

MODERN(IZING) ART: THE NEED FOR A CENTRALIZED REGISTRY

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I. INTRODUCTION

The art world is one of the largest, least regulated, and most obscure industries in the world,¹ making art and ‘cultural property’² protection of the

1. See generally Leila Amineddoleh, *The Role of Museums in the Trade of Black Market Cultural Heritage Property*, 18 ART ANTIQUITY & L. 227 (2013).

2. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Nov. 14, 1970, art. 1, 823 U.N.T.S. 231; UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (with annex), June 24, 1995, 2421 U.N.T.S. 457 (The terms “cultural property” and “cultural heritage” are often used interchangeably, as the former conveys a sense of ownership, while the latter illustrates generational passing. However, the 1970 UNESCO Convention and 1995 UNIDROIT Convention uniformly define “cultural property” as follows:

“(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of paleontological interest; (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance; (c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries; (d) elements of artistic or historical monuments or archaeological sites which have been dismembered; (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals; (f) objects of ethnological interest; (g) property of artistic interest, such as: (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand); (ii) original works of statuary art and sculpture in any material; (iii) original engravings, prints and lithographs; (iv) original artistic assemblages and montages in any material; (h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections; (i) postage, revenue and similar stamps, singly or in collections; (j) archives, including sound, photographic and cinematographic archives; (k) articles of furniture more than one hundred years old and old musical instruments.”)

See also Robert L. Tucker, *Stolen Art, Looted Antiquities, and the Insurable Interest Requirement*, 29 QUINNIPIAC L. REV. 611, 628 (2011) (citing Art law Handbook §6.02[A], at 391 (Roy S. Kaufman, ed., 2000)) (explaining that “cultural property” is a broad term meant to include “objects of great artistic importance,” much like fine art).

utmost importance to both society and those who create and enforce its law. Not only are art and cultural property invaluable, basic elements to civilization,³ vesting in past, present, and future generations, but art and cultural property are also testamentary to civilizations' history and progress.⁴ Preserving art and cultural property allows humanity to continuously examine and reflect on evolutions within society, politics, science, and symbolic ethnic and religious identifiers.⁵

The few who benefit from illicit art and cultural property deprive artistic value from the world and future generations. Further, promoting art and cultural property as a commodity serves as a basis for monetary and educational capital for organizations and countries to derive wealth.⁶ It is necessary to track and regulate the art and cultural property market, through a centralized registry, to deter and defend against art-rocities.⁷ Regulating assets as a method of protection is not a new concept, however, the outcomes of regulating art and cultural property are unpredictable as such regulations and asset valuations, or lack thereof, vary between countries. Although international entities have spent years passing various treaties and declarations to safeguard art and cultural property, each instrument fails to strictly bind signatories. At its core, a centralized art registry will provide a wealth of transparent knowledge and continuity within art ownership and sales throughout the world. Essentially serving as a one-stop-shop for rightful owners and heir, buyers, sellers, auction houses, museums, and inquisitive minds, the centralized art registry would reduce art-rocities and reinforce international repatriation and restitution efforts.

In Part I, this note summarizes notable historic and current crimes against art and cultural property which continue to shape international and domestic art law. Part II illustrates how support for creating a centralized registry is derived from international art and cultural property laws and treaties, technological developments, and societal demands for moral changes in the art market. Finally, Part III discusses the logistics, concerns, and incentives behind establishing a centralized art and cultural property registry.

3. Final Act of the Intergovernmental Conference on the Protection of Cultural Property in the Event of Armed Conflict, pmbl., May 14, 1954, 249 U.N.T.S. 215 [hereinafter 1954 Hague Convention].

4. Amineddoleh, *supra* note 1, at 227.

5. Amineddoleh, *supra* note 1, at 227.

6. States are expected to ratify and implement supporting legislation to enforce the international agreements within their borders.

7. "Art-rocities" is the Author's own play on the word "atrocities" to describe crimes against art and cultural property. See Amineddoleh, *supra* note 1, at 228.

II. HISTORY OF CRIMES AGAINST ART AND CULTURAL PROPERTY: FROM ALEXANDER THE GREAT TO CHINA'S ROUGE RECLAMATION OF ITS LOOTED PAST

Crimes have always been committed crimes against art and cultural property.⁸ As looting and technology progressed over centuries and through continents, the looting of art and cultural property has devastatingly increased.⁹ Traditionally, secrecy surrounding buyers and sellers shrouded such objects' provenance from the art market, thereby allowing illicit trading to flourish¹⁰ and paving the way for art crime to finance additional criminal activities.¹¹ Although the world perceives and adapts to each art-rocidity differently, from ancient Greek plunders to recent terrorist organizations' raids, the market for looted works and antiquities has remained constant.¹²

Victors used to enjoy a "right to booty"¹³ over people and objects seized during conflicts. Historically, armies saw looting and pillaging as a matter of course,¹⁴ and occasionally, even as the sole reason for a country to start a war. Thus, under customary or international law, there is no existing remedy to demand the return of objects looted prior to the late nineteenth century.¹⁵ Further, there is no statute of limitations that allows someone to recover objects plundered during the fifteenth through sixteenth centuries.¹⁶

8. HERODOTUS, THE PERSIAN WARS, BOOK VIII - URANIA ¶ 33 (George Rawlinson trans., 1942) (Greek historian, Herodotus, denounced the Persian Army's temple destruction in 480 B.C. "At the last-named place there was a temple of Apollo ... adorned with a vast number of treasures and offerings ... This temple the Persians plundered and burnt ... for the purpose of ... conveying to King Xerxes the riches where were there laid up.")

