

# Cultural Property

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### Introduction

Cultural property, also referred to as tangible cultural heritage, includes movable or immovable property of cultural significance. It encompasses more than the visual arts as it extends to architecture, monuments, and archaeological artifacts, which may lack aesthetic appeal but provide valuable insights into ancient civilizations. For centuries such objects have been removed from their cultural context to foreign locations by thieves, collectors, and conquering armies. Individual countries and the international community have sought to protect cultural property and regulate its movement across borders through domestic laws and international conventions. This guide is intended to assist researchers in accessing primary and secondary cultural property law materials in the law library's collections, as well as related materials on provenance, ethics, and museum management and practice in the university's collections.

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## **Journals**

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*Cardozo Arts & Entertainment Law Journal*. Law Library K3 .A687

*Columbia Journal of Law & the Arts*. Law Library K1 .R7

*IFAR Journal*. Art Library – no call number

*International Journal of Cultural Property*. Law Library JX1 .I5432

*Journal of Art & Entertainment Law*. Law Library K10 .O755

*Journal of Arts Management, Law, and Society*. Law Library K10 .O756

*Media and Arts Law Review*. Law Library K13 .E23

*Yale Journal of Law & the Humanities*. Law Library K29 .A4

## Newsletters

*ARTnews*. Art Oversize – no call number

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*Culture Without Context: Newsletter of the Illicit Antiquities Research Centre*.

<http://www.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/contents.htm>

*ICOM News*. <http://icom.museum/thematic.html>

*ICME News*. <http://biblioteknett.no/alias/HJEMMESIDE/icme/news.html>

*Spoils of War International Newsletter*. <http://spoils.libfl.ru/spoils/>

## Indices and Electronic Journal Collections

[Art Full Text](#) (UI access only)

[Avery Index to Architectural Periodicals](#) (UI access only)

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## **Web Resources**

*Art & Antiques London Stolen Art Database*

[http://www.met.police.uk/artandantiques/ACIS\\_database.htm](http://www.met.police.uk/artandantiques/ACIS_database.htm)

This site from the London Metropolitan police stores details and images of 51,000 items of stolen art and cultural property including paintings, books, coins, musical instruments, games, etc.

*Art Loss Register* <http://www.artloss.com/>

In 1976, the International Foundation for Art Research began compiling an art theft archive. The Art Loss Register builds upon IFAR's work and is the world's largest private database of lost and stolen art, antiques and collectables.

*Art Theft Program (FBI)* <http://www.fbi.gov/hq/cid/arttheft/arttheft.htm>

The FBI as a special team of 12 agents dedicated to investigating art and cultural property crimes and recovering stolen art and antiquities. Through this website you can access the National Stolen Art File, a computerized index of reported stolen art and cultural properties.

*Central Registry of Information on Looted Cultural Property 1933-1945*

<http://www.lootedart.com/>

Contains a database with laws, policies, records, and other documentation from over 40 countries, and an object database containing details about objects from 12 countries.

*Documentation Project: Project for the Documentation of Wartime Cultural Losses*

<http://docproj.loyola.edu/>

Gathers and publishes information relating to works of art, archives, and other types of cultural property displaced as a consequence of war, primarily focusing on WWII. The project is administered by the non-profit foundation Cultural Property Research Foundation, Inc.

*Holocaust Era Assets (US National Archives and Records Administration)*

<http://www.archives.gov/research/holocaust/>

At this site NARA has published a finding aid for records relating to the looting, locating, recovering, and restituting of Holocaust-Era assets. They are also working with art provenance researchers to identify and microfilm key series of records.

*International Cultural Property Protection* (U.S. State Department)

<http://exchanges.state.gov/culprop/index.html>

This site provides information about the Convention on Cultural Property Implementation Act and links to a variety of domestic and international laws relating to the protection of art and cultural property.

