
Professional Certificate in Art Law

Cultural Heritage and Art Restitution

****Administrative Claims:**** Administrative claims are a type of claim made by a government entity for the return of cultural property. These claims are typically made by the government of the country from which the cultural property was taken, and they are usually based on laws or regulations that prohibit the removal of cultural property from the country.

****Authenticity:**** Authenticity refers to the provenance, or history of ownership, of a work of art or cultural heritage item. It is the degree to which an object is what it is claimed to be, both in terms of its physical characteristics and its historical significance.

****Berne Convention:**** The Berne Convention is an international treaty that sets standards for the protection of literary and artistic works, including visual arts and cultural heritage. It was first adopted in 1886 and has since been revised several times. The Convention requires its member states to provide minimum levels of protection for works of authorship, including the right of attribution and the right of integrity.

****Cultural Diplomacy:**** Cultural diplomacy is the use of cultural resources, such as art, music, and literature, to promote understanding and cooperation between nations. It is a form of soft power that can be used to build relationships and influence international opinion.

****Cultural Property:**** Cultural property is any object or site that has cultural, historical, or artistic significance. This can include works of art, artifacts, buildings, monuments, and natural sites. Cultural property is often protected by laws and regulations, both domestic and international, that prohibit its destruction, damage, or removal.

****Due Diligence:**** Due diligence is the process of investigating the history and ownership of a work of art or cultural heritage item to ensure that it has been legally acquired and that there are no outstanding claims or disputes regarding its ownership.

****Easement:**** An easement is a legal right to use someone else's property for a specific purpose. In the context of cultural heritage, easements are often used to protect historic buildings or sites from development or alteration.

****European Union (EU) Regulation 2019/880:**** EU Regulation 2019/880 is a regulation that sets out procedures for the restitution of cultural property that was unlawfully removed from a member state of the European Union. The regulation applies to cultural property that was removed after January 1, 1993, and it establishes a framework for the return of such property to its rightful owner or to the member state from which it was taken.

****Expertise:**** Expertise refers to the knowledge and skills of a person who is qualified to evaluate or authenticate a work of art or cultural heritage item. Expertise can be based on education, training, experience, or a combination of these factors.

****Fiduciary Duty:**** A fiduciary duty is a legal obligation to act in the best interests of another person or entity. In the context of cultural heritage, fiduciary duty can arise in situations where a person or organization is entrusted with the care, custody, or management of cultural property.

****Heritage Value:**** Heritage value refers to the cultural, historical, or artistic significance of a work of art or cultural heritage item. Heritage value can be intrinsic, meaning that it is inherent in the object itself, or it can be attributed, meaning that it is based on the object's association with a particular person, event, or place.

****Illicit Trafficking:**** Illicit trafficking refers to the unlawful movement of cultural property across national borders. Illicit trafficking can involve theft, looting, smuggling, or the sale of stolen or looted cultural property.

****Limitation of Actions:**** Limitation of actions is a legal principle that sets a time limit for bringing a legal claim. In the context of cultural heritage, limitation of actions can be used to prevent stale claims from being brought many years after the alleged wrongful act occurred.

****Market Value:**** Market value is the price that a work of art or cultural heritage item would fetch in a competitive and open market. Market value is based on factors such as the object's rarity, condition, provenance, and historical significance.

****Moral Rights:**** Moral rights are the personal rights of an author or artist in relation to their work. These rights include the right of attribution, which is the right to be recognized as the author or artist of a work, and the right of integrity, which is the right to prevent the work from being altered or distorted in a way that would harm the author's or artist's reputation.

****National Stolen Property Act (NSPA):**** The National Stolen Property Act is a federal law in the United States that makes it a crime to transport, receive, or possess stolen property that has moved in interstate or foreign commerce. The NSPA applies to cultural property as well as other types of property.

****Negligence:**** Negligence is the failure to exercise the care that a reasonable person would exercise in similar circumstances. In the context of cultural heritage, negligence can give rise to legal liability for damages or losses caused by the negligent handling, storage, or display of cultural property.

****Provenance:**** Provenance is the history of ownership of a work of art or cultural heritage item. Provenance is an important factor in determining the authenticity and value of a work of art, as well as in resolving disputes over ownership or possession.

****Restitution:**** Restitution is the return of a work of art or cultural heritage item to its rightful owner or to the country or community from which it was taken. Restitution can be voluntary or involuntary, and it can

be based on a variety of legal and ethical grounds.

****Statute of Limitations:**** A statute of limitations is a legal time limit for bringing a legal claim. In the context of cultural heritage, statutes of limitations can be used to prevent stale claims from being brought many years after the alleged wrongful act occurred.

****Title:**** Title is the legal right to own or possess a work of art or cultural heritage item. Title can be established through purchase, inheritance, gift, or other means, and it can be transferred or conveyed by means of a sale, a will, or a trust.

****Treaty of Washington:**** The Treaty of Washington is a treaty between the United States and Great Britain that was signed in 1871. The treaty established a commission to adjudicate claims arising from the American Civil War, including claims for the return of cultural property that had been taken as war booty or prizes of war.

****UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970):**** The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is an international treaty that aims to prevent the illicit trafficking of cultural property. The Convention requires its member states to establish legal frameworks for the protection of cultural property, to prohibit the illicit import and export of cultural property, and to cooperate in the recovery and return of stolen or looted cultural property.

****UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995):**** The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is an international treaty that establishes rules for the restitution of stolen or illegally exported cultural objects. The Convention requires its member states to establish legal frameworks for the restitution of cultural objects, to cooperate in the identification and recovery of stolen or illegally exported cultural objects, and to provide for the return of such objects to their rightful owner or to the country or community from which they were taken.

****Valuation:**** Valuation is the process of determining the monetary value of a work of art or cultural heritage item. Valuation can be based on a variety of factors, including the object's rarity, condition, provenance, and historical significance.

****Voluntary Returns:**** Voluntary returns are the return of a work of art or cultural heritage item to its rightful owner or to the country or community from which it was taken on a voluntary basis, without the need for legal proceedings. Voluntary returns can be motivated by a variety of factors, including moral or ethical considerations, public pressure, or a desire to improve diplomatic relations.

****Washington Conference on Holocaust-Era Assets (1998):**** The Washington Conference on Holocaust-Era Assets was a conference held in Washington, D.C. in 1998 to address the issue of Nazi-looted art and other cultural property that was stolen or displaced during World War II. The conference resulted in the issuance of the Washington Principles, a set of non-binding guidelines for the restitution of Holocaust-era cultural

property.

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