

INTERNATIONAL JOURNAL OF

# Cultural Property

VOLUME 18 2011 NUMBER 4



**CAMBRIDGE**

ISSN 0940-7391

**Subscription Information:** *International Journal of Cultural Property* (ISSN 0940-7391) is published quarterly in February, May, August, and November by Cambridge University Press for the International Cultural Property Society. Annual subscription rates for Volume 17 (2010): Institutional subscription rate, print and electronic: US \$338 in the U.S.A., Canada, and Mexico; UK £198 elsewhere. Institutional subscription rate, electronic only: US \$276 in the U.S.A., Canada, and Mexico; UK £163 elsewhere. Institutional subscription rate, print only: US \$310 in the U.S.A., Canada, and Mexico; UK £184 elsewhere. Individual subscription rate, print only: US \$70 in the U.S.A., Canada, and Mexico; UK £35 elsewhere. Single part rates, print only: US \$85 in the U.S.A., Canada, and Mexico; UK £51 elsewhere. Prices include surface postage.

**Publishing, Advertising, and Subscription Offices:** Cambridge University Press, 100 Brook Hill Drive, West Nyack, NY 10994-2133, USA (for USA, Canada, and Mexico); or Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU, England (for UK and elsewhere).

**Society Inquiries:** General inquiries concerning the International Cultural Property Society should be directed to Stanley N. Katz, Director, Center for the Arts and Cultural Policy Studies, Woodrow Wilson School, 428 Robertson Hall, Princeton University, Princeton, NJ 08544. Phone: 609-258-5637; fax: 609-258-1235; email: snkatz@princeton.edu

**Rights and Permissions:** All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopy, or otherwise, without permission in writing from Cambridge University Press. General enquiries from the USA, Mexico, and Canada should be addressed to the New York office of Cambridge University Press <http://www.cambridge.org/us/information/rights/contacts/newyork.htm>; general enquiries from elsewhere should be addressed to the Cambridge office <http://www.cambridge.org/uk/information/rights/contacts/cambridge.htm>; permission enquiries from Australia and New Zealand should be addressed to the Melbourne office [http://www.cambridge.org/aus/information/contacts\\_melbourne.htm](http://www.cambridge.org/aus/information/contacts_melbourne.htm); enquiries regarding Spanish-language translation rights (only) should be addressed to the Madrid office <http://www.cambridge.org/uk/information/rights/contacts/madrid.htm>.

**Photocopying information for users in the U.S.A.:** The Item-Fee Code for the publication (0940-7391/10 \$15.00 + .10) indicates that copying for internal or personal use beyond that permitted by Sec. 107 or 108 of the U.S. Copyright Law is authorized for users duly registered with the Copyright Clearance Center (CCC) Transaction Reporting Service, provided that the appropriate remittance of \$15.00 per article is paid directly to CCC, 222 Rosewood Drive, Danvers, MA 01923. Specific written permission must be obtained for all other copying.

**Abstracting Information:** *International Journal of Cultural Property* is indexed and abstracted in Anthropological Literature; Art and Archaeology Technical Abstracts (Online Edition); ARTbibliographies Modern; Avery Index to Architectural Periodicals; Bibliography of the History of Art (BHA); British & Irish Archaeological Bibliography (Online Edition); IBZ—Internationale Bibliographie der Geistes- und Sozialwissenschaftlichen Zeitschriftenliteratur; Index to Foreign Legal Periodicals; Index to Legal Periodicals & Books; Internationale Bibliographie der Rezensionen Geistes- und Sozialwissenschaftlicher Literatur.

© International Cultural Property Society 2011

**Cover:** Gunybi Ganambarr; Milngurr 2011; ochre, earth pigment and acrylic binder on rubber; 97 × 77 cm; State Art Collection, Art Gallery of Western Australia; Purchased through the Tomorrow-Fund, Art Gallery of Western Australia; Foundation, 2011; Reproduced courtesy of the artist, the Buku-Larrnggay Centre, Yirrkala, Northern Territory, and the Art Gallery of Western Australia.

The recipient in August 2011 of the richest Indigenous art award in Australia, the Western Australian Indigenous Art Award of \$50,000 was Gunybi Ganambarr for this painting, entitled Milngurr 2011. He used ochre, earth pigment and acrylic binder on rubber, a recycling of conveyor belt material which is used widely in many mining projects and thus very familiar to Aboriginals in those areas. Modern Aboriginal art using Western techniques (originally acrylic paint on board) is regarded as beginning at Papunya in the Northern Territory about 1971. Modern Australian Indigenous art has developed in myriad styles and is highly valued locally and internationally. While artists currently working are able to sell overseas, items more than 30 years old are subject to export control under Australia's implementing legislation of the 1970 UNESCO Convention. These issues were the subject of an August 2011 conference at the University of Western Australia reported on in this issue by Lyndel Prott. Artwork courtesy of the artist and the Buku-Larrnggay Centre, Yirrkala, Northern Territory. Image © Gunybi Ganambarr, courtesy of the artist and the Buku-Larrnggay Centre, Yirrkala, Northern Territory.