*Lost Art Internet Database* <http://www.lostart.de/index.php3?lang=english>

Germany's Koordinierungsstelle für Kulturgutverluste registers and documents search requests and found-object reports about cultural objects taken through Nazi persecution or relocated as a result of the Second World War. They produced this database to make it possible to search for these objects and the circumstances of their loss.

*Object ID* <http://www.object-id.com/>

Object ID is an international standard for describing art, antiques and antiquities. The project seeks to combat art theft by encouraging use of the standard and working with organizations around the world that can encourage its implementation. Provides access to the Getty Object ID checklist.

*Red List* (ICOM) <http://icom.museum/redlist/>

The International Council of Museums' Red List seeks to stop the illicit trade in cultural property by publicizing provenance details, photos, descriptions, and situation assessments of threatened antiquities from various regions of the world.

*Repatriation Issues Archive* (Society of American Archaeology)

<http://www.saa.org/repatriation/index.html>

This site from the Society of American Archaeology archives news stories relating to the repatriation of artifacts.

*Stolen Works of Art* (INTERPOL) <http://www.interpol.int/Public/WorkOfArt/Default.asp>

This site circulates information concerning stolen works of art reported to Interpol, information on works of art that have been recovered, and provides details about works of art for which owners have not yet been identified. The U. S. National Central Bureau of INTERPOL Cultural Property Program website can be accessed at <http://www.usdoj.gov/usncb/culprop/cultureabout.htm>.

Many art museums worldwide have provenance research projects in process for their collections. For more information, see the web site for the museum in question.

## **Organizations**

American Association of Museums <http://www.aam-us.org/>

Develops standards and best practices, gathers and shares knowledge, and provides advocacy on issues of concern to the museum community. Their website includes a section on museum ethics at <http://www.aam-us.org/museumresources/ethics/index.cfm>.

Appraisal Foundation [http://www.appraisalfoundation.org/s\\_appraisal/index.asp](http://www.appraisalfoundation.org/s_appraisal/index.asp)

A not-for-profit educational organization dedicated to the advancement of professional valuation in the United States. The web site contains information on the qualifications and ethical standards of the appraisal profession.

Archaeological Institute of America <http://www.archaeological.org/>

The official website of North America's largest archaeological organization. The website provides access to the AIA Regulations, Code of Ethics, and Code of Professional standards.

Art & Cultural Heritage Law Committee of the American Bar Association

<http://www.abanet.org/dch/committee.cfm?com=IC936000>

This committee is composed of attorneys with an interest in art, cultural heritage, and cultural property law and who work in a variety of settings including private practice, museums, government, and academia. This area of law is concerned with both movable and immovable property of artistic, cultural, religious and historic interest.

Association of Art Museum Directors <http://www.aamd.org/>

The purpose of the Association of Art Museum Directors is to support its members in increasing the contribution of art museums to society. It publishes a variety of useful position papers and reports on art and cultural property topics at <http://www.aamd.org/papers/>.

CINOA <http://www.cinoa.org/>

CINOA is a non-profit international federation of art and antiques dealers and associations. Their websites provides links to conventions and directives at <http://www.cinoa.org/index.pl?iid=2292&isa=Category>.

Commission for Looted Art in Europe <http://www.lootedartcommission.com/>

The Commission for Looted Art in Europe helps families, communities and institutions worldwide with research, identification and recovery of looted cultural property. Their website provides access to international policies relating to looted art such as the 1998 Washington Principles with respect to Nazi-Confiscated Art and Resolution 1205 from the Council of Europe.

European Cultural Heritage Network (Council of Europe) <http://www.european-heritage.net/sdx/herein/>

This service centralizes information and policies concerning heritage protection developed by individual European countries.

International Centre for the Study of the Preservation and Restoration of Cultural Property <http://www.iccrom.org/>

ICCROM is an intergovernmental organization dedicated to the conservation of cultural heritage.

International Council of Museums <http://icom.museum/>  
ICOM is an international organization of museums and museum professionals committed to the conservation and continuation of the world's natural and cultural heritage.

