



The Cotsen Institute of Archaeology invites you to:
Waystation Workshop #1: Challenges in Ethical Stewardship and Restitution

THURSDAY MAY 4 & FRIDAY MAY 5, 2023

UCLA Cotsen Institute of Archaeology FOWLER A222 & via Zoom

The Waystation, a groundbreaking initiative at the UCLA Cotsen Institute of Archaeology, organizes and facilitates ethical returns of international archaeological and ethnological objects to the nation of origin or descendant community.

The focus of the inaugural Waystation Workshop is on challenges that may arise as the Waystation Initiative and educational programs move forward. The issues defined below are a response to supportive and critical input from several authoritative voices. We wish to acknowledge in particular the expertise and acute assessments of Ioanna Kakoulli, Glenn Wharton, Miriam Stark, and Stephen Nash. We also thank our advisory board for defining topics for the workshop and for their excellent suggestions for discussants.

During the past two decades, attitudes regarding the ownership of ethnological and archaeological material have changed drastically and institutions as well as individuals are acknowledging the violent history of war and colonialism attached to the collecting of many objects. Every year, UCLA faculty are contacted by members of the public seeking assistance in returning cultural material. Simultaneously, museums are more frequently refusing to accept donations that lack proof of legal and ethical acquisition. Objects that can no longer be donated are “orphaned” and are often resold on the art market. The Waystation’s focus on orphaned collections gives agency and restorative justice to descendant communities and nations of origin; it redefines the value of objects by removing them from the art market and foregrounding their cultural value; it addresses the unique problem of orphaned collections and; it teaches students in-demand skills. The Waystation Initiative is designed to inspire mutual respect and appreciation and encourage partnership among nations and peoples.

The Waystation will not retain objects indefinitely or build a permanent collection. Rather, objects and collections that enter the program will transition through the Waystation on their way back to the nation or community of origin. The logistics of this process will vary according to the object and the wishes of the nation or community. The Waystation is establishing standards for temporary or transitional stewardship as well as research and restitution that will put many new ideals, ethics, and attitudes regarding the ownership and care of ethnological and archaeological material into practice. The Waystation will address the problem of orphaned collections by becoming a central resource for a wide range of stakeholders who aspire to engage in forward-thinking dialogue about the stewardship of cultural heritage.

PROGRAM

Thursday May 4

Introductory remarks from Interim Dean of Social Sciences, Abel Valenzuela
10:00am to 10:15am

Introduction to the Workshop – Willeke Wendrich
10:15am to 10:20am

Session #1 - Stewardship and Custody

10:30am to 11:45am

Discussants: Elizabeth Marlowe & Helena Arose
Moderator: Willeke Wendrich

Taking physical custody of objects/collections presents a host of potential liabilities including ownership, curatorial and long-term storage issues. Discussants will consider several models under which the Waystation might approach custody and stewardship and critically examine the benefits and drawbacks of each.

Audience questions and response

11:45am to 12:15pm

Lunch (catered in Fowler A222)

12:15pm to 1:30pm

Session #2 - Agreements and Liability

1:30pm to 2:30pm, Thursday May 4

Discussants: Dean Malilay & Angela Riley
Moderator: Willeke Wendrich

The world's tangible cultural heritage has been monetized by the art market. The Waystation Initiative will not perform analysis or testing that might increase an object's market value and regards objects as having only cultural value. How does the Waystation engage with "owners" of objects in a way that makes this and the other aspects of the restitution process clear? When might the Waystation need to insure objects or consider other liability risks? The Waystation will need to enter into agreements with "owners" of objects and potentially with nations and communities of origin. What should those agreements look like?

Audience Questions

2:30pm to 3:00pm

Conclusion of Day 1 – Willeke Wendrich

Friday May 5

Welcome remarks and introduction to Day 2 – Lyssa Stapleton
9:00am to 9:15am

Session #3 - Stewarding and Researching Stolen Property

9:15am to 10:30am

Discussants: Patty Gerstenblith & Tess Davis

Moderator: Lyssa Stapleton

It is likely that many objects in the Waystation will have been illegally or unethically obtained, whether the current “owner” was a good-faith buyer or not. Their status as stolen property may not be immediately apparent and this may only be discovered after the object has entered the Waystation and undergone examination and research. What are best practices for an object that is demonstrably stolen property? What, if any, role will the Waystation play in restituting these objects? What are the implications for the owner?

Audience Questions

10:30am to 11:00am

Coffee Break

11:00am to 11:30am

Workshop Concluding Discussion

11:30am to 12:30pm

Discussants: Tess Davis, Patty Gerstenblith, Elizabeth Marlowe

Moderator: Lyssa Stapleton

What conclusions can be drawn from the workshop discussions? What new topics were raised that the Waystation Initiative should pursue? What topics might be addressed in the second Waystation Workshop?