9. Sandro Calvani, *Frequency and Figures of Organized Crime in Art and Antiquities*, ORGANIZED CRIME IN ART AND ANTIQUITIES 28 (Setfano Manacorda, ed. 2009), www.academia.edu/887647/Organized_crimes_in_Art_and_Antiquities.

10. Paul M. Bator, *An Essay on the INT'L Art Trade*, 34 STAN. L. REV. 275, 360 (1982).

11. See CRIMINOLOGY AND ARCHAEOLOGY: STUDIES IN LOOTED ANTIQUITIES, 1, 16-17, 34-35, 50-51, 152, 158, 160 (Penny Green & Simon Mackenzie, eds., 2009).

12. Laura de la Torre, *Terrorists Raise Cash by Selling Antiquities*, GOV'T SEC. NEWS, Feb. 20, 2006, at 10.

13. Jiří TOMAN, THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT 3 (1996).

14. Often, stealing civilian property, such as crops and livestock, was the only way for armies to survive. Further, to offset their less than desirable pay and commemorate victories, soldiers would loot cultural treasures. See generally Colin Woodard, *The War Over Plunder: Who Owns Art Stolen In War?*, in MHQ: THE QUARTERLY JOURNAL OF MILITARY HISTORY (2010).

15. *Id.*

16. *Id.*

Anything restituted or repatriated from that long ago is done so on the basis of political cooperation or morality, rather than on a legal basis.¹⁷

The early twentieth century marked a “grey period”¹⁸ spanning between the two major Hague Conventions in 1899¹⁹ and 1954,²⁰ during which a legal remedy for demanding the return of looted objects was available but, due to its ambiguities, was rarely used.²¹ The world began seeing major developments in international art and cultural property law as moral attitudes regarding war-loot evolved. War-loot, a concept once viewed as acceptable, yet disgraceful, is now explicitly prohibited as wartime-plunder.²² Even so, laws in colonies and territories regarding repatriations and restitution remain complicated since claims over objects plundered during occupations may be dismissed on the legal basis that a colony is an immune sovereign territory.²³

A. *Alexander the Great*

Born in 356 B.C.E., Alexander the Great’s most notable legacy is the impact he left on the world’s cultural centers. With military prowess and a passion for supremacy, Alexander conquered lands, people, and destroyed or stole their art and cultural property, thereby amassing an enormous empire to demonstrate his superiority.²⁴ His most infamous plunder was the looting and burning of Persepolis and its great palace,²⁵ which housed the Persian Empire’s treasures, literary works, art, and spoils, including those from the

17. *Id.*

18. *Id.* (referring to the fact that the twentieth century was a period with high uncertainty as to what legal remedies could be pursued to recover or seek damages for seized objects).

19. Hague Convention Regulations Respecting the Laws and Customs of War on Land, July 29, 1899, 32 Stat. 1803 (forbidding most civilian property from being confiscated, but showing that a legal remedy was an unreliable forum in which recovery was in the victor’s hands and a claim had to be brought in State courts where the object resided, and thus, the 1899 Hague Convention did not provide a viable opportunity to hold violators accountable).

20. 1954 Hague Convention, *supra* note 3 (authorizing States to act against other States who violated international laws protecting art and cultural property).

21. Woodard, *supra* note 14, at 10.

22. Woodard, *supra* note 14, at 10.

23. *Sovereign Immunity*, BLACK’S LAW DICTIONARY, (“A government’s immunity from being sued in its own courts without its consent.”).

24. Margaret M. Miles, *War and Passion: Who Keeps the Art*, 49 CASE W. RES. J. INT’L L. 5, 8 (2017).

25. See Joshua J. Mark, *Alexander the Great & the Burning of Persepolis*, ANCIENT HISTORY ENCYCLOPEDIA (Feb. 23, 2011), <https://www.ancient.eu/article/214/alexander-the-great-the-burning-of-persepolis/>; see also FRANK L. HOLT, THE TREASURES OF ALEXANDER THE GREAT: HOW ONE MAN’S WEALTH SHAPED THE WORLD 85 (2016) (describing the impact of Alexander’s plunders and trades on the economy).