International Council on Monuments and Sites  
<http://www.international.icomos.org/home.htm>  
ICOMOS seeks to protect cultural heritage by promoting the application of theory, methodology, and scientific techniques to the conservation of the architectural and archaeological heritage sites. Its work is based on the principles enshrined in the International Charter on the Conservation and Restoration of Monuments and Sites. The website provides bibliographies of world heritage sites and access to charters and texts.

Institute of Art and Law <http://www.ial.uk.com/>  
Based in the UK, the Institute of Art and Law is a small independent research and educational organization, which analyzes the interface between the world of art and antiquities and that of law. Their main objective is to increase public knowledge concerning the contribution of law to the development of cultural tradition.

International Foundation for Art Research <http://www.ifar.org/>  
IFAR a not-for-profit educational and research organization dedicated to integrity in the visual arts. IFAR offers impartial and authoritative information on authenticity, ownership, theft, and other artistic, legal, and ethical issues concerning art objects.

Lawyers' Committee for Cultural Heritage Preservation  
<http://www.culturalheritagelaw.org/>  
LCCHP is a nonprofit organization of lawyers and law students who promote the preservation and protection of cultural heritage resources in the United States and internationally through education and advocacy.

Nazi-Era Provenance Internet Portal <http://www.nepip.org/>  
Provides a searchable registry of objects in U.S. museum collections that changed hands in Continental Europe during the Nazi era (1933-1945).

Saving Antiquities for Everyone <http://www.savingantiquities.org/>  
SAFE is a non-profit organization dedicated to preserving cultural heritage worldwide.

Society for American Archaeology <http://www.saa.org/>  
The SAA is an international organization dedicated to the research, interpretation, and protection of the archaeological heritage of the Americas. A portion of their website is devoted to repatriation issues.

Volunteer Lawyers for the Arts <http://www.vlany.org/>  
VLA seeks to educate artists, cultural institutions, attorneys, students and the general public about legal and business issues that affect artistic and creative endeavors. They mediate to resolve arts related disputes and advocate for the arts community. They also provide pro bono legal and low cost legal services to the arts community.

World Heritage Centre <http://whc.unesco.org/>

Through the Centre, UNESCO seeks to encourage the identification, protection and preservation of cultural and natural heritage sites around the world considered to be of outstanding value to humanity. Through the site you can access the World Heritage List, which provides information on 660 cultural, 166 natural and 25 mixed properties in 141 countries that the World Heritage Committee has designated as having significant value.

### **Ethical Codes, Standards, and Policies**

Advisory Council on Historic Preservation Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects

<http://www.achp.gov/docs/hrpolicy0207.pdf>

American Association of Museums Code of Ethics for Museums <http://www.aam-us.org/museumresources/ethics/coe.cfm>

American Association of Museums Ethical Guidelines <http://www.aam-us.org/museumresources/ethics/index.cfm>

Archaeological Institute of America Code of Ethics

[http://www.archaeological.org/pdfs/AIA\\_Code\\_of\\_EthicsA5S.pdf](http://www.archaeological.org/pdfs/AIA_Code_of_EthicsA5S.pdf)

Archaeological Institute of America Code of Professional Standards

[http://www.archaeological.org/pdfs/AIA\\_Code\\_of\\_Professional\\_StandardsA5S.pdf](http://www.archaeological.org/pdfs/AIA_Code_of_Professional_StandardsA5S.pdf)

Association of Art Museum Directors Code of Ethics <http://www.aamd.org/about/#Code>

Association of Art Museum Directors Guidelines, Reports, and Position Papers

<http://www.aamd.org/papers/>

CINOA Ethical Code of Conduct

<http://www.cinoa.org/index.pl?id=2273;isa=Category;op=show>

International Council of Museums Code of Ethics for Museums

<http://icom.museum/ethics.html#intro>

Report of the Association of Art Museum Directors Subcommittee on Incoming Loans of Archaeological Material and Ancient Art

