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1. THE ASCHBERG BURSERIES

Within UNESCO’s activity for the respect of Cultural Expressions, the Organization founded, in relation with some governments and/or national institutions, the Aschberg Program.

These burseries were created to open new careers prospects for artists, and give them opportunities to continue their training in specialized institutions. The Program is aligned with the Convention on the Promotion and Protection of the Diversity of Cultural Expressions, which came in force in 2007 and is a pillar of UNESCO’s strategy in the field of Culture. In particular, the Program is in line with articles 1, 6, 7 and 10. The Aschberg Program strategy and mechanisms are based on this text and are part of UNESCO’s policies to promote the diversity of Cultural Expressions.

The Program promotes the mobility of young artists through sojourns in art residencies abroad so as to foster creativity and cultural diversity. It recognizes the important contribution of artists in the creative process and their central role in nurturing the diversity of cultural expressions. Young artists are invited to enrich their personal perspectives, to develop their creative project, enabling them in a cultural diversity dialogue.

The Program gives priority to artists and institutions of developing countries, in order to enhance North- South and South-South cooperation.

It offers worldwide residencies to artists between 25 and 35 years old. These residencies are catalysts for the development of artistic expression in all cultures of the world.

The application forms and personal files have to be sent to the residencies directly, without passing through the UNESCO Aschberg Department that very firmly insists on this point. They won’t treat the files they could receive. The direct links to institutions and full instructions on the application

requirements and necessary dates (generally in Autumn) will be found by clicking on the following address: UNESCO-Aschberg Bursaries for artists- program 2013

www.unesco.org/culture/aschberg

www.unesco.org/new/en/culture/themes/creativity/aschberg-bursaries-for-artists/

2. THE “DIALOGUE PROGRAM” OF THE FRENCH NATIONAL COMMITTEE AT WORK :

EXHIBITIONS AND CONFERENCES IN SOUTH AFRICA AND FRANCE

On July 27th, 2012, under the banner of the France - South Africa Seasons 2012 & 2013 project, the *South African National Association for the Visual Arts (SANAVA)* launched an exhibition of visual art by members of the *Conseil National Français des Arts Plastiques (CNFAP)* in the Mackie Street Gallery of the Association of Arts Pretoria.

The event forms part of the French IAA National Committee (CNFAP) Dialogues Programs: it will run over 2012 and 2013, and includes a reciprocal exhibition in 2013 in France of South African artists as well as a 4-day visit by French and South African artists respectively to South Africa (in 2012) and to France (in 2013).

A catalogue has been produced for the French exhibition with images and description of the thirty displayed works as well as information on the 17 CNFAP artists. Apart from financial support from CNFAP, the French Cultural Agency and corporate French donors, the exhibition was largely funded by the South African National Lottery Distribution Trust Fund.

Anton Loubser , executive manager of SANAVA, and his staff have succeeded in putting IAA on the front line, with a good press coverage, a splendid exhibition and a large attendance .

On the next day a conference was organised in Pretoria on Artists Rights : Anne Pourny, Deputy Manager of CNFAP and Treasurer of IAA, delivered a presentation on the "droit de suite" ("resale right") as actually practiced today in Europe, and the director of the national society in charge of collecting copyrights presented the latest developments in his field.

Among the audience were several governmental representatives from the DAC (Direction of Arts and Culture) and it is interesting to notice that this conference took place precisely at a time when the South African government is launching a large program to enhance visual arts and to organize new services to promote art and to favor artists; incidentally Anton Loubser was recently named member of the national steering committee in charge of managing the whole plan.

This operation was an opportunity to show what IAA can achieve when 2 NCs are joining forces.

3. ABOUT THE “DROIT DE SUITE” (“RESALE RIGHT”)

Through the years, IAA had a very important role in contributing to frame out “Author’s rights”, and was a significant vector in the creation of the declarations about the resale right.

The “Droit de Suite”, or resale right, is the right for the benefit of the author of an original work of art to receive a percentage of the price obtained for any resale of her or his work, resale made by professionals from the art market, such as Auctions Houses, galleries, or any other art market. “

The resale right comes from a deduction of a part of the sale price, called ‘royalty’, once made the sale of the work by a merchant or by an Auctions House.

