

Art and cultural assets news – autumn: US Import restrictions imposed on certain archaeological material from the People's Republic of China

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On 14 January 2009, the United States and the People's Republic of China concluded a bilateral agreement under the Cultural Property Implementation Act ('CPIA'), restricting import into the United States of certain categories of undocumented archaeological materials. This agreement, effective from 16 January 2009, is designed to limit entry into the United States of archaeological material illegally excavated and exported from China, thereby discouraging trafficking in China's cultural patrimony.

The materials subject to import restriction represent China's cultural heritage from the Paleolithic Period (beginning approximately 75,000 B.C.) through to the end of the Tang Dynasty (907 A.D.). These objects include:

- Ceramic (objects, art, decorations);
- Stone (weapons, ornaments, objects);
- Metal (gold and silver objects and sculptures);
- Bone, ivory, horn and shell;
- Silks and textiles;
- Lacquer and wood;
- Bamboo and paper;
- Glass; and
- Painting and calligraphy (including wall and other paintings).

Monumental sculpture and wall art that is at least 250 years old, is subject to the same import restrictions.

In accordance with the CPIA (the enabling legislation for the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property), the United States Department of State accepted China's requests for import restrictions on the archaeological or ethnological artefacts putting their national cultural heritage in jeopardy.

Signed on the occasion of the 30th anniversary of diplomatic relations between the United States and China, the agreement has been consistent with the recommendations of the Cultural Property Advisory Committee and the Lawyers' Committee. However, the agreement has not been welcomed in all quarters. The Ancient Coin Collectors Guild (a powerful US lobbying body representing coin dealerships and auction houses) has recently announced its plans to challenge the restrictions contained in the legislation on the importation of Chinese coins.

As the Lawyers' Committee concluded in its statement, '[I]t is in the interest of the United States to grant assistance to other nations under the UNESCO Convention in preserving their archaeological heritage because we all gain from the increased understanding of our shared past that results from such preservation. It remains to be seen whether the agreement will in fact establish a means of cooperation to reduce and prevent such archaeological pillages and trafficking of cultural objects threatening China's heritage or become an additional administrative burden in the art market.