



The UIA In London

The Written Heritage of Mankind in Peril



I Giuseppe CALABI & Howard SPIEGLER

On June 26, 2015, the Art Law Commission of the UIA teamed up with the British Library and the Institute of Art and Law in London to hold a full-day seminar to comprehensively review the many aspects of the widespread theft of and illicit trafficking in rare books, maps and manuscripts looted from sovereign and other libraries and similar repositories around the world. 20 expert speakers and over 100 others attended, including representatives of dealers, collectors, auction houses, national collections, law enforcement officials, security experts, attorneys and others.

Everyone was welcomed by Kristian Jensen, the Head of Collections and Curation of the British Library, which hosted the conference. A keynote address was then delivered by Professor Norman Palmer QC, Barrister, Professor Emeritus of the Law of Art and Cultural Property at University College London and Academic Principal of the Institute of Art and Law, one of the conference's organizers. Professor Palmer explained how archives, books and manuscripts relate to cultural property generally.

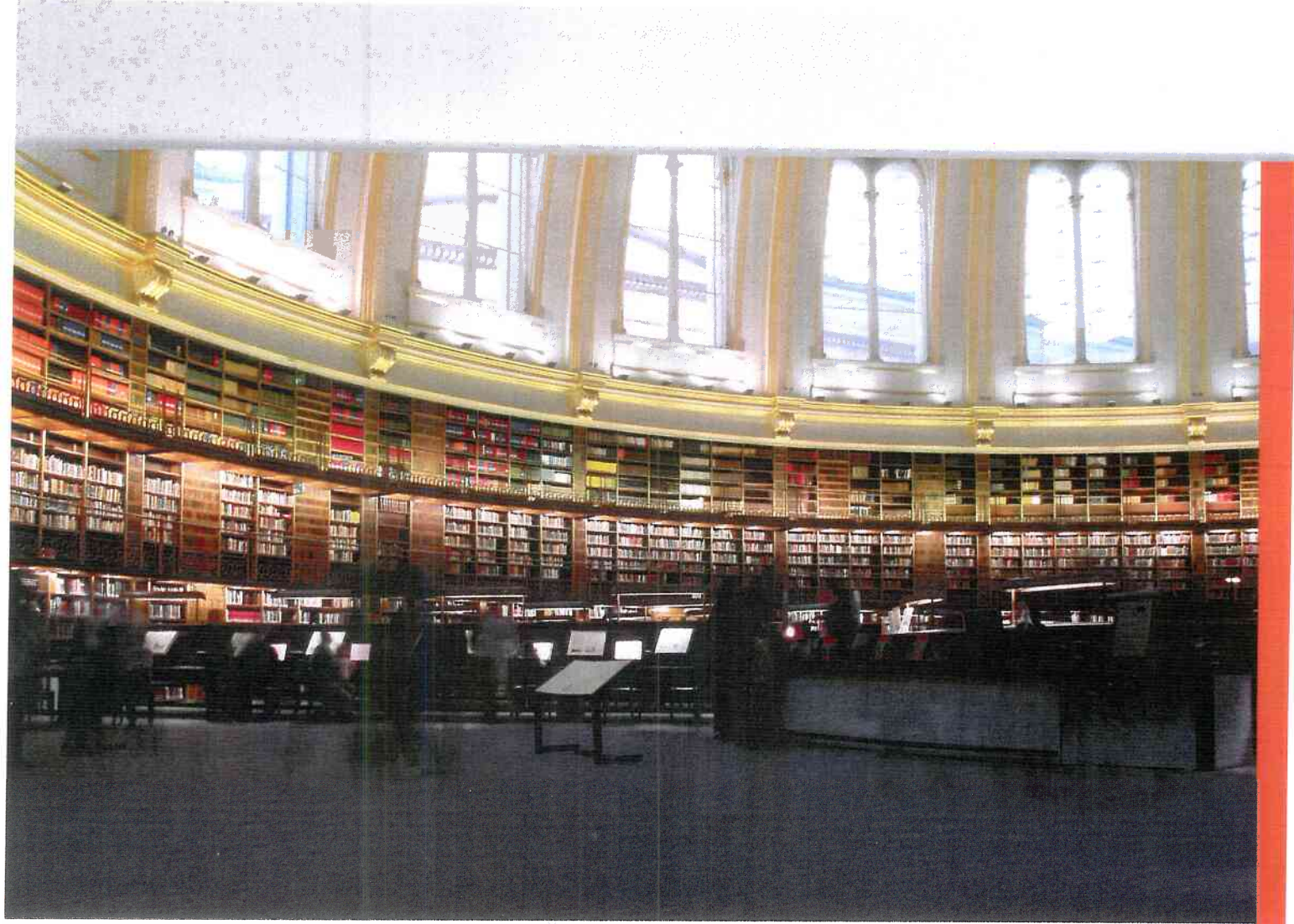
The first panel then addressed notorious recent examples of rare book theft around the world including in Denmark (discussed by Ivan Boserup, Former Head of Manuscripts and Rare Books, The Royal Library, Copenhagen) and Korea (Professor Keun-Gwan Lee, Professor of Law, Seoul National University). Margaret Lane Ford, International Head of Books and Manuscripts at Christie's, also discussed the thefts at the Girolamini Library in Naples and the National Library of Sweden. This panel was moderated by Giuseppe Calabi, one of the co-authors of this article.