# INTERNATIONAL JOURNAL OF Cultural Property

VOLUME 18 (2011) NUMBER 4

## Editor

Alexander A. Bauer,  
*Queens College, CUNY, USA*

## Chronicles Editor

Kurt Siehr, *Universität Zürich, Switzerland*  
and *Max-Planck-Institut, Germany*

## Case Notes Editor

Robert K. Paterson, *Faculty of Law,*  
*University of British Columbia, Canada*

## Book Review Editor

Patrick J. O'Keefe, *University of*  
*Queensland, Australia*

## Associate Editors

Michael F. Brown, *Williams College, USA*

Stephanie Moser, *University of*  
*Southampton, UK*

Lyndel V. Prott, *University of Queensland,*  
*Australia*

Madhavi Sunder, *UC Davis School of*  
*Law, USA*

Joe Watkins, *University of Oklahoma,*  
*USA*

## Editorial Board

Gregory J. Ashworth, *Rijksuniversiteit*  
*Groningen, Netherlands*

Janet E. Blake, *University of Shahid*  
*Beheshti, Iran*

Michael Blakey, *College of William and*  
*Mary, USA*

Michael Cernea, *George Washington*  
*University, USA*

Clemency Coggins, *Boston University,*  
*USA*

María Luz Endere, *Conicet and*  
*Universidad del Centro de la*  
*Provincia de Buenos Aires, Argentina*

Pedro Paulo Funari, *Universidade*  
*Estadual de Campinas, Brazil*

Richard Handler, *University of Virginia,*  
*USA*

Thomas F. King, *Independent Writer/*  
*Consultant, USA*

David Lowenthal, *University College*  
*London, UK*

Claire Lyons, *Getty Museum, USA*

Lynn Meskill, *Stanford University, USA*

Elina Moustaira, *Faculty of Law,*  
*University of Athens, Greece*

Dawson Munjeri, *Delegation of Zimbabwe*  
*to UNESCO, Zimbabwe and France*

Anila Naeem, *NED University of*  
*Engineering and Technology, Pakistan*

James A. R. Nafziger, *Willamette*  
*University College of Law, USA*

Hyung Il Pai, *International Research*  
*Center for Japanese Studies, Japan*

Jorge Sánchez Cordero, *Mexican Center*  
*of Uniform Law, Mexico*

Daniel Shapiro, *President Emeritus,*  
*International Cultural Property Society,*  
*USA*

Folarin Shyllon, *Faculty of Law, Olabisi*  
*Onabanjo University, Nigeria*

Samuel Sidibé, *National Museum of Mali,*  
*Mali*

Neil Asher Silberman, *University of*  
*Massachusetts, Amherst, USA*

Stephen K. Urice, *Esq., University of*  
*Miami School of Law, USA*

Alison Wylie, *University of Washington,*  
*USA*

## Founder and Board Member Emeritus

John Henry Merryman, *Stanford*  
*University Law School, USA*

INTERNATIONAL  
**Cultural Property**  
SOCIETY

**BOARD OF DIRECTORS**

**President**

Derek Gillman  
*Barnes Foundation, USA*

**Treasurer**

Stanley N. Katz  
*Center for Arts and Cultural Policy Studies, Princeton University, USA*

**Secretary**

Stephen K. Urice  
*University of Miami School of Law, USA*

**Vice-President**

Stanley N. Katz  
*Center for Arts and Cultural Policy Studies, Princeton University, USA*

Stephen W. Clark  
*J. Paul Getty Trust*

Talat S. Halman  
*Center for Turkish Literature, Bilkent University, Turkey*

Marc-André Renold  
*Art-Law Centre, University of Geneva Law School, Switzerland*

Lawrence Rosen  
*Department of Anthropology, Princeton University, USA*

Kurt Siehr, Law School  
*Universität Zurich, Switzerland and Max-Planck-Institut, Germany*

President Emeritus  
Daniel Shapiro



# CONTENTS

## VOLUME 18 (2011) NUMBER 4

### DOCUMENT

- Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its Fifth Session, held in Vienna from 18 to 22 October 2010: Resolution 5/7: Combating Transnational Organized Crime against Cultural Property* 405

### CASE NOTE

- “Inalienable” Archives: Korean Royal Archives as French Property Under International Law*  
Douglas Cox 409

### LEGISLATIVE REPORT

- Fundamental Modifications to Archaeological Heritage Protection Regulations in Hungary: A Brief Report*  
Eszter Bánffy, Attila Gyucha, and Gergely Csiky 425

### CONFERENCE REPORTS

- The 16th Session of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation, 21–23 September 2010*  
Folarin Shyllon 429
- The Fight Against the Illicit Traffic of Cultural Property: The 1970 Convention: Past and Future, 15–16 March 2011*  
Lyndell Prott 437
- Increasing Europe’s Competitiveness Through Cultural Heritage Research: An Initiative of the EU Project NET-HERITAGE, 24 March 2011*  
Nina Schwab 443
- “Legal Questions of Art Auctions” (Rechtsfragen der Kunstauktion): Seminar held by the Europe Institute, University of Zurich and the Center of Art and Law, Zurich, 13 April 2011*  
Anne Laure Bandle 449
- “Illicit Traffic in Cultural Objects: Law Ethics and the Realities”: Workshop co-organized by the Institute of Advanced Studies and the Law School of the University of Western Australia, Perth, 4–5 August 2011*  
Lyndel Prott 453

<i>New Working Group on “Cultural Protocols” Convenes at New York University, 19 August 2011</i>	
Madhavi Sunder	459
<i>Cultural Heritage Law Committee of the International Law Association: Special Session, Kohunlich, Mexico, 26–29 October 2011</i>	
Jorge Sánchez Cordero	461

**BOOK REVIEWS**

<i>Lyndel V. Prott (ed). Witnesses to History: A Compendium of Documents and Writings on the Return of Cultural Objects</i>	
reviewed by K. W. Tubb	463
<i>James A. R. Nafziger, Robert Kirkwood Paterson, and Alison Dundes Renteln. Cultural Law: International, Comparative, Indigenous</i>	
reviewed by Lawrence Rosen	467

**BOOK NOTES**

<i>Bibliography of Books Published in 2010 and of Some Books Published Earlier</i>	
Kurt Siehr	471

**CHRONICLES**

<i>January 1, 2010–December 31, 2010</i>	
Kurt Siehr	493

INDEX TO VOLUME 18	549
--------------------	-----