

Scientific committee

- **Prof. Marc-André Renold**, Faculty of Law, Art-Law Centre, University of Geneva; UNESCO Chair in the International Law of the Protection of Cultural Heritage
- **Marina Schneider**, Principal Legal Officer & Treaty Depositary, International Institute for the Unification of Private Law (UNIDROIT)
- **Dr Alessandro Chechi**, Senior researcher and teaching assistant, Faculty of Law, Art-Law Centre, University of Geneva

Coordination

- **Dr Alessandro Chechi**, Senior researcher and teaching assistant, Faculty of Law, Art-Law Centre, University of Geneva
Combining theoretical knowledge with real-world perspectives, this unique programme aims at fostering an advanced understanding of the challenges and complexities of international cultural heritage law.

The law and policy regulating the manifold manifestations of art and cultural heritage have thickened swiftly in the past few decades in order to respond to the recrudescence of old threats and the appearance of new challenges. The destruction and looting of monuments and sites in conflict-affected countries triggered the adoption of various policy and legal instruments at the national and international levels, not only to stop the loss of and trafficking in cultural objects, but also to fight organised crime and to prevent money laundering and terrorism financing. Crucially, this worldwide effort does not only concern States and international organizations, but also the actors of the global multi-billion dollar trade in cultural objects, which are called on to inter alia exercise enhanced due diligence and controls and comply with anti-money-laundering rules. Moreover, policy and legal developments have occurred to regulate the activities of the actors of the cultural heritage world – artists, art market professionals, collecting institutions, formerly subjugated indigenous communities, banks, insurance and transportation companies, investment funds and free ports – and to accommodate their pressing demands as regards their rights, prerogatives and obligations. The CAS in International Cultural Heritage Law of the University of Geneva aims to respond to the learning interest and needs of students and practitioners triggered by these and other legal and policy developments.

The CAS in International Cultural Heritage Law is taught by the specialists of the Art-Law Centre and of the UNESCO Chair in the International Law of the Protection of Cultural Heritage of the University of Geneva, the leading institution of higher learning in the field of art and cultural heritage law recognised all over the world, as well as other leading academics and practitioners from different institutions, including universities (such as the University of Siena and the University of New South Wales), international organizations (such as UNESCO and UNIDROIT) and non-governmental organizations (such as Geneva Call).

The CAS in International Cultural Heritage Law is a unique high-level academic programme that will enable candidates to develop an advanced understanding of the law and of the ethical issues at play in the art and cultural heritage sector, to learn how to address operational, reputational and legal risks, and to gain essential analytical skills as well as practical, knowledge, invaluable for careers in this field or for further study.
Audience

- Practitioner of the art and cultural heritage sector who wants to enhance and update his/her knowledge and skills in response to the growing complexity of this sector
- Practitioner employed in other fields (including officials and/or professionals in the public and private sectors, members of staff of international organizations, foundations and NGOs, human rights defenders and lawyers) who wants to shift his/her career trajectory toward the art and cultural heritage sector AND
- University student (post-graduate) who wishes to gain a specialization in order to start a career in the art and cultural heritage sector

Objectives

- Gain a specialization in international cultural heritage law with a unique programme organized and taught by the specialists of the Art-Law Centre and of the UNESCO Chair in the International Law of the Protection of Cultural Heritage of the University of Geneva
- Develop a high-level and critical understanding of the legal, political and philosophical considerations underpinning international cultural heritage law through a modern and dynamic problem-based learning method
- Meet and learn from leading practitioners, experts and academics from all over the world
- Acquire the skills to gain employment in the art and cultural heritage sector or other related areas
Learning methods

- Face-to-face teaching by leading academics and practitioners
- Distance-learning activities, including readings
- Individual and collective presentations
- Problem solving

Programme structure

The CAS in International Cultural Heritage Law takes place over a period of 3 semesters (18 months) and will include 8 modules, which are built on a distinctive set of learning outcomes. These modules consist of face-to-face courses at the University of Geneva (UNIGE), which are preceded and followed by distance-learning activities. Full online attendance is permitted.

Participants to the entire programme will receive 15 ECTS credits, for a total of 113 hours of teaching in person and 303 hours of distance learning and personal work.
Module 1 | Art and cultural heritage: foundational aspects
First semester | 14-15 January, 18 March 2022 | 2 ECTS
1. Introducing art and cultural heritage law
2. The actors in the realm of art and cultural heritage

Learning goals
Identify and discuss the role of the different actors of the art and cultural heritage sector as well as the problems, challenges and risks faced by such actors.