Parthenon in Athens.²⁶ Written accounts describe the treasures as falling prize to the victors who could not satisfy their wants.²⁷ After Alexander's armies loaded 3,000 camels and other pack animals with gold, silver, and art, they burned what remained in and of the palace in retribution for the 480/479 B.C.E Persian invasions in Greece.²⁸

Ironically, it is said that Alexander repatriated iconic Greek works 'recovered' from Persepolis and later expressed regret for destroying a place of such ancient art and culture.²⁹ Alexander the Great's looting practices laid the foundation for royalty living during the Hellenistic Period to increase their private ownership of art and cultural property, who were especially fond of antiquities and books.³⁰

B. *Napoleon*

As Napoleon Bonaparte rose to power and expanded his empire, in the late 1790s, he too looted art and antiquities. Napoleon, wanting to serve as in inspiration to the French, planned a "universal museum," to be named after himself, to house the best art and treasures the world had to offered.³¹ Napoleon's crusades in Egypt brought new fashions and excitement to Europe, however, his subsequent campaigns in Belgium, Italy, Prussia, and the Netherlands garnered disapproval.³²

Napoleon strategically amassed collection displayed in Paris included mosaics from Cyprus, objects from the Parthenon, Italian alter-paintings cut from churches, private and public panel paintings, sculptures seized from historic collections, geological specimens, and Papal archives.³³ Following Napoleon's defeat in Waterloo, the Duke of Wellington commanded the repatriation and restitution of fifty-five percent of Napoleonic loot.³⁴ However, victors' plunders reigned, and much of Napoleon's collections

26. Joshua J. Mark, *Alexander the Great & the Burning of Persepolis*, ANCIENT HISTORY ENCYCLOPEDIA (Feb. 23, 2011), <https://www.ancient.eu/article/214/alexander-the-great--the-burning-of-persepolis/>.

27. *Id.*

28. Miles, *supra* note 24, at 7.

29. Mark, *supra* note 26.

30. The Greek social norm was to give surplus to the gods and public temples, but there was now a shift to private consumption and display. Miles, *supra* note 24, at 8-9; *see also* Colette Hemingway & Sean Hemingway, *Art of the Hellenistic Age and the Hellenistic Tradition*, METROPOLITAN MUSEUM OF ART (Apr. 2007), https://www.metmuseum.org/toah/hd/haht/hd_haht.htm.

31. Miles, *supra* note 24, at 15.

32. Miles, *supra* note 24, at 15.

33. Miles, *supra* note 24, at 15.

34. Miles, *supra* note 24, at 16.

found their way to the British Museum instead. This paved the way for the race between Britain and Western Europe to collect and house “universal museums”³⁵ for nationalistic and academic power.³⁶ In 1793, the Louvre finally opened its doors so that patrons could inspect collections belonging to the world’s citizens.³⁷

C. *World War II and Nazi-Loot*

During World War II, the Nazis perpetrated one of the greatest art heists in modern history³⁸ using widespread, systematic looting to remove unprecedented amounts of art and cultural property throughout Nazi-occupied zones.³⁹ In doing so, Adolf Hitler intended to repatriate German works that spent years under foreign ownership and establish the Fuhrermuseum in his hometown of Linz, Austria,⁴⁰ to house the ‘recovered’ works and other superior European works of art and cultural property.⁴¹ Works and objects identified as degenerate were either destroyed, displayed separately, or used as bargaining chips to recover other works.⁴² While exact numbers will never be known, some research estimates the Nazis pillaged about one-fourth to one-third of Europe’s art,⁴³ while others claim that the

35. Margaret M. Miles, *Still in the Aftermath of Waterloo: A Brief History of Decisions about Restitution*, in CULTURAL HERITAGE, ETHICS, AND THE MILITARY 29, 29-42 (Peter G Stone ed., 2011) (stating that the British Museum opened in 1759 to educate and entertain the general public).

36. Miles, *supra* note 24, at 17.

37. Miles, *supra* note 24, at 17.

38. However one must not disregard the recent ISIS-looting and destruction, nor early British colonialism plunders in Asia, Africa, Afghanistan, and India, Napoleon’s looting and transfer of Italian art to the Louvre, Spanish Empire’s plunder in Latin and South America, Crusaders pillage in Constantinople; Sweden’s looting of the Prague Castle during Thirty Years’ War, Russian and Prussian looting in Poland, plunders of Genghis Khan and Alexander the Great; United States colonialism plunders of native and indigenous people. See Donald S. Burris, *From Tragedy to Triumph in the Pursuit of Looted Art: Altmann, Benningson, Portrait of Wally, von Saher and Their Progeny*, 15 J. MARSHALL REV. INTELL. PROP. L. 394, 397-98, n.13 (2016).

39. Sue Choi, *The Legal Landscape of the International Art Market After Republic of Austria v. Altmann*, 26 NW. J. INT’L L. & BUS. 167, 168 (2005).

40. *Id.*

41. Hitler sought out works by Vermeer, Rembrandt, Van Eyck, and Durer. Emily A. Graefe, *The Conflicting Obligations of Museums Possessing Nazi-Looted Art*, 51 B.C. L REV. 473, 473 n.3 (2010).