Wikipedia gives a very complete and juridical definition of the author right (royalty), and of the resale right in the following file: <http://wikipedia.org/patrimony>

All the legal distinctions regarding this item are described there, including the application jurisdictions in some countries.

“ Historically, the resale right has been established in France under an Act of May 20, 1920, for the benefit of the authors of the visual arts.

A French Culture Minister, Renaud Donnadiou de Vabre, used to say that this Act on “Droit de Suite” (the French name for resale right) was created following the sale of the very well known Millet’s *Angelus* dated 1858. The painting was sold after the First World War. The owner of the painting made a huge profit from this sale, whereas the family of the artist lived in poverty. Many artists and their families had suffered from the war, and *droit de suite* was a means to remedy socially to difficult situations.”(AP)

Quite a lot of declarations, made by famous artists like Georges Rouault in Venice, 1952, during the International Conference of artists about the “Painter’s rights on his work” led to the “Universal Copyright Convention” in September 1952. Please, refer to: <http://unesdoc.org/images/0014/001416/141658fb.pdf>

<http://portal.unesco.org/en/ev.php>

The list of the countries having signed this Convention in 1952 is in this document.

Then, the principle of the resale right was kept in a new version of the 1920 Act by the French law of March 11, 1957, and in consolidation of the Property Code made the same year.

In 1958, the Copyright Governmental Committee requested the UNESCO General Director to launch a study regarding the point of view of different governments about the recognizing of this resale right in their inner legislation, or, eventually, in an international text. In order to know the governments’ answers, please click on:

<http://unesco.org/images/001455/145543fb.pdf>

All the texts, declarations, and recommendations about this resale right since 1952 can be consulted on the UNESCO Portal dedicated to “The Bulletin du Droit d’auteur”:

http://portal.unesco.org/culture/en/ev.php.URL_ID

(Remark: The UNESCO website is an excellent testimony of the efforts and of the progress made in this field by different countries.)

“Internationally, this right was recognized by the revised Berne Convention for the Protection of Literary and Artistic works published in 1971. It is interesting to notice that when first established in 1886, the Berne Convention did not mention the resale right and considered only the copy right and the representation right. “

Please, see the text on http://portal.unesco.org/en/ev.php-URL_ID=15241&URL-DO=PO-TOPIC&URL_SECTION=201.html

As a consequence, at the end of the 20th Century, the resale right existed in many countries but not all, and, as a result, there was a tendency for sellers of works of art to sell them in countries without “droit de suite” provisions, for instance United Kingdom.

This was creating a distortion of the international art market in Europe, which led the European Union to decide the creation of a Directive which came out in 2001.

See: http://ec.europa.eu/internal_market/copyright/resale-right/index-en.htm

The extensive preparation work realized at that time with the help of many IAA AIAP National Committees insured an highly detailed opus and created a “corner stone” in the approach of this subject. Now, it constitutes a model for the resale right implementation not only in European countries but also the world over.

In 2000, Paula Schepens prepared and published a “Guide to the collective administration of author’s rights “: <http://unesco.unesco.org/images/0012/.../120677e.pdf>

In 2010, UNESCO published a new work on the copyright. This book was written and supervised by the UNESCO jurists, one of them being the jurist of the Cultural Sector, Mr Emile Gléglé, specialized in Cultural Expressions (e.glegle@unesco.org): “the ABC of copyright”, UNESCO Publications. Please, see more particularly the article about the ‘droit de suite’, page 44. The complete text is available at the address:

http://unesco.org/fledadmin/MULTIMEDIA//HQ/CTL/diversity/pdf/WAPO/ABC_copyright_en_pdf

As a conclusion:

One can consider that, today, about 50 countries in the world have already implemented artists’ resale rights. A majority is constituted by European countries thanks to the 2001 Directive.

But in fact they are different ways of thinking and applying the resale right and there is a necessity of a world unification of this right in order to defend the artists’ interests everywhere in the world.

