



# Abstracts of the 2nd Slovenia–Turkey Bilateral Colloquium

19 May 2023

Portorož, Slovenia

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19 May 2023 · Portorož, Slovenia

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Project on the Comparison of Slovenian and Turkish Laws on the Mechanisms of the Settlement of Arts and Cultural Property Disputes, with the Cooperation of the Faculty of Humanities – Unesco Chair of Interpretation and Education for Enhancing Integrated Heritage Approaches.



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# Programme

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**Friday, 19 May 2023** | Faculty of Tourism Studies – Turistica

9.00 Registration and morning coffee

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9.30 Welcome remarks

*Prof. Klavdija Kutnar, Rector of the University of Primorska  
Her Excellency Ms Aylin Taşhan, The Ambassador of the Republic  
of Turkey to Slovenia  
Acad. Janez Kranjc, PhD, Professor Emeritus, SAZU*

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HUMANITIES & TOURISM | *Chair: Irena Lazar*

10.00 The Cultural Heritage of the Coastal Towns of Koper, Isola and Piran  
and the Problem of Restitution of Artworks from Local Museums,  
Churches and Monasteries

*Salvator Žitko*

10.20 Returning Cultural Heritage: Between Ownership, Symbolic Value,  
and Interpretation

*Neža Čebrov Lipovec, Irena Lazar, Zrinka Mileusnić,  
and Alenka Tomaž*

10.40 Art and Cultural Heritage in the Guidebooks of Portorož-Piran  
*Tomi Brezovec and Aleksandra Brezovec*

11.00 Retained Artwork Lives On in a Local Event

*Milka Sinkovič*

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11.20 Coffee break

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LAW & INTERNATIONAL LAW | *Chair: Nuray Ekşi*

11.40 Fake, Forgery, and Authenticity in Archaeology:  
Archaeological Science in Practice

*Gonca Dardeniz Arıkan*

12.00 Natural and Cultural Heritage as a Common Denominator  
of Integration and Sustainability in the EU

*Cocou Marius Mensah and Tjaša Ivanc*

- 12.20 Cultural Property in Private International Law  
*Nuray Ekşi*
- 12.40 (Dis)Respect for the International Legal Framework Protecting  
Cultural Property in Times of Armed Conflicts  
*Vasilka Sancin*
- 

13.00 Lunch

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TOURISM & LAW | *Chair: Tadeja Jere Jakulin*

- 14.00 Restitution of Movable Property Obtained by Criminal Offences  
in Slovenian Law  
*Vid Jakulin*
- 14.20 Sword and Dagger  
*Dane Munro*
- 14.40 Cultural Heritage Restitution and Repatriation: An Exploration  
of Slovenian Regulatory Framework  
*Miha Bratec*
- 15.00 The Role of Tourism in Cultural Heritage Repatriation  
*Daša Okrožnik and Daša Fabjan*
- 15.20 The Restitution of Cultural Heritage: A Mediating Role  
of Systems Approach  
*Tadeja Jere Jakulin*
- 

- 15.40 Coffee break
- 15.50 Discussion and colloquium conclusions
- 19.00 Folklore Event of the Val Piran Association Auditorium Portorož
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**Saturday, 20 May 2023** | Programme for Turkish delegation

- 10.00 Guided sightseeing: Walled Town Piran, [www.piran.si](http://www.piran.si)
- 13.00 Lunch
- 15.00 Sightseeing: Koper and free activities, [www.koper.si](http://www.koper.si)
- 19.00 Dinner
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**Sunday, 21 May 2023**

- 11.00 Excursion to Bled
- 17.30 Transport to the airport
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## Foreword

Cultural and natural heritage have acquired international significance with the emergence of exploration trips, mass tourism, and the admiration of travellers over time. There are many reasons why cultural and natural heritage change places, from archaeological excavations and the exploration of natural heritage to the dangers that have threatened cultural heritage, including art, due to wars and conflicts. The eternal dilemma, which was a typical situation in the past but has been the subject of disputes between countries over time, is the return of alienated cultural and natural heritage. The legitimately appearing question is whether natural or cultural heritage acquired without legal title can still be seen in its natural and cultural environment in the same condition as it was at the time of its appropriation. The present collection of contributions deals with these sensitive issues and possible solutions. The volume has three parts: the first covers the intersection between the humanities and tourism; the second deals with the natural and legal aspects of restitution; and the third overlaps law and tourism.

The first part's summaries relate to the importance of cultural heritage as a source of identity and recognition in the region; it highlights the issue of the restitution of artworks; it explores the theoretical concepts behind the repatriation of cultural heritage and the practice of heritage protection in museums; it discusses the art and cultural heritage in 19th and 20th-century Portorož-Piran tourism; and it presents the events around the 500th anniversary of Vittore Carpaccio's painting to raise local awareness of its importance.