42. Works or artists which portrayed Jews or condemned Germany, such as Van Gogh, Chagall, and Picasso, were considered degenerate. *Id.*

43. David Wissbroecker, *Six Klimts, a Picasso, & a Schiele: Recent Litigation Attempts to Recover Nazi Stolen Art*, 14 DEPAUL-LCA J. ART & ENT. L. & POL’Y 39, 40 (2004).

value of Nazi-loot was more than all the works within the U.S. during 1945 combined.⁴⁴

In an effort to keep prized objects and works away from the Nazis, World War II saw the largest ever migration of art and cultural property, with many works and objects traveling across both Europe and the world. However, because policies at the time enabled Nazi-confiscation as a means to persecute and disenfranchise European Jews and others the Nazis viewed as inferior, a vast majority of art and cultural property found its way into Nazi hands.⁴⁵ Litigation on behalf of Holocaust survivors and their heirs has made it is well-known that, rather than destroying confiscated items, Nazi officers and sympathizers repossessed the seized objects and works, whereby they started their own collections⁴⁶ which have been passed down through generations,⁴⁷ only to be discovered in museums around the world years later.⁴⁸

D. *Illicit, Black Market Antiquities and Terrorism*

Both the Islamic State of Iraq and Syria (ISIS) and the Taliban have revived some of the original looting and destruction concepts whereby they use plunder as a means to finance terrorism and to cleanse modern culture.⁴⁹ In Iraq, the Taliban deliberately destroyed the Bamiyan Buddhas⁵⁰ and three different groups ransacked approximately 14,000 to 15,000 fine antiquities

44. Lawrence M. Kaye, *Avoidance and Resolution of Cultural Heritage Disputes: Recovery of Art Looted During the Holocaust*, 14 WILLAMETTE J. INT'L L. & DISP. RESOL. 243, 243-44 (2006).

45. Benjamin E. Pollock, *Out of the Night and Fog: Permitting Litigation to Prompt an International Resolution to Nazi-looted Art Claims*, 43 HOUS. L. REV. 193, 196 (2006).

46. Sophie Gilbert, *The Persistent Crime of Nazi-Looted Art*, ATLANTIC (Mar. 11, 2018), <https://www.theatlantic.com/entertainment/archive/2018/03/cornelius-gurlitt-nazi-looted-art/554936/> (detailing the February 2012 discovery of over 1,500 Nazi-looted works in Cornelius Gurlitt's Munich apartment, which included artists such as Picasso, Matisse, Monet, Liebermann, Chagall, Durer, and Delacroix; these works were likely passed down by Hildebrand Gurlitt, Cornelius's father, who was notoriously known as a Nazi art dealer).

47. *Id.*

48. Nazis obtained a Camille Pissarro painting in 1939 when Lilly Cassirer was forced to trade it for freedom, and in 2010 the painting had been discovered inside of Madrid's Museo Nacional Thyssen-Bornemisza, after passing through many private hands, including a NYC art dealer, a Swiss art collector, and finally to the Spanish government. Joel Rubin, *Nearly 80 Years Ago, Nazis Stole a Family's Painting. Now an American Judge will Decide if it Should be Returned*, L.A. TIMES (Dec. 03, 2018), <https://www.latimes.com/local/lanow/la-me-nazi-art-trial-20181203-story.html>.

49. Sarah Cascone, *Nearly Destroyed by ISIS, the Ancient City of Palmyra Will Reopen in 2019 After Extensive Renovations*, ARTNET (Aug. 27, 2018), <https://news.artnet.com/art-world/syria-isis-palmyra-restorations-1338257>.

50. Miles, *supra* note 24 at 18.

from the Iraq Museum.⁵¹ The well-preserved Greco-Roman, Persian, and Islamic ruins became endangered when ISIS came to power at the start of the 2011 Syrian Civil War.⁵²

ISIS has since destroyed the ancient city of Palmyra, a UNESCO Heritage Site since 1980, but not before beheading eighty-two year old Khalid al-As'ad, the head of the site's antiquities, when he refused to disclose where priceless statues were hidden.⁵³ ISIS also destroyed or looted other ancient sites, such as the Temple of Bel, Temple of Baal Shamin, the Arch of Triumph, the Valley of the Tombs columns, and the City of Homs and its 2,000-year old central market.⁵⁴ Although plunder in the Middle East sparked new import and export freezes and legislation, art markets are still acquiring illicit antiquities through the black market.⁵⁵

E. "Reclaiming" Chinese History

Western imperialism engulfed China from 1840 to 1949, a period which the Chinese dubbed as the "Century of Humiliation."⁵⁶ In 1860, French and British armies looted and destroyed Beijing's Summer Palace.⁵⁷ As a result, the palace's treasures spread throughout the world's most prominent museums and private collectors.⁵⁸ Chinese cultural heritage has become a focal point for the China Poly Group, a state-run organization which funded a delegation in 2009 to identify Chinese objects in museums outside of China.⁵⁹

In 2010, the Drottningholm Palace in Stockholm reported that burglars set fires and stole Chinese objects.⁶⁰ Shortly after the Chinese treasure-hunting delegation published their findings in 2015, perpetrators stole twenty-two objects, originally from Beijing's Summer Palace, which had

51. Mark V. Vlasic & Helga Turku, *Protecting Cultural Heritage as a Means for International Peace, Security and Stability: The Case of ISIS, Syria and Iraq*, 49 VAND. J. TRANSNAT'L L. 1371, 1405 (2016).