Learning outcomes
Learn the history of International Cultural Heritage Law and the key definitions; develop a critical understanding of the role, interests, objectives and activities of the different actors of the art and cultural heritage sector; exhibit the capacity to identify the problems, challenges and risks faced by the actors of the art and cultural heritage sector; be acquainted with the intersections of cultural heritage law with other fields, including environmental law, climate change law, disaster law and sustainable development; engage on the controversy around the removal of “offending” monuments and symbols and with the issue of corporate responsibility; evidence a high-level understanding of cultural diplomacy through the study of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 1972.
Module 2 | The art market: a legal perspective

First semester | 19 March, 6-7 May 2022 | 2 ECTS

1. Art market and the trade in cultural objects
2. Due diligence in the art market
3. Philanthropy and the arts

Learning goals
Study the art market, its dynamics and the legal rules relating to transactions involving art objects; demonstrate some of the realities of working in the art industry.

Learning outcomes
Learn about the development of the art market and today’s market practices; be acquainted with the legal issues that arise when acquiring and/or selling art – but also when lending, borrowing, donating, disposing of and giving away art objects; gain insight into the legal framework regulating national and international art markets; gain the knowledge to apply legal rules and best practices to the issues that frequently arise in the art market; acquire the capacity to identify the specific legal risks and safeguards that underpin all art transactions; gain a deep understanding of contract and taxation regimes, property rules, questions about attribution, provenance and forgeries, and the liabilities of experts, auction houses and galleries.
Module 3 | **International cultural heritage law and the illicit trade**  
Second semester | 9-10 September, 14 October 2022 | 2 ECTS

1. **Art crime and the illicit trade**
2. **The legal instruments to fight the illicit trade**
3. **The fight against the illicit trade: a comparative approach**

Learning goals
Examine and discuss the components and dynamics of the illicit trade in cultural objects; study the legal framework that has been established to prevent and fight the illicit trade in cultural objects.

Learning outcomes
Gain a high-level understanding of the components and dynamics of the illicit trade in cultural objects, including the crimes that art professionals might commit or fall victim to when dealing in art or antiquities; develop a critical understanding of the international legal instruments adopted to protect cultural objects as well as to prevent and fight the illicit trade (including the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, the Council of Europe Convention on Offences relating to Cultural Property, as well as the legal instruments adopted by the United Nations and the European Union); evidence an advanced understanding of the impact of international conventions on the trade in cultural objects and of the interaction between national and international institutions and regulations; learn about the application of instruments on organised crime and money laundering to the trade in cultural objects; be acquainted with the legislation of the most relevant jurisdictions (including France, Germany, Italy, Switzerland, United Kingdom and the United States).
Module 4 | Cultural heritage in danger
Second semester | 15 October, 11-12 November 2022 | 2 ECTS
1. Cultural heritage and armed conflict
2. Cultural heritage and criminal law

Learning goals
Study the legal framework established to protect cultural objects in the event of armed conflicts and to punish the offences relating to cultural objects committed in war times.

Learning outcomes
Gain a high-level understanding of the specialised legal framework for the protection of cultural objects in the event of armed conflicts (notably the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its two protocols), as well as of the relevant rules of international humanitarian law and international human rights law; analyze real-life scenarios to draw legally-sound conclusions on the applicability of existing legal instruments; engage on key contemporary legal issues, including State responsibility, individual criminal responsibility (in light of the case law of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court), the role of international organizations (including the United Nations Security Council and the North Atlantic Treaty Organization), the doctrine of the Responsibility to Protect, reparation and transitional justice.
Module 5 | Cultural heritage law and the cultural objects removed in connection with mass-atrocity crimes
Second semester | 9-10 December 2022 | 1 ECTS
1. Holocaust-related art
2. Colonial cultural objects

Learning goals
Examine and discuss the legal, ethical and policy questions raised by cultural objects and human remains removed in the past in connection with large-scale mass atrocities.

Learning outcomes
Gain a comprehensive understanding of the political, legal and ethical questions raised by Holocaust-tainted art, colonial cultural objects and human remains; demonstrate a highly developed ability to reflect on the state of the law in relation to claims for the return of objects or human remains; develop an understanding of the work of non-judicial bodies established to deal with claims for the return of cultural objects and human remains.
Module 6 | Cultural heritage and human rights law
Third semester | 13-14 January 2023 | 2 ECTS

1. Cultural rights
2. Human rights in cultural heritage instruments

Learning goals
Explore the relationship between cultural heritage and human rights and examine the meaning and content of the human rights rules applicable to cultural heritage.