The second part's summaries relate to international law and claim that traditional archaeological methods with scientific techniques must test the authenticity of archaeomaterials. It examines the impact of cultural and natural heritage on the EU economy and the issues of private international law in cross-border cultural property disputes. It critically addresses the adequacy of the existing international legal framework and its implementation in practice.

The third part's summaries relate to law and tourism, Slovenian regulations for the restitution of movable property obtained by a criminal offence, the Maltese case of a 19th-century stolen sword and dagger, which

changed many owners and nowadays in the Louvre, the role of tourism in cultural heritage repatriation, and the systems approach that could mediate these complex factors and facilitate a more inclusive and sustainable restitution process.

Tadeja Jere Jakulin



# The Cultural Heritage of the Coastal Towns of Koper, Isola and Piran and the Problem of Restitution of Artworks from Local Museums, Churches and Monasteries

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Cultural heritage is one of the essential contemporary factors of identity and recognition on the coast zone with the town nucleus of Koper, Izola and Piran while representing bases for culture and nature-friendly forms of development, especially in cultural tourism. In the last century, tourism has become an essential economic field and substantially accelerated the development and promotion of the coastal region. On the entire Istrian ground, where the river Dragonja today connected the Slovene and Croatian Istria, over the centuries has interlaced different ethnical groups, but also cultural and linguistic elements or two cultural spheres – one of them preponderant Romanic and second Slavic in the hinterland of coastal towns. Cultural heritage, one and the other, represents an essential and potential source of tourist development. Still, at the same time, cultural tourism could open new possibilities to locals and foreign visitors. It is only possible to refine this cultural heritage through the knowledge of its cultural contents, history, actual image and offer; this is also the principal intention of the present lecture with whom we wish to warn on the role and importance of historical centres in Koper, Izola and Piran with their hinterlands, still upon question above the restitution of artworks, who in former times adorns their museums, palaces, public buildings, churches and monasteries.

*Keywords:* Cultural Heritage, Artworks Restitution, Cultural Tourism, Istria, Koper, Izola, Piran

## Returning Cultural Heritage: Between Ownership, Symbolic Value, and Interpretation

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There are many ways to view the repatriation of artworks and other cultural heritage items to their original location. Next to the most salient one – the legal issue – the lens of cultural heritage protection, framed within heritage studies, can provide a challenging understanding. Our contribution tackles some of the key theoretical concepts stemming from contemporary heritage studies theories (heritagesation, values-led approach, heritage interpretation) and the heritage practice in the museums. Internationally known cases and lesser-known local examples illustrate the issues at stake.

*Keywords:* heritage, heritagesation, ownership, symbolic value, interpretation



## Art and Cultural Heritage in the Guidebooks of Portorož-Piran

### **Tomi Brezovec**

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### **Aleksandra Brezovec**

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Art and cultural heritage are often crucial tourist attractions and are essential in travel guidebooks. Guidebooks provide visitors with information about notable works of art, historical buildings, landmarks, and other cultural artefacts. They may also provide background information on the artists or architects who created them and the historical context in which they appeared. One of the main benefits of including art and cultural heritage in guidebooks is that they provide visitors with a deeper understanding of the local culture. Portorož-Piran is a tourist destination on the Istrian Peninsula in the northern Adriatic Sea. As a border area, the Istrian peninsula has frequently changed its political rulers, reflected in the destination's cultural heritage. This paper aims to analyse the representation of art and cultural heritage in guidebooks of Portorož-Piran from the 19th and 20th centuries. Using content analysis, we studied the art and cultural heritage depicted in 24 travel guidebooks. The results show that the mention of art and cultural heritage in earlier guidebooks often consisted only of listing and location of important landmarks. However, in more recent guidebooks, art and cultural heritage are represented in a way that gives visitors a deeper understanding of the destination's history, traditions, and identity.

*Keywords:* guidebooks, art, cultural heritage, tourism promotion, Portorož-Piran

## Retained Artwork Lives On in a Local Event

**Milka Sinkovič**

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In 2018, Piran celebrated the 500th anniversary of the painting *The Madonna Enthroned with Child and Six Saints* (oil on canvas, cm 280 × 210) by the Venetian painter Vittore Carpaccio (c. 1460/6–c. 1525/6). Due to the dangers of war, this masterpiece was taken to safety in Italy in 1940, along with other works of art from all over Istria. The altarpiece was painted for the Minorite Church of St. Francis in Piran but is now in the Anthonian Museum in Padua. To mark the venerable anniversary of the painting, the Piran Minorite Monastery, in cooperation with the institutions and associations of Piran, organised around thirty different events: concerts, workshops for young people, exhibitions, excursions to Padua, book presentations, lectures and an international scientific symposium; the events aimed to bring Carpaccio, his time and his work to a broader audience and to raise local awareness of the importance of his presence in our environment.