52. Cascone, *supra* note 49.

53. Cascone, *supra* note 49.

54. Cascone, *supra* note 49.

55. Amineddoleh, *supra* note 1 at 252-53.

56. Sarah Cascone, *Is China Going Rouge to Reclaim Its Looted Art? A Recent String of Museum Heists Is Raising Suspicions*, ARTNET (Aug. 17, 2018), <https://news.artnet.com/art-world/chinese-art-being-stolen-around-the-world-1334294>.

57. *Id.*

58. *Id.*

59. *Id.*

60. Alex Palmer, *The Great Chinese Art Heist*, GENTLEMEN'S Q. (Aug. 16, 2018), <https://www.gq.com/story/the-great-chinese-art-heist>.

since been housed in Chateau de Fontainbleau.⁶¹ Another theft occurred at the KODE Museum in Norway when twenty-two artifacts disappeared from their China collection;⁶² one artifact was later exhibited at the Shanghai International Airport.⁶³

Because Chinese intellectual property laws are different and Chinese collectors take pride in displaying such artifacts, no matter their provenance, countries have been slow to react to the Chinese heists.⁶⁴ Moreover, the Chinese government does not consider these ‘repatriated’ artifacts stolen, but rather identifies such items as belonging in and to China.⁶⁵ Another reason many countries have not criticized the Chinese-looting is fear that pressure to return these looted artifacts would likely disrupt that country’s relations with China.⁶⁶

III. SUPPORT FOR CREATING A CENTRALIZED ART REGISTRY

A. *Existing Laws and Best Practices Impliedly (or Expressly) Call for a Central Registry*

The first art and cultural property laws and best practices transpired at a time when a central registry was not only unforeseeable, but technologically impossible. However, interpretations of many such early provisions and modern conventions impliedly allowed or expressly called for a centralized art registry.

1. 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict⁶⁷

The Hague Convention calls for Parties to undertake appropriate measures to safeguard and respect cultural property in chapter I, arts. 2 and 3:

“For the purposes of the present Convention, the protection of cultural property shall comprise the safeguarding of and respect for such property.⁶⁸ The High Contracting Parties undertake to prepare in time of peace for the *safeguarding of cultural property* situated within their own

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. 1954 Hague Convention, *supra* note 3.

68. 1954 Hague Convention, *supra* note 3, Ch. I, at art. 2 (emphasis added).

territory against the foreseeable effects of an armed conflict, *by taking such measures as they consider appropriate.*⁶⁹

Rather than writing within a textualist context, it is clear that the drafters intended this basic language to withstand time to be pliable enough to adapt with modernization. As such, a centralized art registry is clearly an “appropriate measure.”

Provisions creating and allowing for UNESCO Blue Shield’s International Register of Cultural Property Under Special Protection were formed in chapter II of the Hague Convention:

“There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance⁷⁰... *Special protection is granted to cultural property by its entry in the ‘International Register of Cultural Property under Special Protection.’*⁷¹

An ‘International Register of Cultural Property under Special Protection’ shall be prepared ... [UNESCO] shall maintain this Register... The Register shall be divided into sections ... sub-divided into three paragraphs, headed: Refuges, Centres containing Monuments, Other Immovable Cultural Property.⁷²

[UNESCO] shall cause to be entered in the Register, under a serial number, each item of property for which application for registration is made, provided that he has not received an objection.”⁷³

The Hague drafters foresaw the need to identify, register, and track particular sites and objects.⁷⁴ However, no one could foresee that digital technologies would allow for the real-time monitoring of the effects of pollution, urbanization, and terrorism on such Special Protection sites. The Hague’s allowance for the Blue Shield Registry suggests that the drafters and signatories would not oppose utilizing digital technology to its greatest extent, forming a central registry for all art and cultural property, rather than only for the selected few enumerated in 1954.

In Chapter VII, art. 23, the Hague expressly named UNESCO as the agency which would oversee and assist State Parties in creating technology to protect art and cultural property:

69. 1954 Hague Convention, *supra* note 3, Ch. I, at art. 3 (emphasis added).

70. 1954 Hague Convention, *supra* note 3, Ch. II, art. 8, at ¶1 (emphasis added).

71. 1954 Hague Convention, *supra* note 3, Ch. II, art. 8, at ¶6 (emphasis added).

72. 1954 Hague Convention, *supra* note 3, Ch. II, art. 12, at ¶1-3 (emphasis added).

73. 1954 Hague Convention, *supra* note 3, Ch. II, art. 15, at ¶1 (emphasis added).

74. 1954 Hague Convention, *supra* note 3.

“The High Contracting Parties may call upon the [UNESCO] for technical assistance in organizing the protection of their cultural property, or in connection with any other problem arising out of the application of the present Convention or the Regulations for its execution.”⁷⁵

Not only did the Hague drafters intend that future, unknown technology would be an effective means for carrying out some of the Convention’s goals,⁷⁶ but also identified the entity they believe would be able to fund, facilitate, and enforce the creation and use of such technology.⁷⁷ Almost anticipating the 1970 UNESCO Convention, Article 23 also shows that the Hague intended Parties would minimally maintain national catalogs of art and cultural property within their borders and institutions.

