

Letters

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Linda's sorrow has become mine—my play has been cancelled

→ Linda Yablonsky has graciously expressed her sorrow about the misrepresentations of my play, *The Slave Who Loved Caviar* ("What really killed Basquiat?", *The Art Newspaper*, February 2022, p50). I had supplied Ms. Yablonsky with the play's script and a bibliography. The only problem with her regrets is that, because of the article, a return engagement of the play that had been scheduled for December has been cancelled.

Denied roles

The purpose of the play was to challenge some of the portraits of Jean-Michel Basquiat created by an all-white jury of critics, agents, gallery owners, etc. The other purpose was to provide Black and Latin American people with roles denied to them by Hollywood, Broadway, and television. Now we must hunt around for a new New York theatre where they can display their craft. On the positive side, my daughter, a renowned poet, and a photographer, was so impressed with *The Art Newspaper* that she gave me a print subscription for my forthcoming birthday.

Ishmael Reed, Distinguished Professor, California College of the Arts, Oakland, California

The scandal of seizure agreements

→ While politicians celebrate the latest of numerous Memoranda of Understanding (MoU) between nations in recent months (the US now has more than 30), almost no attempt has been made to explain what they really mean ("The US and Nigeria sign cultural property agreement", *theartnewspaper.com*, 28 January).

These bilateral agreements, nominally established to protect cultural property from crime, are really about reclaiming cultural patrimony without due process while boosting geopolitical influence.

As the official announcement regarding the January 2022 Nigeria agreement notes, the US has been implementing these MoUs "as part of its commitment to the 1970 Unesco Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property".

However, the terms of the MoU allow source countries to ignore their commitments under Article 5 of the Unesco Convention. They also bypass the US Constitution's Fifth, Sixth and Fourteenth Amendments, as well as international human rights conventions, such as the European Convention on Human Rights, which addresses the sanctity of personal property rights in Protocol 1 Article 1.

The key element of the MoU is Article 1, which reverses the burden of proof on the ownership of items. What this means is that, unless the holder or owner of items sold and exported legally decades or even generations ago can provide documentation demonstrating original legal export from the source country under

the local laws of the time, the item will be deemed illicit, seized, and sent back there.

The MoU does not require source countries or law enforcement to show any evidence of crime, such as theft or trafficking, to justify the seizure of the items. In short, you are considered guilty unless you can prove your innocence.

Such seizures usually arise at customs as items are imported to the US, but they have also occurred internally as the result of museum audits, for instance.

Valid reasons

Multiple valid reasons exist for the lack of an export licence for objects that have been in circulation for decades or longer. Such documentation is almost never extant (if it ever existed) and for very good reasons, not least the lack of requirement, even now, to retain export licences once they have been used. Even where they do survive, often the detail is not sufficient to identify the objects they refer to and, of course, none of them are accompanied by photographs illustrating the objects, so although legal, they do not qualify as appropriate.

The only other solution for

someone trying to stop their property from being seized is to apply to the source country for official confirmation that they are satisfied that the item was exported legally at the time. As these countries are trying to reclaim anything of interest or potential value, inevitably they will refuse to provide such confirmation.

It is extraordinary that the official US-Nigerian release announcing the MoU celebrates its power to ignore due process: allowing for seizure, "without Nigeria going through the labyrinth of judicial and diplomatic processes which most of the time [are] costly and time consuming".

Many of the well-publicised restitutions of recent years within the US are of this nature yet are presented as crime-busting initiatives, feeding into a false narrative that masks this assault on citizens' rights. Those rights include presumption of innocence under the Sixth Amendment. Meanwhile, the Fifth and Fourteenth Amendments state that a person may not be deprived of their property without due process of law, "nor shall private property be taken for public use without just compensation", a principle echoed elsewhere in the constitution.

Article 17:2 of the UN Universal Declaration of Human Rights declares that "No one shall be arbitrarily deprived of his property". Here, arbitrary means the "unrestrained and autocratic use of authority". I may not be a lawyer, but I can read English. Seizing property as the result of ignoring the presumption of innocence seems pretty autocratic and unrestrained to me.