*Keywords:* Vittore Carpaccio, Piran, The Madonna Enthroned with Child and Six Saints

# Fake, Forgery, and Authenticity in Archaeology: Archaeological Science in Practice

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This contribution will discuss fakes and forgeries in archaeology, deriving case studies from Near Eastern archaeology, particularly Türkiye. Distinguishing between faked, forged, and authentic objects are possible with traditional archaeological methods and could be occasionally evident to a trained naked eye. However, with the ‘immensely improving skills and background knowledge’ of specific forgers/dealers, it sometimes becomes very blurry to guarantee the authenticity of an archaeological piece; this is especially true for small but valuable items like seals, coins, and jewellery. The rising conflicts in the Near East trigger the illicit traffic of genuine artefacts, fakes, and forgeries. Some archaeologists have been accused of faking artefacts, creating severe scientific debates, and adding another layer to the complexity of fakes and forgeries. In certain complicated cases, traditional distinction methods require support from archaeological sciences. Scientific techniques varying from simple microscopy to synchrotron tomography provide valuable hints to test the authenticity of archaeomaterials, which are invisible to the naked eye.

*Keywords:* fake, forgery, archaeology, typology, archaeological science, interdisciplinary research, Türkiye

# Natural and Cultural Heritage as a Common Denominator of Integration and Sustainability in the EU

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The positive impact of cultural and natural heritage on tourism and society is undeniable. However, the COVID-19 outbreak declared a pandemic by the World Health Organization in 2020 caused significant impacts on the global economy and the travel and tourism industries due to the implementation of preventive measures such as lockdowns and social distancing. Nevertheless, Eurostat reported that in 2021, the tourism, natural, and cultural heritage sectors contributed around €756 billion to the European Union (EU) GDP, which accounts for approximately 4.9% of the EU's GDP; this reinforces the EU's economy and employment rate. The article analyses relevant EU legal frameworks, policies, and practices that govern sustainability, management, and promotion of natural and cultural heritage within the EU context. The focus will be on interdisciplinarity as the paper addresses issues in the intersection of law, natural and cultural heritage, integration, and sustainability in the EU in the framework of the EU Green Deal and the New European Bauhaus.

*Keywords:* Sustainable development, Natural and Cultural Heritage, EU Green Deal, The New European Bauhaus, EU Regional Integration

# Cultural Property in Private International Law

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Public or private cultural property owners face difficulty retrieving cultural properties illegally removed from their countries. Different legal climates, cultures and traditions make this challenge even more difficult. Private international law exists to eliminate difficulties and aims to facilitate a smooth process for the parties in cross-border disputes. However, the difference is not only in the different countries' internal laws but also in the private international laws. This paper analyses the main issues of private international law that the courts in various countries interpret differently in cross-border cultural property disputes. The first issue is State immunity in lawsuits for the return of cultural property. In the light of jurisprudence, the paper will discuss other main issues: the controversial issue of the classification due to lacking a universally agreed definition of cultural property, which country's court has jurisdiction, which country's law will apply, whether foreign public law establishing umbrella ownership on cultural properties or protects the bona fide acquisition or sets statute of limitation for restitution is inconsistent with public policy, and how to determine the country of origin of cultural objects found during illegal excavations.

*Keywords:* illicit trade in cultural property, cross-border transfer of cultural property, umbrella statute, export of cultural objects, return of the cultural property, public policy exception

## (Dis)Respect for the International Legal Framework Protecting Cultural Property in Times of Armed Conflicts

**Vasilka Sancin**

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Since 24 February 2022, UNESCO has verified damage to over 250 cultural sites in Ukraine. These deplorable statistics are unfortunately not an isolated event regarding the adverse consequence of armed conflicts on the cultural property – too often a victim of wanton destruction and pillage; this is so even though the incremental ideas of the inviolability of cultural property can be detected already in the writings of the first scholars of international law centuries ago, calling upon States to spare cultural monuments in war. The first international conventions that included provisions on the protection of cultural property were the Hague Conventions from 1899 and 1907. Still, the widespread destruction and pillaging of cultural heritage during both World Wars led to adoption of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict in 1954 and its two protocols (1954 and 1999). Hence, 2024 will be marking the 70th anniversary of adopting the 1954 Hague Convention and its First Protocol and the 25th anniversary of the adoption of the Second Protocol. This contribution critically addresses the adequacy of the existing international legal framework and its implementation in practice, arguing for the need to ensure strengthened accountability of responsible States and individuals, particularly for cases where the deliberate targeting of cultural property constitutes a war crime.