2. 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property⁷⁸

As of this writing, 140 Parties⁷⁹ have given notice of succession, ratified, or accepted the 1970 UNESCO Convention.⁸⁰ The Convention specifically discusses the movement of cultural objects and was the international response to the looting by newly-independent African states in the 1960s.⁸¹ Africa had long-standing issues with pillaging, but the increase in demand for pre-colonial antiquities and colonial artifacts during post-colonialization prompted international reaction.⁸² Designed to control the art and cultural property market and to prevent illicit trade,⁸³ the Convention focused on the resulting damage to the origin state or culture, and deprivation from the world’s current and future generations.⁸⁴

75. 1954 Hague Convention, *supra* note 3, Ch. VII, art. 23, at ¶1 (emphasis added).

76. *See* 1954 Hague Convention, *supra* note 3.

77. *See* 1954 Hague Convention, *supra* note 3.

78. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Nov. 14, 1970, art. 1, 823 U.N.T.S. 231 [hereinafter 1970 UNESCO Convention].

79. UNESCO, Convention on the Means of Prohibiting and Preventing Transfer of Ownership of Cultural Property, <http://www.unesco.org/eri/la/convention.asp?KO=13039&language=E> (last visited Nov. 1, 2019) (listing the states that have ratified, including Yemen, ratifying most recently on June 3, 2019).

80. 1970 UNESCO Convention, *supra* note 77.

81. Folarin Shyllon, *Looting and Illicit Traffic in Antiquities in Africa*, CRIME IN THE ART AND ANTIQUITIES WORLD: ILLEGAL TRAFFICKING IN CULTURAL PROPERTY, 135 (Stefano Manacorda & Duncan Chappel eds., 2011).

82. Clemency Chase Coggins, *United States Cultural Property Legislation: Observations of a Combatant*, 7 INT’L J. CULTURAL PROP. 52-54 (1998).

83. *See* 1970 UNESCO Convention, *supra* note 77.

84. 1970 UNESCO Convention, *supra* note 77, at art. 2.

“Considering that interchange of cultural property ... increases the knowledge of the civilization, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations ... *that its true value can be appreciated only in relation to the fullest possible information regarding its origin, history, and traditional setting ... as cultural institutions, museums, libraries, and archives should ensure that their collections are built in accordance with universally recognized principles ... the protection of cultural heritage can be effective only if organized both nationally and internationally among States working in close co-operation.*”⁸⁵

Although the 1970 UNESCO Convention’s language does not expressly petition for an international centralized registry, it can be interpreted as a call to States and institutions within States’ borders to openly share information about national collections on an ongoing prophylactic basis as a means to meet the Convention’s goals.

“To ensure the protection of their cultural property ... *the States Parties ... undertake ... to set up ... for the protection of the cultural heritage, with qualifying staff sufficient in number for the effective carrying out of the following: ... establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage; promoting the development or establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops...) required to ensure the preservation and presentation of cultural property; ... seeing that appropriate publicity is given to the disappearance of any items of cultural property ...*”⁸⁶

Following the Hague’s lead, Article 5 expressly requests Parties maintain national inventories. This provision is the first to address the need for art and cultural property in both public and private sector collections to be inventoried. The provision also specifically names the institutions which should manage such records.

“States Parties ... undertake: To introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized. The certificate should accompany all items of cultural property exported ...”⁸⁷

States Parties ... undertake: to restrict ...movement of cultural property illegally removed from any State Party ... as appropriate for each country, *oblige antique dealers, subject to penal or administrative sanctions, to*

85. 1970 UNESCO Convention, *supra* note 77, at pmb1. (emphasis added).

86. 1970 UNESCO Convention, *supra* note 77, at 5 (emphasis added).

87. 1970 UNESCO Convention, *supra* note 77, at 6 (emphasis added).

maintain a register recording the origin of each item or cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject.”⁸⁸

Articles 6 and 10 offer ways for States Parties to begin tracking and maintaining national inventories in the form of export certificates. Not only would the exporting State Party know what is leaving from its territories, but the importing State Party would also know that it could receive the item without fear because the export was already authorized. Under a slightly nuanced interpretation of Article 6 and 10, it is evident that the drafters intended export certificates to serve as the basis for gathering information for a central registry.

3. 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects⁸⁹

By 1995, international communities understood utilizing registries and technology could serve as a basis for Parties to share information about art and cultural property within their borders.

“Acknowledging that implementation of this Convention should be accompanied by other effective measures for protecting cultural objects, such as the development and use of registers, the physical protection of archeological sites and technical co-operation.”⁹⁰

The 1995 UNIDROIT Convention reveals that the drafters intended Parties to create sharing methods for information on national registries to better document and protect art and cultural property throughout the world’s museums and collections, both public and private.