[http://www.aamd.org/papers/documents/Loans\\_and\\_PressRelease.pdf](http://www.aamd.org/papers/documents/Loans_and_PressRelease.pdf) (scroll to page 3 of the document)

Society for American Archaeology Professional Standards for the Determination of Archaeological Value <http://www.saa.org/government/ARPAstandards.pdf>

Society for American Archaeology Repatriation Policy  
[http://www.saa.org/Repatriation/repat\\_policy.html](http://www.saa.org/Repatriation/repat_policy.html)

Uniform Standards of Professional Appraisal Practice  
<http://commerce.appraisalfoundation.org/html/2006%20USPAP/toc.htm>

## **U.S. Laws and Regulations**

Abandoned Shipwreck Act of 1987, 43 U.S.C. §§ 2101 – 2106 (2000)  
Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title43/chapter39\\_.html](http://www.access.gpo.gov/uscode/title43/chapter39_.html)

Antiquities Act of 1906  
16 U.S.C. §§ 431-433 (2000) Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title16/chapter1\\_subchapterlxi\\_.html](http://www.access.gpo.gov/uscode/title16/chapter1_subchapterlxi_.html)  
Regulations on Preservation of American Antiquities 43 C.F.R. Part 3 (2007) Law  
Library Core AE 2.106/3: or  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_06/43cfr3\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/43cfr3_06.html)

Archaeological Resources Protection Act (1979)  
16 U.S.C. §§ 470aa - 470mm (2000) Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title16/chapter1b\\_.html](http://www.access.gpo.gov/uscode/title16/chapter1b_.html)  
Regulations on the Protection of Archaeological Resources 43 C.F.R. Part 7  
(2007) Law Library Core AE 2.106/3: or  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_06/43cfr7\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/43cfr7_06.html)  
Protection of Archaeological Resources – Tennessee Valley Authority  
18 C.F.R. Part 1312 (2007) Law Library Core AE 2.106/3: or  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_07/18cfr1312\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/18cfr1312_07.html)

Convention on Cultural Property Implementation Act (1983)  
Public Law 97-446, 96 Stat. 2329 (1983), as amended by Public Law 100-204,  
101 Stat. 1331 (1987) Law Library Core KF48 .U54 or  
<http://exchanges.state.gov/culprop/97-446.html>  
19 U.S.C. §§ 2601 – 2613 (2000) Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title19/chapter14\\_.html](http://www.access.gpo.gov/uscode/title19/chapter14_.html)  
Relevant regulations at 19 CFR §§ 12.104 – 12.109 (2007) Law Library Core AE  
2.106/3: or [http://www.access.gpo.gov/nara/cfr/waisidx\\_07/19cfr12\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/19cfr12_07.html)  
S. Rep. No. 97-564 (1982) Law Documents Collection Y 1.1/2: Serial 13453 or  
<http://exchanges.state.gov/culprop/97-564.html>

Federal Sentencing Guidelines Manual § 2B1.5 (2006). [Theft of, Damage to, or  
Destruction of, Cultural Heritage Resources; Unlawful Sale, Purchase, Exchange,  
Transportation, or Receipt of Cultural Heritage Resources]  
Law Library KF9685 .A875 or [http://www.ussc.gov/2006guid/2b1\\_5.html](http://www.ussc.gov/2006guid/2b1_5.html)

- Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602 – 1611 (2000)  
Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title28/partiv\\_chapter97\\_.html](http://www.access.gpo.gov/uscode/title28/partiv_chapter97_.html)
- Harmonized Tariff Schedules of the United States, Chapter 97 (2007) (Rev. 2) [Works of art, collectors' pieces and antiques]  
Law Documents Collection ITC 1.10: or  
<http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0702C97.pdf>
- Historic Sites Act, ch. 593, 49 Stat. 666 (1935)  
Law Library Core KF48 .U54 or  
[http://www.cr.nps.gov/local-law/FHPL\\_HistSites.pdf](http://www.cr.nps.gov/local-law/FHPL_HistSites.pdf)  
16 U.S.C. §§ 461 – 470 (2000) Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title16/chapter1a\\_.html](http://www.access.gpo.gov/uscode/title16/chapter1a_.html)
- Holocaust Victims Redress Act, P.L. 105-158, 112 Stat. 15 (1998)  
Law Library Core KF48 .U54 or [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105\\_cong\\_public\\_laws&docid=f:publ158.105.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ158.105.pdf)
- Illegal Trafficking in Native American Human Remains and Cultural Items, 18 U.S.C. § 1170 (2000)  
Law Library Core KF62 2000 .A2 or  
[http://www.law.cornell.edu/uscode/18/usc\\_sec\\_18\\_00001170----000-.html](http://www.law.cornell.edu/uscode/18/usc_sec_18_00001170----000-.html)
- Immunity from Seizure Act, 22 U.S.C. § 2459 (2000)  
Law Library Core KF62 2000 .A2 or  
[http://www.law.cornell.edu/uscode/html/uscode22/usc\\_sec\\_22\\_00002459----000-.html](http://www.law.cornell.edu/uscode/html/uscode22/usc_sec_22_00002459----000-.html)  
Exec. Order No. 12,047 on Imported Objects, 3 C.F.R. 167 (1979), as amended by Exec. Order No. 12,388, 3 C.F.R. 225 (1983) or  
<http://www.state.gov/s/1/3195.htm>
- Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals Act, 19 U.S.C. §§ 2091 – 2095 (2000)  
Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title19/chapter11\\_.html](http://www.access.gpo.gov/uscode/title19/chapter11_.html)
- Instructions for the Government of Armies of the United States in the Field (Lieber Code)  
Law Audiovisual Microfiche 509  
Available in .pdf through the [Making of Modern Law](#) (UI access only) or html at  
<http://www.yale.edu/lawweb/avalon/lieber.htm#sec2>
- Native American Graves Protection and Repatriation Act (NAGPRA) P.L. 101-601, 104 Stat. 3048 (1990)  
Law Library Core KF48 .U54 or [www.cr.nps.gov/local-law/FHPL\\_NAGPRA.pdf](http://www.cr.nps.gov/local-law/FHPL_NAGPRA.pdf)  
25 U.S.C. §§ 3001 – 3013 (2000)

Law Library Core KF62 2000 .A2 or  
[http://www.access.gpo.gov/uscode/title25/chapter32\\_.html](http://www.access.gpo.gov/uscode/title25/chapter32_.html)  
Relevant regulations at 43 C.F.R. Part 10 (2007) Law Library Core AE 2.106/3:  
or [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/43cfr10\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/43cfr10_06.html)

Nazi War Crimes Disclosure Act, P.L. 105-576, 112 Stat. 1859 (1998)  
Law Library Core KF48 .U54 or [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105\\_cong\\_public\\_laws&docid=f:publ246.105.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ246.105.pdf)

State Department List of Agreements, Emergency Actions, and Federal Register Notices  
Relating to Cultural Property <http://exchanges.state.gov/culprop/list.html>

U.S. Holocaust Assets Commission Act of 1998, P.L. 105-186, 112 Stat. 611 (1998)  
Law Library Core KF48 .U54 or [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105\\_cong\\_public\\_laws&docid=f:publ186.105](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ186.105)

### **International Conventions**

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[Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the  
World](#) (UI *Law* access only) Also in print at Law Reference K38 .R49 1989

[Global Legal Information Network](#) (password required – contact Reference Librarian)

[GloLex: Foreign Law Research](#)

The law library also owns statutory materials for a variety of foreign jurisdictions. Please  
consult a Reference Librarian or [InfoHawk](#), the library's online catalog, for assistance in  
identifying these materials.