Bearing in mind that MoUs have been established with a number of countries whose human rights records are poor at best, this must surely be of concern. As *Cultural Property News* argues, the US MoU with Turkey is likely to prove devastating for ethnic minorities.

Whatever the good intentions of MoUs, the process is being abused in the interests of political influence and expediency, and the average voter is unaware that it is being done in their name or that they might find their own property subject to such confiscation. How is this anything but a scandal?

Ivan Macquisten, art market commentator and adviser to numerous art trade organisations, London

Top of the blogs

→ **Adventures with Van Gogh** is a weekly blog by Martin Bailey, our long-standing correspondent and expert on the artist. Published on Fridays on *The Art Newspaper's* website, here are some recent highlights.

Two lovers sliced out

Van Gogh painted a landscape of a drawbridge in Arles with lovers on the towpath. Dissatisfied with how it was going, he abandoned the picture, after cutting out the couple to save. The fragment with the lovers comes up for sale at Sotheby's on 2 March, estimated at £7m-£10m.

How the Van Gogh's only sale ended up in Russia

The Red Vineyard was the only painting which Vincent sold during his lifetime. In 1909 it was bought by Ivan Morosov, whose collection was nationalised after the Russian Revolution. The Van Gogh later ended up in Moscow's Pushkin Museum. In weak condition, the painting is now being conserved.

Self-portraits—my favourites

London's Courtauld Gallery has just opened its acclaimed exhibition of Van Gogh self-portraits (until 8 May), the first ever to cover his entire career. I name my six favourites in the show—and explain what makes them special.

How others saw Van Gogh

Everyone imagines what Vincent looked like from his self-portraits. But how did others portray him? We provide the first comprehensive set of images of Van Gogh by his artist friends.

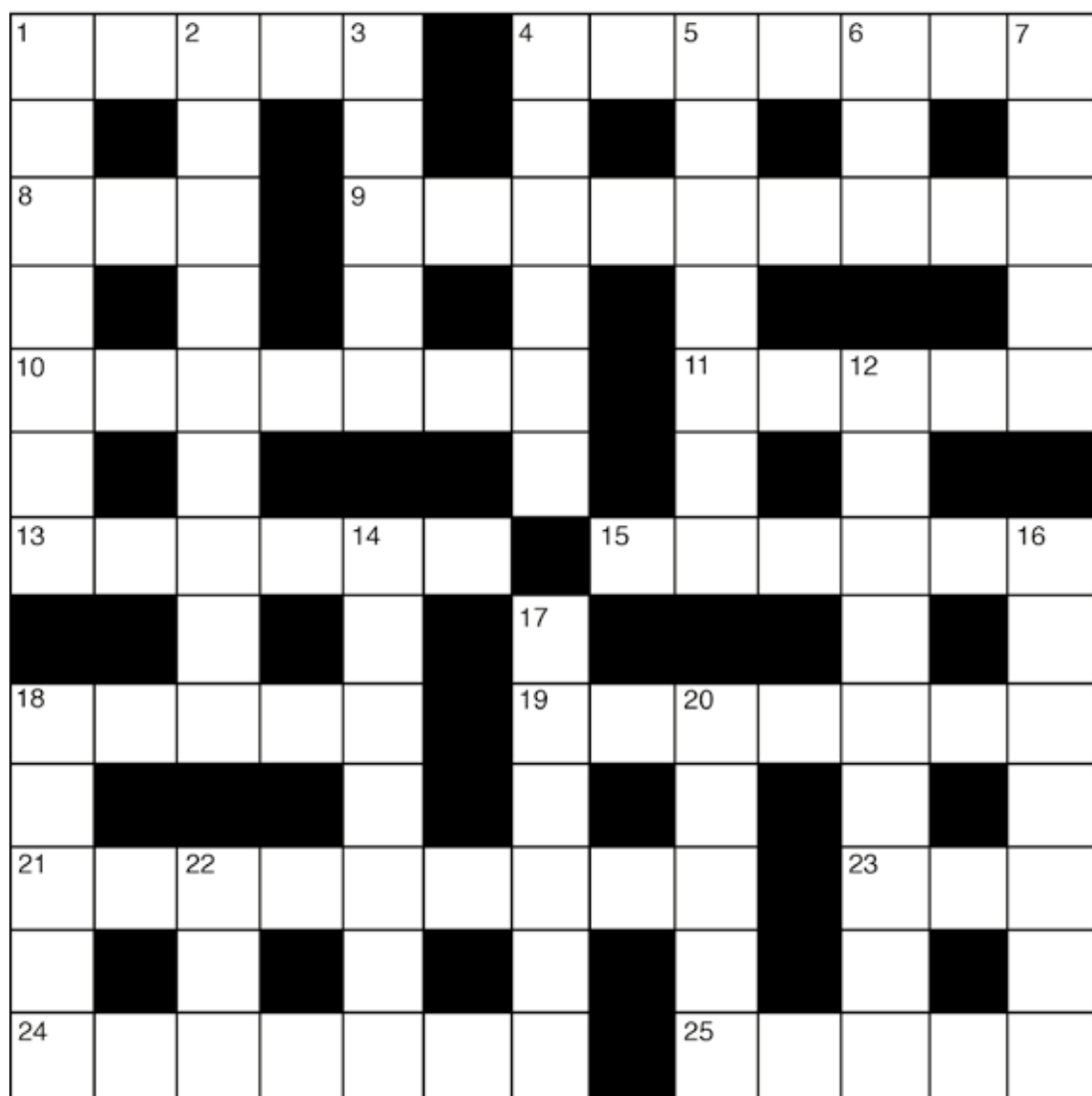
• Follow the blog on *theartnewspaper.com/adventures-with-van-gogh*

