

Heightened scrutiny on antiquities collectors

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Collectors, and their trustees and executors, may be surprised to discover that antiquity objects they've owned for decades could become subject to patrimony claims by foreign governments. Patrimony claims are brought by countries to reclaim cultural property that's been illegally exported or "stolen" from their territories. Countries' patrimony laws differ in their definitions of what constitutes cultural property, but the unifying theme among patrimony laws is that they vest state ownership in cultural property taken from within a state's borders and may disallow the private ownership and/or export of cultural property. In addition to patrimony laws, international treaties exist to protect the international trade of cultural property, such as the 1970 United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention. Patrimony claims are generally brought by "source countries," known by that moniker because of the wealth of antiquities and cultural property material found within their modern-day borders. Pursuant to a line of case law, US law respects foreign patrimony laws. This recognition permits foreign government's legitimate cultural property, exported from the source country after the relevant patrimony law date and located within the United States, to be considered stolen property and seized by law enforcement and repatriated.

Historically, the most commonly thought of source countries were places like Italy and Greece, which were active in patrimony claims because of their protection of materials from the Greek and Roman empires removed from within their modern-day borders. However, the list of source countries is extensive and includes modern Native American territories, Latin American states, African states, Asian states and the Middle East. In recent times, the instability in the Middle East has shifted global focus to cultural property being exported out of this region because of the connection between smuggling cultural property and terrorist fundraising activities.


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