



Précis Paper

Cultural Heritage Protection

A discussion of cultural heritage protection in the 21st Century, and the need for a new, more interdisciplinary kind of legal reasoning to meet current challenges.

Discussion Includes

- What is cultural heritage?
- Sources of law
- Managing of risks and insurance
- Significant insurance matters
- Sustainable tourism and consumer protection
- Brand and culture
- Creating new art from old art
- The future of cultural heritage protection
- Message for lawyers

Précis Paper

Cultural Heritage Protection

1. In this edition of BenchTV, Prof. Sara Landini (Associate Professor, University of Florence) and Steven Griffiths (Solicitor, AR Conolly and Company Lawyers) discuss cultural heritage protection in the 21st Century, and the need for a new, more interdisciplinary kind of legal reasoning to meet current challenges.

What is cultural heritage?

2. Cultural heritage is about both the tangible and the intangible. The tangible includes such things as paintings, monuments, buildings. The intangible includes such things as language and folklore.
3. The *UNESCO World Heritage Convention 1972* distinguished cultural heritage to include both the man made and natural heritage, that is environmental wonders.

Sources of law

4. The most important source of law is at the international level, because cultural heritage protection is an international matter, in the interests of the entire globe.
5. Probably the most important source is the *UNESCO World Heritage Convention 1972*.
6. Below that are sources at a national level.
7. There is interplay between UNESCO and the parties of the convention.
8. Article 29 of the Convention requires that member states have to write a report to UNESCO to explain what kind of measures and administrative regulations have been enacted in order to protect their cultural heritage.

Managing of risks and insurance

9. One of the risks of cultural heritage is transportation, such as moving works of art for temporary exhibition.
10. Insurance contracts play a very relevant role, not only with regard to indemnification in case of damage, but also with regard to the prevention of damage.
11. it is not possible to compensate damage to cultural heritage.

Significant insurance matters

12. There are problems created by climate change. Changes in the climate causes damage to cultural heritage.
13. It is important for insurers to cover both indemnification and assistance in order to diminish any damage to cultural heritage.
14. A lot of cultural heritage is privately owned.

Sustainable tourism and consumer protection

15. Cultural consumers must also be protected.
16. When you visit a site that is very old, there could be a lot of dangers.
17. This can lead to problems with liability and compensation.

Brand and culture

18. There has been use of images of works of art, or the use of the name of a work of art, just to create a brand that seems Italian.
19. This includes using the phrase 'Made in Italy'
20. Reproduction of images of cultural heritage can require a fee to be paid.
21. It is possible to create a new work of art containing another work of art, containing its originality.
22. The use of nouns that sound similar to, for instance, italian sounding names. For instance, you cannot use the word Parmigianno for cheese produced outside of the specified area in Italy. If a word is used which is similar sounding, but not the same, there is no direct violation, but it creates something which is misleading. You cannot specialise only in consumer protection, as it is interdisciplinary.

The future of cultural heritage protection

23. More prevention is necessary.
24. Data collection allows us to make a checklist of measures to prevent damage.

Message for lawyers

25. Lawyers should become more close to risk managers.
26. Regulations could become more flexible and sustainable to meet the changing challenges of cultural protection.
27. More legal professionals are needed with a good knowledge of cultural heritage, with the legal reasoning which is necessary to face these challenges. A new, more interdisciplinary kind of legal reasoning is required.

BIOGRAPHY

Prof. Sara Landini

Associate Professor, University of Florence

Professor Sara Landini is Associate Professor at the University of Florence, Member of the Doctoral School of the University of Perugia, and is external reviewer of PHD candidates at University of Exeter, University of Pretoria, University of Bologna, University of Ca' Foscari di Venezia.

Sara is a member of a number of professional bodies and scientific societies. She has been part of the scientific board in the organization of national and international congresses and she is Author of 9 books and several papers published in prestigious reviews at national and international level.

Steven Griffiths

Solicitor, AR Conolly and Company Lawyers, Sydney

Steven Griffiths graduated from the Queensland University of Technology (QUT) in 2003 obtaining a Bachelor of Laws. He had previously studied at University of New South Wales, obtaining a Degree in Sport Science. He was admitted as a solicitor in 2004 to the NSW Supreme Court and worked as a Government solicitor from 2004 to 2017 advising senior departmental staff and appearing in a wide variety of matters in the NSW court and tribunals including Supreme, District and Local courts as well as the State Parole Authority and Coroner's Court. He opened his own practice in 2017 specialising in criminal law and is currently the Director of Bench TV.

BIBLIOGRAPHY

Legislation

UNESCO World Heritage Convention 1972