The mobilization of all IAA Committees around the world, through pressure on their respective governments, could be a strong tool to implement and enforce this right.

4. “PROFESSIONAL ARTIST NOW”, and “ART IN THE SERVICE OF FREEDOM”:

IAA EUROPE –NORTH AMERICA INITIATIVES.

IAA PRESIDENT’S CALL

In 1995, IAA launched a questionnaire designed to provide the International Association of Art with all relevant information regarding the condition of living and working of visual artists all over the world, and more specifically the application of UNESCO’s Recommendation concerning the Status of the Artist.

A reflection was led through the National Committees on this item that ended to elaborate proposals for the improvement of the overall artists’ condition.

1997 saw the formulation of a Declaration on the Condition of the Artist, and 1980, the vote of the “Recommendation on the Social Condition of the Artist” by the UNESCO General Conference. Cf: www.unesco.org/culture/en/statusoftheartist

In the framework of this Recommendation, the World Observatory on the Social Status of the Artist was created by the UNESCO, the aim of which being to gather all information regarding the aspects of the life and work of the artists all around the world.

Questionnaires with reflection frameworks were sent to the States members as well as to the specialized NGOs . Those questionnaires are available in French, English, and Spanish at the following address:

http://portal.unesco.org/culture/en/ev.php-ORL_ID=32056&URL_DO_TOPIC&URL_SECTION=201.html

In May 31, 2010, Belgium organized a round table regarding the fiscal issues faced by visual and plastic artists in Belgium. No more official discussion took place about this topic during the last 2 years.

So, considering that the artists’ situation is still evolving, more particularly because of the economic and financial crisis, the art market’s evolution, etc. IAA Europe-North America truly thinks that this matter is worth thinking about.

Thus, the IAA Europe-North America Congress and GA that will take place in Turkey, Istanbul, on October 12 and 13, 2012, will be an opportunity to discuss about a redefinition of “Professional Artist NOW ” in Europe-North America, in order to propose and gather NEW recommendations to present to UNESCO.

Another very important topic will be discussed in Istanbul: the Freedom Expression for Artists.

For more details, key issues, and debates perspectives, please, click on:

[www.iaa-europe.eu/for_members/GA_Istanbul_2012/information_letters_to_conference_topics\(art_in_service_of_freedom_and_professional_artist_now\)](http://www.iaa-europe.eu/for_members/GA_Istanbul_2012/information_letters_to_conference_topics(art_in_service_of_freedom_and_professional_artist_now))

IAA President's call:

Due to the importance of these 2 subjects that will be debated in Istanbul, Rosa Maria BURILLO, IAA President, calls all the regions, through their National Committees, to start thinking over these matters, even before the conclusions of the IAA Europe-North America GA.

“The artists' condition will be studied country per country, and reported to the Presidents and region coordinators who will send their analysis of the situation in their continents to the President Rosa Maria BURILLO, with a copy to the Paris bureau.

The synthesis of these conclusions will be presented to UNESCO in order to alert the Organization on the occurred changes in the Conditions of the artist during the last years, as well as on the actual perspectives for some particularly 'difficult' countries.

It is obvious that all questions regarding the artists' condition, problems of no respect of expression freedom, constraints upon freedom creation, and harmful behaviors **MUST** be collected and analysed in order to inform the Organization about the difficulties faced by the artists.

The dead line for receiving these reports is November 2013.”

5. IAA ACTIVITIES: PREPARATION OF A REPORT TO UNESCO

Regarding all the efforts presently engaged to restructure the Association, it seems important to present UNESCO an assessment of 2012 IAA activities, events and projects already performed.

For doing so, it is necessary that the IAA Executive Secretary receives a presentation of the regional activities entering the frame of the UNESCO programs as well as a complete list of other activities made in 2012. It is requested to get these reports by early November 2012 in the bureau of Paris.

6. ON IAA'S CALENDAR

October 12th and 13th: IAA Europe-North America Congress and General Assembly,
Istanbul, Turkey

November 16th and 17^t: Latin America General Assembly, in Antofagasta, Chile

November 19th and 20th: IAA World Executive Committee meeting, Antofagasta, Chile