*Keywords:* international legal framework, protection of cultural property in armed conflicts, 1954 Hague convention, UNESCO, war crime

# Restitution of Movable Property Obtained by Criminal Offences in Slovenian Law

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Slovenian Law has interesting regulations for the restitution of movable property obtained by a criminal offence. The basic principle is that no one shall be allowed to keep possession of criminal proceeds obtained or resulting from a criminal offence. If the proceeds of crime are found, they must be returned to the owner from whom they were illegally obtained (except in exceptional cases). Criminal proceeds obtained or resulting from a criminal offence may also be confiscated from the persons to whom criminal proceeds have been transferred free of charge or for payment not corresponding to their actual value if such persons knew or could have known that the criminal proceeds had been obtained or resulted from a criminal offence. It means that the acquirer may retain the property if he proves that he did not know and could not know that the property derives from a criminal offence and that he had paid the corresponding price. Within one year of extinguishing the ownership right, the previous owner may require the acquirer to sell the movable property to him at the market price if the property is fundamental to him (e.g., a work of art).

*Keywords:* Slovenia, restitution, movable property, work of art

## Sword and Dagger

**Dane Munro**

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On 9 June 1798, Napoleon Bonaparte landed in Malta, held by the Order of St John. Since the Order and France were not at war, the French fleet, on its way to Egypt, asked permission to enter the Grand Harbour to fill their water supply; this was a trick, and the French demanded that the Order surrender the island. After several days of fighting, the Knights surrendered on 12 June 1798. Bonaparte expelled the Order and introduced new laws and institutions to gain popularity. However, the French were on their way to conquer Egypt and needed money. They started helping themselves and stole 80 per cent of the churches' silver, which caused the Maltese to revolt. In 1800 the British admiral Nelson chased the French from Malta. The French also took the ceremonial sword and dagger from Grand Master De Vallete, the great hero of the Great Siege of Malta, in 1565. The sword and dagger, encrusted with precious gemstones, are now in the collection of the Louvre. Besides the moral and practical questions, there are the legal issues about war booty, ownership, and transfer of ownership.

*Keywords:* Malta, Order of St John, France, Louvre, Napoleon Bonaparte, war booty, legal and moral issues



# Cultural Heritage Restitution and Repatriation: An Exploration of Slovenian Regulatory Framework

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Repatriation of cultural property has become a contentious issue in international relations. Countries that have experienced archaeological desecration are increasingly reclaiming objects illicitly transported to foreign museum institutions. Different legislations and diverse ownership structure of museum across the World makes it challenging to enforce standardised legal requirements and procedures to follow universally. This paper explores how the Slovenian regulatory framework deals with restitution and repatriation. It assesses its functional domains and most challenging aspects compared with regulatory frameworks considered good international practices in cultural heritage restitution.

*Keywords:* cultural heritage, repatriation, restitution, Slovenian regulatory framework

## The Role of Tourism in Cultural Heritage Repatriation

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The authorised discourse of cultural heritage focuses on ownership, claims its universality, often skews its interpretation, and implies the non-changeability of a particular artefact while ascribing belonging to a specific cultural environment and context. On the other hand, however, a broader academic discourse offers a more inclusive discussion, emphasising the procedural nature of heritage, with tourism being one of the factors impacting its flow, interpretation, and even cultural policy. Regarding the latter, this paper aims to acknowledge the role of tourism in cultural diplomacy, particularly in the repatriation of cultural heritage. Moreover, by analysing the possibilities of categorising approaches for cultural heritage in the context of time and space, we hope to contribute to the celebration of heritage with disregard to the borders.

*Keywords:* repatriation, cultural heritage, tourism, interpretation

# The Restitution of Cultural Heritage: A Mediating Role of Systems Approach

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The restitution of cultural heritage requires a comprehensive and interdisciplinary approach that considers the issue's legal, ethical, diplomatic, cultural, and social dimensions. This paper aims to use a systems approach and causal-loop modelling (CLD) to understand the restitution of cultural heritage widely. System dynamics is an approach to modelling complex systems that emphasises feedback loops and time delays, making it particularly suited for understanding dynamic and complex systems such as cultural heritage. The qualitative modelling within the system dynamics frame presents a model of the complex interrelationships between the various factors and actors involved in the restitution of cultural heritage. The key elements and actors that play a crucial role in the restitution process intertwine in the model: the legal framework, political will, cultural policies, ethical considerations, diplomatic relations, and public opinion. The dynamic nature of the model's elements, their independencies, and their unexpected interactions make restitution a complex and challenging process. A causal-loop model (CLD) results from the study; it highlights and helps to understand cultural heritage restitution from a broader point of view. A systems approach can help to mediate these complex factors and facilitate a more inclusive and sustainable restitution process.

*Keywords:* a systems approach, cultural heritage, restitution, qualitative modelling, CLD



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