Learning outcomes
Gain a deep understanding of the relationship between cultural heritage and human rights and of the relevant legal instruments and soft-law rules that have been adopted in this sector (such as the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 2003, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005, the UNESCO Universal Declaration on Cultural Diversity of 2001, and the United Nations Declaration on the Rights of Indigenous Peoples of 2007); learn about the notion of cultural human rights and its evolution and elaboration; be acquainted about the conflicts between human rights and cultural heritage, especially those involving gender-based violence, and the notion of cultural relativism.
Module 7 | Cultural heritage and intellectual property law

Third semester | 17-18 March 2023 | 2 ECTS

1. The interaction between cultural heritage and intellectual property law
2. The impact of new technologies on art and cultural heritage

Learning goals
Explore the relationship between cultural heritage, on the one hand, and intellectual property law and innovative technologies, on the other.

Learning outcomes
Learn what museums, galleries, art market professionals and artists have to know about intellectual property rights; gain an advanced understanding of what is copyright and how it affects the management of works of art; learn or improve the knowledge in the legal and policy instruments adopted by UNESCO, World Intellectual Property Organization (WIPO) and other bodies; be acquainted with the role played by new technologies and with the issue of cultural appropriation by the fashion industry.
Module 8 | The settlement of disputes

Third semester | 12-13 May 2023 | 2 ECTS

1. The settlement of art and cultural heritage-related disputes
2. Practical exercises

Learning goals
Examine and discuss existing methods of dispute settlement and learn from the relevant practice.

Learning outcomes
Gain strategic insight on how to deal with and resolve art and cultural objects-related cases; develop a critical understanding of the national laws that may have an impact on the resolution of disputes, including private international law rules and anti-seizure laws; learn essential skills from renowned practitioners on how to be successful in complex art and cultural objects-related cases; experience the multi-faceted nature of cultural objects-related cases through a thorough examination of the practice of national courts and international tribunals, including arbitral tribunals (such as the arbitral tribunals created under the International Centre for Settlement of Investment Disputes (ICSID)); develop a broad range of legal and research skills (case analysis, problem solving, advocacy).
Format
Blended learning: face-to-face teaching and distance-learning activities. Full online participation is possible.

Assessment
Participants shall be evaluated based on a written essay for each module. Each written assignment shall be no longer than 3,000 words (excluding table of contents, footnotes and bibliography) and shall be submitted at the end of each semester.

Diploma awarded
Participants who successfully complete all 8 modules and meet the assessment requirements shall be awarded the Certificate of Advanced Studies (CAS) in International Cultural Heritage Law / Certificat de formation continue (CAS) en Droit international du patrimoine culturel by the Faculty of Law of the University of Geneva.
Practical information

Admission criteria
Candidates shall:
- Hold a Master’s or a Bachelor’s degree in law from a University, a Master’s or a Bachelor’s degree in law from a University of Applied Sciences (HES), or a degree deemed equivalent and recognised by the University of Geneva;
- Exhibit their interest in participating in the CAS; and
- Have a sound command of English; candidates who are not native English speakers must be able to show that their English language ability is of a high enough standard to successfully engage with and complete the course via a recognised test (IELTS, TOEFL, etc.) or one or more degrees obtained following the completion of programmes taught in English.

Registration online before 6 December 2021
www.unige.ch/formcont/cours/cultural-heritage
Candidates shall submit the following documents:
- Registration form;
- Curriculum vitae (in English or French);
- Motivation letter explaining the interest to take part in the CAS (maximum 500 words);
- Copy of the relevant degrees and qualifications;
- Copy of an ID (passport or national identity card).

Registration fees
- CHF 6,000.- for the full programme
- CHF 800.- for each module

Location
University of Geneva, Switzerland

Schedule
Courses will be held on Fridays and Saturdays, from 10h to 17h (including breaks), with a few exceptions as to the time.

Contact
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Collaboration

UNESCO Chair in the International Law of the Protection of Cultural Heritage of the University of Geneva

International Institute for the Unification of Private Law (UNIDROIT)

Related programs at the University of Geneva

- Summer School on International Cultural Heritage Law
- Diplôme de formation continue (DAS) en archéologie classique et en droit des biens culturels