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ART & CULTURELAW

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Contents

Editorial

- Alicja Jagielska-Burduk, Andrzej Jakubowski** 9
-

Interview

- Grażyna Kulczyk talks to Marta Smolińska
and Wojciech Szafrąński**
“My new things to do as Art project ripens” 13
-

Research Articles

- Leila A. Amineddoleh**
Cultural Heritage Vandalism and Looting:
The Role of Terrorist Organizations,
Public Institutions and Private Collectors 27
- Derek Fincham**
The Syrian Conflict and the Proposed
“Protect and Preserve International
Cultural Property Act” 63
- Alessandro Chechi**
Rescuing Cultural Heritage from War
and Terrorism: A View from Switzerland 83
- Alberto Frigerio**
Considerations on the Legitimacy of Organizing
a Humanitarian Intervention Aimed at Stopping
the Intentional Destruction of Cultural Heritage 101
- Kristin Hausler**
Culture under Attack: The Destruction
of Cultural Heritage by Non-State Armed Groups 117
- Andrzej Jakubowski**
State Responsibility and the International Protection
of Cultural Heritage in Armed Conflicts 147



Contents

Jaspreet K. Sandhar

Cultural Genocide in Tibet: The Failure of Article 8
of the United Nations Declaration on the Rights
of Indigenous Peoples in Protecting the Cultural Rights
of Tibetans 175

Carlos Jaramillo

Memory and Transitional Justice:
Toward a New Platform for Cultural Heritage
in Post-War Cyprus 199

Commentaries

Budislav Vukas, Jr., Katarina Peročević

The Process of the Establishment of Independence
of the Republic of Croatia and the Foundation
of Its National Policy in Culture and Art 221

Uwe Scheffler, Dela-Madeleine Halecker, Robert Franke, Lisa Weyhrich

When Art Meets Criminal Law –
Examining the Evidence 245

Varia

Karol Dobrzeniecki

Scales as a Symbol of Metaphysical Judgement –
from *Misterium Tremendum* to *Misterium Fascinosum*
An Analysis of Selected Works
of Netherlandish Masters of Painting 259

Debuts

Alice Lopes Fabris

Military Necessity under the 1954 Hague Convention 275

Cultural Heritage Law in Poland

Monika Drela

Culture Goods in the *Public Domain* under Polish Law –
Acquiring and Disposing Difficulties 291

Olgierd Jakubowski

- The Criminal Threat to Cultural Heritage in Poland –
Analysis of the Events of 2014 303
-

Events and Conferences**Cynthia Scott**

- “My ACHS Conference”: A Review of the Second
Biannual Conference of the Association
of Critical Heritage Studies,
Canberra, 2-4 December 2014 311

Jan Słoniewski

- In re Context: Understanding Our Past Is Its Own
Reward* Cultural Property: Current Problems Meet
Established Law, Philadelphia, 26-27 March 2015 314

Joanna Melz

- “Art and Criminal Law” – a Few Words
about the Exhibition “Kunst und Strafrecht” 320
- Call for Papers “The Directive 2014/60/EU
and the Movement of Cultural Objects
in the European Union” 323

- Forthcoming SAACLR Conference: *The Return of Cultural
Objects within the European Union – Implementing
the Directive 2014/60/EU*, 21-22 March 2016,
Institute of Art of the Polish Academy of Sciences,
Warsaw, Poland 326
-

Book Reviews**Katarzyna Zalasńska**

- Prawo ochrony zabytków*
[The Law on the Protection of Monuments]
Kamil Zeidler (ed.) 328





EDITORIAL

Dear Reader,

We are delighted to present you with the first English issue of the new biannual Santander Art and Culture Law Review (SAACLR). The publication of this journal was initiated in 2015 as a part of the project: *Creating and Managing an Interdisciplinary Legal Journal Dealing with Culture-Related Issues*, an individual grant of the Santander Group awarded to the Kazimierz Wielki University in Bydgoszcz within the Programme Santander Universidades. The main objective of this project is to disseminate innovative research relating to current problems arising from the intersection of law, culture and cultural heritage. The SAACLR is addressed to scholars, practitioners, non-governmental organizations, public authorities and policy makers dealing with legislative approaches to the protection and management of cultural heritage. The journal is also aimed at students within a broad range of disciplines which encompass or touch upon the vast number of issues referring to art, cultural heritage and law. Each odd-numbered issue of SAACLR is published in Polish and each even-numbered issue is issued in English. The contributions published in the Polish issues also include the summary and keywords in English.

