

# EVENTS AND CONFERENCES

Nicole Leite Morais\*

---

## *Money Laundering, Provenance, Authenticity, Trafficking and Cultural Rule of Law* First Brazilian Conference on Law & Art João Pessoa, 16-18 May 2018

The 1st Brazilian Conference on Law and Art, “Money Laundering, Provenance, Authenticity, Trafficking and Cultural Rule of Law”, took place on 16-18 May 2018, in the Centro Cultural Ariano Suassuna of the Audit Office of Paraíba in João Pessoa, Brazil. The event was organized by Marcílio Toscano Franca Filho, Professor of Public Law at the Federal University of Paraíba and Prosecutor at the Audit Court of Paraíba (Brazil). The conference brought together over 350 lawyers, judges, journalists, artists, students, and other professionals from Brazil and abroad who were interested in discussing intersections of law and art.

The conference comprised six thematic panels: 1) “International Challenges”; 2) “Cultural Rights, Art, and National Advocacy”; 3) “The Art of Crime”; 4) “Art Law and Cultural Institutions”; 5) “Cultural Preservation, International Law, and Nazism”; 6) “Cultural Patrimony, International Law, and Tolerance”;

---

\* **Nicole Leite Morais** is a Brazilian lawyer and researcher at the Laboratório Internacional de Investigação em Transjuridicidade – LABIRINT-UFPB, the Federal University of Paraíba in João Pessoa (Brazil), where she is also a master student in Art Law. She holds law degrees from the Catholic University of Pernambuco. Her research interests focus on administrative law and copyright law.

This work was financed in part by the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior – Brasil (CAPES) – Finance Code 001.

and two plenary sessions. In addition, art exhibitions, musical concerts, and book launches were organized.

The opening of the event featured the movie *The Heart of Nuba* (2016), a documentary about heroic efforts of Tom Catena, MD, and his choice to become part of a community in the Nuba Mountains in Sudan, while the region was bombed by an indicted war criminal, Omar Al-Bashir. The movie exhibition was followed by a discussion, with comments from the film director Kenneth Carlson. The opening ceremony also featured a presentation by Alberto Vespaziani (University of Molise, Italy) who demonstrated, via a theatrical performance, an analogy between *The Mandrake* by Niccolò Machiavelli and law, politics, art, and morals. This was followed by the speech given by Fernando Loureiro Bastos (University of Lisbon, Portugal), who presented the International Art Market Studies Association (TIAMSA). He highlighted the importance of research in legal aspects of the contemporary art market, pointing out that the activities of the TIAMSA are aimed at identifying and analysing the most pressing legal issues which involve and are relevant to the circulation of cultural objects.

Within the thematic panels, it is important to highlight the speech (panel “Cultural Rights, Art, and National Advocacy”) by Ângela Cássia Costaldello (Federal University of Paraíba). She expressed concern about the lack of protection under national legislation to the rich intangible cultural heritage of the Northeast Region of Brazil. She highlighted the initiative of state legislation to declare some manifestations of local culture as intangible heritage. In fact, there is no such recognition under the current national legislation, as exemplified by the case of “O Maior São João do Mundo” (Greater Saint John in the World) in the city of Campina Grande, in the state of Paraíba. It is the world’s largest Saint John’s Festival, and traditional festivity which takes place during the entire month of June. Another example is “Literatura de Cordel” (Cordel Literature), named for the way it is displayed by street vendors and at fairs in the Northeast Region of Brazil. This kind of book contains folk novels, poems, and songs related to typical situations of the people of the region. In addition, there is the “Forró”, a very popular brand of music in the same region of Brazil, and the “Repente”, a kind of popular music in which the artist constructs verses by improvisation. All these popular manifestations of culture are important and deserve to be respected and should be declared intangible cultural heritage by the national legislation of Brazil.

Following this presentation, Carmen Parellada (Cultural Arts Commission, Brazil) spoke about the issues involved in fashion law: compliance in fashion law, consumer law, labour law, prohibition of slave labour, gender equality, the environment, and anti-corruption measures. In turn, Marcelo Conrado (Federal University of Paraná) addressed the theme of law and contemporary art, highlighting the issue of anonymity in art works, using the example of graffiti and discussing how it would be possible to standardize national legislation in accordance with the Berne Convention of 1886. He spoke about a work that entered the collection of the Museum of Contemporary Art of Paraná (MAC-PR), the authorship of which is unknown.

## EVENTS AND CONFERENCES

Nicole Leite Morais

---

Key chains that were the same as the MAC-PR key chain, with fake keys, were scattered throughout the city streets. People who found the keys called the museum to arrange their return. Some wanted to be rewarded. Others had never been to a museum, and after returning the key they became regular visitors to the museum. In this way, it can be concluded that in contemporary art, the idea of the artist is as important as the object. It is not just about the supporting methods used by him. Prof. Conrado also cited the work *Missions*, by Cildo Meireles, in which there are 600,000 coins on the floor, 800 wafers that connect the floor to the ceiling and 2,000 bovine bones on top, demonstrating the contradiction between spoken languages and the connection between earthly life and heaven. For the Jesuit missionaries converting Brazil's indigenous peoples to Catholicism, the major sin the Indian could commit was cannibalism. At the same time, the Holy Communion, the Roman Catholic rite, involves the eating of consecrated bread and drinking of wine – the body and blood of Jesus Christ. So, in fact, the Indian was being forgiven of cannibalism by committing another act of “cannibalism”, but in a spiritual sense, by consuming the body and blood of Jesus Christ.

