

# LOCATION, LOCATION, LOCATION



The Role of *Lex Situs*  
in Modern Claims for the  
Return of Cultural Objects  
London, 30<sup>th</sup> November 2007  
1.30-5.30pm

withers <sup>LLP</sup>

The world of art and antiquities continues to give rise to seminal legal decisions based on the private law of title. Despite the entry by many countries into international instruments governing claims for the return of cultural objects, claims continue to be brought and determined according to normal principles of private law applicable to commercial and cultural commodities alike. Such claims conform to a long tradition running in recent years from the *Winkworth* case in 1980 to two decisions involving the Islamic Republic of Iran earlier this year.

The aim of this conference is to examine the workings of the ordinary law of title in a cross-border setting and to ask whether private title claims are more effective than claims based on international treaties or other legal devices. Among the questions to be considered are the scope of the *lex situs* rule, its operation in two-party and three-party cases, its relation to national ownership and confiscatory laws, the justiciability of such laws in common law courts, and the case for distinct common law rules governing cultural property independently from ordinary articles of commerce. The *lex situs* rule will be examined in detail, both as it applies in the United Kingdom and other jurisdictions. The interrelation between the *lex situs* rule and international conventions (UNESCO 1970, *Unidroit* and the European Directive and Regulation) will also be explored. The recurrent focus will be on tangible cultural objects and the special nature of such material in modern law and policy. The conference will end with an instructive case study based on modern authority and practice.



Speakers at this seminar include:

Professor Norman Palmer, (Barrister), Jeremy Scott (Withers), Dr Janeen Carruthers (University of Glasgow), Professor Johan A. Erauw (University of Ghent), Judge Shoshana Berman (Israel), Derek Fincham (University of Aberdeen), Marc-André Renold (Art Law Centre, Geneva), Kevin Chamberlain (Barrister).

This seminar qualifies for 3.5 hours Law Society CPD  
and 3.5 hours Bar Council CPD

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