The next panel presented a case study of thefts from the Swedish National Library, which Howard Spiegler, one of the co-authors of this article, moderated. Howard Spiegler and the attorneys who coordinated the investigation and recovery of several of the stolen rare books each explained our respective roles: Sharon Cohen Levin, former Chief of the Money Laundering and Asset Forfeiture Unit of the United States Attorney's Office for the Southern District of New York (and currently a partner at WilmerHale), Jerker Ryden, Senior Legal Advisor of

the National Library of Sweden and Jutta Freifrau von Falkenhausen, a Berlin attorney.

The conference was then treated to a special keynote address by Professor Sibel Özel, Head of the Department of Private International Law at Marmara Üniversitesi, Istanbul, who discussed the Turkish experience regarding the protection of ancient books and manuscripts.

The perspective of the rare book trade was then presented in a panel moderated by Monica Dugot, International Director of Restitution at Christie's. The panelists were Richard Aronowitz-Mercer, Head of Restitution Europe at Sotheby's, London, Norbert Donhofer, President of the International League of Antiquarian Booksellers (ILAB) and Stephen Loewentheil, Founder and President of 19th Century Rare Book and Photograph Shop, Baltimore. (Upon discovering that he had been in possession of books stolen from the National Swedish Library, Mr. Loewentheil purchased the books back from his buyer and then returned them to the Library, from which he received a medal.)



The next panel considered the issues surrounding security and the methods of preventing the theft and trafficking of rare books in the first place. The panel was moderated by Mr. Jensen of the British Library and presented as speakers Greger Bergvall, Manuscripts, Maps and Pictures Division of the National Library of Sweden, Denis Bruckmann, Director of Collections, Bibliothèque Nationale de France and Christian Recht, Senior Legal Advisor, Österreichische Nationalbibliothek, Wien.

The concluding panel of the day summarized the lessons learned during the previous panels and began the process of recommending future steps to take. Gert-Jan van den Bergh, Bergh Stoop & Sanders, Amsterdam, led the discussion as moderator and the panelists included prior speakers Mr. Donhofer of the ILAB, Mr. Jensen of the British Library and Ms. Levin of the U.S. Attorney's Office, as well as Hetty Gleave, partner at Hunters Solicitors, London. This panel concluded that the problem of rare book theft presents issues that implicate morality, legality and practicality. The panelists generally agreed that it was critical that

there be more transparency and less secrecy when dealing with thefts, especially that all such thefts should be publicized. Another important area discussed was whether the various databases maintained to track stolen books should be merged into one easy-to-access information base. Finally, the significance of ADR and voluntarily returning stolen books to the victims (usually sovereign libraries) regardless of liability was discussed, especially when the statute of limitations for bringing legal actions has expired.

The organizers now plan to publish papers prepared by the speakers and hold a subsequent conference in New York next year.

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For more information:

**Part 1
 (introductory keynote, panel I):**



**Part 2
 (panel II, keynote II):**



**Part 3
 (panels III and IV):**



**Part 4
 (concluding panel):**