Each issue is divided into eight sections: interviews, research articles, commentaries, varia, debuts, cultural heritage law and policy, events and conferences, and book reviews. The first section of the present issue includes an interview with Grażyna Kulczyk, one of the most important art collectors in Poland and patron of a number of cultural and artistic initiatives. The interviewee addresses the issues of management and curatorship of a private art collection. She also reveals her plans to establish the first private museum of modern and contemporary art in Warsaw.

EDITORIAL

The second section of this issue is dedicated to the leading theme: the role of international law in the protection of cultural heritage in the event of armed conflicts and/or terrorism. The eight contributions in this section explore the variety of problems relating to the current threats to cultural heritage. The images of destruction and pillage of many cultural sites, including those which enjoy protected status under the World Heritage Convention, have outraged the international community. Moreover, a renewed series of recently published reports has connected the looting of antiquities, or more precisely illicit excavations, to terrorism. In particular, there is credible evidence that trafficking in looted artefacts plays a significant role in the funding of Daesh (ISIL). In response to this worsening situation, various legal and technical measures aimed at preventing the international circulation of 'blood antiquities' are now being discussed. Taking this into account, Leila A. Amineddoleh in her article analyzes the ethical considerations with respect to the role of public institutions and private collectors in counteracting the illicit transfer of cultural objects and providing asylum to such materials. In turn, the articles by Derek Fincham and Alessandro Chechi discuss domestic legal measures aimed at preventing and prohibiting illicit art trafficking. The next article, by Alberto Figerio, deals with the controversial topic of humanitarian intervention aimed to halt the intentional destruction of cultural heritage. The two following contributions by Kristin Hausler and Andrzej Jakubowski explore the current legal regime governing the responsibility of states, non-state actors and individuals for serious violations of international cultural heritage obligations. Finally, Jaspreet K. Sandhar discusses the topic of cultural genocide in Tibet, while Carlos Jaramillo examines the problems of memory and post-war transitional justice in Cyprus.

The third and fourth sections include other articles not connected with the leading theme of this issue. In particular, Budislav Vukas and Katarina Peročević deal with the process of establishment of a cultural policy in Croatia since 1990, and Uwe Scheffler, Dela-Madeleine Halecker, Robert Franke and Lisa Weyhrich discuss the issues surrounding evidence in art-related criminal cases, while Karol Dobrzeńiecki presents the history of scales as symbols of metaphysical judgement in Netherlandish paintings.

The fifth section is dedicated to debuts by postgraduate and doctoral students. We present an article by Alice Lopes Fabris from the Universidade Federal de Minas Gerais (UFMG) and Belo Horizonte (Brazil) on the topic of military necessity under the 1954 Hague Convention. In turn, the sixth section contains two short contributions presenting the private law aspects of cultural property owned by Polish public institutions (article by Monika Drela) and a summary of criminal threats to cultural heritage in Poland (comments and chronicles by Olgierd Jakubowski).

The two final sections provide reports on select cultural heritage conferences held in 2014-2015, as well as a book review. Importantly, this part of the issue includes an invitation for the conference entitled *The Return of Cultural Goods within the European Union – Implementing the Directive 2014/60/EU*, co-organized by SAACLR and the Research Team of the project “HEURIGHT – The Right to Cultural Heritage – Its Protection and Enforcement through Cooperation in the European Union”, and a call for papers for the forthcoming issue of SAACLR devoted to the topic of the movement of cultural objects within the European Union.

Last but not least, we would like to acknowledge the work of many people involved in the preparation of this issue. We are very grateful to the authors of individual articles who replied to our call for papers and generously prepared their contributions. We would like to thank the reviewers of this issue for their most thoughtful and precious feedback. We are all indebted to the entire team of SAACLR for language revisions and meticulous editorial assistance.

We encourage you to contact us if you wish to reply to the call and submit a paper, or just to express your opinion regarding the usefulness or content of SAACLR (saaclr@ukw.edu.pl).

Alicja Jagielska-Burduk & Andrzej Jakubowski