4. 1998 Washington Conference Principles of Nazi-Confiscated Art⁹¹

Although the Washington Principles are non-binding, forty-four countries have signed on to voluntarily adhere to its eleven principles, three of which specifically called for:

“Relevant records and archives should be open and accessible to researchers
...⁹²

88. 1970 UNESCO Convention, *supra* note 77, at 10 (emphasis added).

89. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (with annex), June 24, 1995, 2421 U.N.T.S. 457 [hereinafter 1995 UNIDROIT Convention].

90. *Id.* at pmbl. (emphasis added).

91. U.S. DEP’T OF STATE, WASHINGTON CONFERENCE PRINCIPLES ON NAZI-CONFISCATED ART (1998).

92. *Id.* at princ. 2 (emphasis added).

Every effort should be made to publicize at that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or heirs ...⁹³

Efforts should be made to establish a central registry of such information ...⁹⁴

The preamble to the 1995 UNIDROIT Convention posited that developing registries would aid in implementing the Convention's goals, Principle 6 in the Washington Conference was the first international provision to explicitly call for a central registry. Over the years, both Parties to the Conference and individual private entities have attempted to comply with the call and, as a result, a multitude of stolen Holocaust object databases now crowd the internet, making it difficult for anyone to know where to start searching.⁹⁵ The overwhelming good faith sentiment indicates the vast support for such a database, but scattered the relevant and necessary information needed to fill in provenance gaps.⁹⁶

93. *Id.* at princ. 5 (emphasis added).

94. *Id.* at princ. 6 (emphasis added).

95. The following sources are just some of the many registries that can be found online. *See generally* THE CENTRAL REGISTRY OF INFORMATION ON LOOTED CULTURAL PROPERTY 1933-1945, <https://www.lootedart.com/search2.php> (last visited Oct. 17, 2019) (containing information about over 25,000 Nazi-looted objects); NAZI-ERA PROVENANCE INTERNET PORTAL, <http://www.nepip.org> (last visited Oct. 17, 2019) (addressing U.S.-based museum collections for item that changed hands in Continental Europe during 1933-1945); ART DATABASE OF THE NATIONAL FUND, <https://www.kunstdatenbank.at/home.html> (last visited Oct. 17, 2019); DATABASE OF WORK OF ART FROM THE PROPERTY OF VICTIMS OF THE HOLOCAUST, <http://www.restitution-art.cz/> (last visited Oct. 17, 2019) (containing the Czech Republic database); CATALOGUE OF THE MUSEES NATIONAUX RECUPERATION, <http://www2.culture.gouv.fr/documentation/mnr/pres.htm> (last visited Oct. 17, 2019) (outlining French government lists of works retrieved from Germany after WWII which have never been claimed); LIST OF THE NON-RESTITUTED WORKS OF ART FROM THE ADOLPHE SCHLOSS COLLECTION, https://www.diplomatie.gouv.fr/sites/archives_diplo/schloss/collection.html (last visited Oct. 17, 2019); *Database on the Sonderauftrag Linz*, DEUTSCHES HISTORISHES MUSEUM, <https://www.dhm.de/datenbank/linzdb/indexe.html> (last visited Oct. 17, 2019) (detailing a German database for paintings, sculptures, furniture, porcelain, and tapestries purchased or confiscated for the planned Linz Museum and other collections between 1930s and 1945).

96. The following list of Nazi-looted art databases is in no way exhaustive, it is clear that the extensive amount of information, scattered across numerous databases, desperately need to be consolidated into a singular, centralized art registry. *See generally Lost Art Internet Database*, DEUTSCHES ZENTRUM KULTURGUTVERLUSTE, <http://www.lostart.de/Webs/DE/LostArt/Index.html> (last visited Oct. 17, 2019) (documenting lost private and public cultural property with more than 2,200 unclaimed works); BUNDESAMT FÜR ZENTRALE DIENSTE UND OFFENE VERMÖGENSFRAGEN, FEDERAL OFFICE FOR CENTRAL SERVICES AND UNRESOLVED PROPERTY ISSUES, <http://www.badv.bund.de/EN/Home/start.html> (last visited Oct. 17, 2019) (revealing Restbestand Central Collecting Point's objects and works, collected for the planned Linz Museum, and part of Hermann Goring's collection); *Collection*, HERKOMST GEZOCHT ORIGINS UNKNOWN, <http://www.herkomstgezocht.nl/en/collection> (last visited Oct. 17, 2019) (listing about 5,000 objects from the Netherlands Art Property Collection

5. International Council of Museum Code of Ethics for Museums and Red Lists

The International Council of Museums (ICOM)⁹⁷ is a non-governmental organization with members consisting of museums and museum professionals. ICOM is recognized as the leading voice for the international museum community and maintains partnerships with UNESCO and INTERPOL. The ICOM Red Lists⁹⁸ serve as a minimum standard guide and reference for the international museum community, whereby museums “have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage. Their *collections are significant public inheritance, have a special position in law and are protected by international legislation. Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility and responsible disposal.*”⁹⁹