The next panel “The Art of Crime” addressed a number of other timely questions. Cristina Tardáguila, a journalist, spoke about her book *A arte do descaso* (The Art of Neglect), in which she comments on the famous assault on the Museu da Chácara do Céu in Rio de Janeiro during the carnival on 24 February 2006, when four armed men stole four paintings, worth more than US\$10 million: *Marine* by Monet, *La danse* by Picasso, *Le jardin du Luxembourg* by Matisse, and *Les deux balcons* by Dalí. A succession of errors, which formed part of this story, resulted in the serious loss for the museum and the Carioca community as the masterpieces were not recovered. Then, Márcio Adriano Anselmo, the Head of the Federal Police's Financial Crimes Repression Division, talked about money laundering through art, highlighting its portability as one of the main factors, as it is easier to take an artist's canvas worth millions from one country to another than to transport same amount of money. He also spoke about the large number of works of art seized by the Federal Police's Financial Crimes Repression Division in the famous “Operation Car Wash”: the biggest corruption scandal in Brazil.

As regards the fourth panel “Art Law and Cultural Institutions”, it is important to mention the speech by Gustavo Ferraz de Campos Mônaco (University of São Paulo) who addressed the topic of artistic expression and the preservation of children's rights. He talked about children's artistic work (the child as an artist), artistic production, use of the child's image (the child as part of the art produced), and the child as the recipient of art produced by an adult. He also mentioned the controversial artistic performance that occurred in the Museum of Modern Art of São Paulo, in which a naked man interacted with children. Some artists considered the prohibition of that exhibition as censorship, but the greatest part of the Brazilian population considered the performance as paedophilia and considered the parents irresponsible to have allowed their children to participate in such a situation. Thus,

a relativization of the freedom of artistic expression should take place when the protection of children's rights is involved.

In the same panel, Isabella Pimentel (World Intellectual Property Organization) addressed the issue of the so-called "artist's succession" (*droit de suite*), a right granted to artists or their heirs to receive a fee on the resale of their works of art, while Gustavo Martins de Almeida (Rio de Janeiro Sectional Council of Brazilian Bar Association and Museum of Modern Art in Rio de Janeiro) talked about the Brazilian Copyright Law – Law 6.910/98. This law, under Article 41, provides that an author's patrimonial rights remain for 70 years after his/her death. He also mentioned that in 1971, Emiliano Di Cavalcanti's family hired a lady to write his biography. In 1994, when Dr. Martins de Almeida was the lawyer of the museum, Centro Cultural Banco do Brasil promoted an exhibition in honour of the centenary of Di Cavalcanti at the Museum of Modern Art of Rio de Janeiro, and the lady who wrote the biography appeared with this document, claiming to be the owner of the copyright of Di Cavalcanti. But Dr. Martins de Almeida discovered that after the composition of this document Di Cavalcanti did not paint anymore. There is an interpretation that it is only possible for the author to restrict the exhibition of a work to an exhibition, for example, at the time of sale. If there is no such restriction, the work can be freely displayed. Centro Cultural Banco do Brasil and the Museum of Modern Art of Rio de Janeiro filed a lawsuit against this lady, arguing that she did not have the right to veto the exhibition. The Court of Justice of Rio de Janeiro recognized the right of the family of Di Cavalcanti to authorize the realization of that exhibition, recovering the rights to the work of this famous Brazilian painter.

The fifth panel focused on "Cultural Preservation, International Law, and Nazism" and was presided over by Alexandre Zielinsky Arregui (Rhone Fiduciary Services S.A.). He discussed that subject with Ralph Wilde (University College London) and Donald S. Burris (Burris, Schoenberg & Walden, Los Angeles), a lawyer who worked on the restitution of Gustav Klimt's painting *The Woman in Gold* to Adele Bloch-Bauer's niece, Maria Altmann. The sixth panel ("Cultural Patrimony, International Law, and Tolerance") also dealt with the recovery of stolen or illicitly excavated cultural objects.

Last but not least, at the closing plenary session the winning papers of the conference were announced. Out of 49 contributions submitted to the competition, three winners were selected. First place was awarded to "Fraternity and Freedom of Expression: A Legal Reading of the Fourth Movement of Beethoven's *Ninth Symphony*", written and presented by Nicole Leite Morais, the author of this conference report. Second place was awarded to "Public Policies and Legal Graphite Regulation: Prospects for the Amuring", by Igor Halter Andrade and Francisco Tapias Bergamaschi Bley; while third place went to "The Application of 'Due Diligence' in the Brazilian Art Market", by Matheus Costa do Vale and Nathalya Lins da Silva.

The First Brazilian Conference of Law & Art was awarded the European Year of Cultural Heritage 2018 (EYCH) label.