Martin Bailey, Van Gogh expert



Adventures with Van Gogh

The Art Newspaper Puzzle - By Larry Humber



ACROSS

- Adages less starter muddled for French painter (5)
- I no cult treated making print (7)
- Exploit in Watteau series (3)
- Quell area unsettled for watercolour (9)
- Triggers from tie sign mistakenly (7)
- Graffiti locale of caricaturist Hirschfeld on kind of line (5)
- Old paint maker played Hercules in the 1950s (6)
- New York-based art school a receptacle for garbage (6)
- In odds of mean Grinch there's a kind of realism (5)
- Ancient to be found in air conditioning ringing untidy chair (7)
- Company absorbing unfinished month 201 generating architectural fantasy (9)
- Drawing clipped unwell (3)
- Captivates scrambled eggs, nae (7)
- Pitchers popular in art found in newer shades (5)

DOWN

- Rue maid confused for French caricaturist and painter (7)
- Pollock champion of immature Titanic undoer (9)
- Upended trolleys make chic (5)
- Bourgeois Nevelson (6)
- William's invaders Rockwell and namesakes (7)
- Animator's transparent sheet is in seconds of Uccello (3)
- Marcel's wife from golfer's peg over New York (5)
- Evita curl snarled makes highly profitable (9)
- Pretty less initial gives engraving (7)
- Velvet Underground singer atop bottomless girl giving painter de Stael (7)
- YBA Harvey is a scrum in disarray (6)
- Kinetic energy under overcoat gets German expressionist (5)
- Late artist Chuck nearby (5)
- Parental guidance ingests ecstasy for Guggenheim, briefly (3)

February issue's solutions

Across: 1. Degas, 4. Linocut, 8. Use, 9. Aquarelle, 10. Ignites, 11. Alley, 13. Reeves, 15. Ashcan, 18. Magic, 19. Archaic, 21. Capriccio, 23. Ill, 24. Engages and 25. Ewers.
Down: 1. Daumier, 2. Greenberg, 3. Smart, 4. Louise, 5. Normans, 6. Cel, 7. Teeny, 12. Lucrative, 14. Etching, 16. Nicolas, 17. Marcus, 18. Macke, 20. Close and 22. Peg