Speaker Biographies

Helena Arose

Helena Arose serves as the Director of Programs at the Antiquities Coalition. In this role, she closely collaborates with representatives from the U.S. and international governments, law enforcement agencies, international partners, academics, and other key stakeholder groups to develop and implement programs to fight the illicit trade in ancient art and antiquities. Prior to this role, Helena served as Research Associate and Project Director at the AC. Before joining the organization, Helena worked as a Collections Specialist for the City of Raleigh Historic Resources and Museum Program, where she gained experience working in museums and collections.

Helena graduated from the University of Glasgow in 2018 with a MSc in Art History: Collecting and Provenance in an International Context. An archaeologist by training, she holds a BA in Archaeology from Johns Hopkins University, and has participated in archaeological excavations in Athienou, Cyprus, and in North Carolina.

Tess Davis

Tess Davis, a lawyer and archaeologist by training, is Executive Director of the Antiquities Coalition. She oversees the organization's work to fight cultural racketeering and also manages the day-to-day operations of the institute's staff in Washington, DC, as well as programs overseas.

Since 2013, Davis has been affiliated with the Scottish Centre for Crime and Justice Research, at the University of Glasgow. She came to Scotland from the Lawyers' Committee for Cultural Heritage Preservation — a not-for-profit institution based in Washington, DC — where she was Executive Director until 2012. She previously worked for the nongovernmental organization Heritage Watch in Cambodia, first as Project Coordinator, and finally Assistant Director. Her career began at the Archaeological Institute of America.

Davis has been a legal consultant for the Cambodian and US governments and works with both the art world and law enforcement to keep looted antiquities off the market. She writes and speaks widely on these issues — having been published in the New York Times, Wall Street Journal, the Los Angeles Times, CNN, the Huffington Post, and various scholarly publications — and featured in documentaries.

Patty Gerstenblith

Patty Gerstenblith is Distinguished Research Professor of Law at DePaul University and Director of its Center for Art, Museum and Cultural Heritage Law. She was appointed by President Clinton and President Obama to serve as a Member and then Chair of the President's Cultural Property Advisory Committee in the Department of State. Since 2020, she has served as President of the Board of Directors of the US Committee of the Blue Shield and Chair of the Blue Shield International Working Group on Trafficking of Cultural Objects. She has lectured and written widely on the international market for artworks and antiquities and on the protection of cultural property during armed conflict. Her most recent article, "Ethical Guidelines for Publishing Ancient Texts," was published in the volume *Variant Scholarship: Ancient Texts in Modern Context*. The fourth edition of her casebook, *Art, Cultural Heritage and the Law*, was published in 2019. Her book, *Cultural Objects and Reparative Justice: A Legal and Historical Analysis*, will be published by Oxford University Press in the fall 2023. Gerstenblith received her AB from Bryn Mawr College, PhD in art history and anthropology from Harvard University, and JD from Northwestern University.

Dean Malilay, ARM

Dean Malilay is the Director of the UCLA Insurance & Risk Management (IRM) office, which implements programs designed to assist departments in making "risk-aware" decisions to prevent or mitigate losses. The insurance programs include Property, Contract Review (Insurance & Indemnification), Workers' Compensation, Employee Disability Management Services, General Liability, Employment Practices, Travel Insurance, Auto, Auto Safety, Business Continuity, and Risk Financing.

Dean is a Risk and Compliance professional with 18 years of experience in the Higher Education field. He joined the UCLA IRM office in 2005 and was promoted to Director in 2006. Dean holds a B.S. in Business Administration from Saint Louis University and an Associate in Risk Management (ARM) designation.

Elizabeth Marlowe

Elizabeth Marlowe teaches Art History and Museum Studies at Colgate University in central New York. Her PhD is in ancient art history from Columbia University. Her book, *Shaky Ground: Context, Connoisseurship, and the History of Roman Art* (Bloomsbury, 2013) offered critical methodological reflections on how we know what we think we know about the foundational works in Roman art history.

Marlowe's more recent work considers the modern contexts of ancient art, examining topics such as "What We Talk About When We Talk About Provenance," "When Will Museums Tell the Whole Truth About Their Antiquities?" and "The Rhetoric of the Case for the Parthenon Sculptures' Return." She has also published two recent articles on the fate of "orphan" antiquities currently in private hands, arguing that university museums should be entrusted with their stewardship and with undertaking provenance research to determine where they ultimately belong.

Angela Riley

Angela R. Riley (Citizen Potawatomi Nation) is Professor of Law and American Indian Studies at UCLA. She is a Special Advisor to the Chancellor on Native American and Indigenous Affairs and directs UCLA School of Law's Native Nations Law and Policy Center. She has chaired the UCLA campus Repatriation Committee since 2010. Professor Riley has served as a Justice on the Supreme Court of the Citizen Potawatomi Nation since 2003 and has served as Chief Justice since 2010.