To prevent illegal sales or exports, ICOM publishes Red Lists,¹⁰⁰ which identify and classify threatened art and cultural property around the world. Rather than acting as a list for stolen objects, ICOM Red Lists depict inventories from recognized institutions’ collections to identify the variety of objects most susceptible to illicit transactions. INTERPOL and the World Customs Organization distribute ICOM Red Lists internationally to police, customs officials, museums, auction houses, and art dealers. To date, ICOM has published 18 Red Lists describing protected and threatened works of art and cultural property from China, Yemen, Africa, Libya, Iraq, Syria, Dominican Republic, Egypt, Colombia, Haiti, Central America and Mexico, Cambodia, Peru, Afghanistan, and Latin America.¹⁰¹

and works reported missing after WWII); MINISTRY OF CULTURE AND NATIONAL HERITAGE, THE DIVISION FOR LOOTED ART, <http://lootedart.gov.pl/en/product-war-losses> (last visited Oct. 17, 2019) (including a Polish database with information about lost cultural property within its post-1945 borders); MINISTRY OF CULTURE OF THE RUSSIAN FEDERATION, THE SUMMARY CATALOGUE OF THE LOST CULTURAL VALUABLES OF THE RUSSIAN FEDERATION, <http://www.lostart.ru/catalog/en/> (last visited Oct. 17, 2019) (publishing the losses of Russian museums, libraries, and archives during WWII).

97. See INT’L COUNCIL OF MUSEUMS, ICOM CODE OF ETHICS FOR MUSEUMS (2004) <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf> [hereinafter ICOM CODE OF ETHICS].

98. See INT’L COUNCIL OF MUSEUMS, ICOM RED LISTS (2000-2018), <https://icom.museum/en/activities/heritage-protection/red-lists/> [hereinafter Red Lists] (listing ICOM Red Lists for the following areas and countries: Afghanistan, Cambodia, China, Central America, Mexico, Colombia, Dominican Republic, Haiti, Peru, Latin America, Iraq, Libya, Syria, Yemen, Egypt, and West Africa).

99. ICOM CODE OF ETHICS, *supra* note 97, at 9 (emphasis added).

100. Red Lists, *supra* note 98.

101. Red Lists, *supra* note 98.

6. INTERPOL Database of Stolen Works of Art¹⁰² and FBI Art Theft Program¹⁰³

Just as there are a multitude of existing databases and registries for art and cultural property stolen during the Holocaust, there are many governmental databases ~~that~~ which track recent and ongoing thefts. The INTERPOL Database, only fully accessible to authorized users and law enforcement agencies, was established in 2015 ~~in~~ as a response to the prevalent illicit trading of Iraqi and Syrian art and cultural property.¹⁰⁴ Since then, INTERPOL has partnered with UNESCO, ICOM, other international organizations, and police services to exchange information regarding recovered, yet unclaimed objects, and to track wanted objects.¹⁰⁵

The equivalent in the United States is the FBI Art Theft Program, which established a 16-agent, Art Crime Team in 2004 responsible for pursuing cases against art and cultural property and assisting international investigations.¹⁰⁶ The Team also maintains the National Stolen Art File (“NSAF”), an online database for stolen art and cultural property.¹⁰⁷

B. *Technological Developments*

The first art law drafters never foresaw what technology would become today, but the language they used gave rise to impliedly allow for the creation of such registries. Ever evolving technology has led the art world to a place where creating an international centralized art registry is entirely achievable. The existence of all the aforementioned registries, archives, databases, and international resources are proof there must be a consolidation of both information and technology. Combining inter-governmental and organizational data and resources is the last essential step toward finally creating a proficient provenance research, restitution, and reparation process. Recent cloud-based data systems can be used to operate an international centralized registry, allowing information to be submitted and retrieved.¹⁰⁸ In

102. *Stolen Works of Art Database*, INTERPOL, <https://www.interpol.int/en/Crimes/Cultural-heritage-crime/Stolen-Works-of-Art-Database> (last visited Oct. 17, 2019) [hereinafter INTERPOL Database].

103. *Violent Crime: Art Theft*, FBI, <https://www.fbi.gov/investigate/violent-crime/art-theft> [hereinafter FBI’s Art Theft Program].

104. INTERPOL Database, *supra* note 102.

105. INTERPOL Database, *supra* note 102.

106. FBI’s Art Theft Program, *supra* note 103.

107. *National Stolen Art File*, FBI, <https://www.fbi.gov/investigate/violent-crime/art-theft/national-stolen-art-file>.

108. See generally Zohar Elhanani, *How Blockchain Changed the Art World In 2018*, FORBES (Dec. 17, 2018),

accordance with article 23 of The Hague, UNSECO can assist in funding, creating, and maintaining the international centralized art registry.

C. *Societal Demands for Moral Changes*

The black market for art and cultural property and other art derived crimes, including theft, loot, and fraud, is second only to the narcotics trade in funding sources for terrorism. Increased art and cultural property crime, looting, fraudulent transactions, and international organized crime, prevent illicit objects from being recovered or protected. In a somewhat modern trend, European countries are coming to terms with their colonial pasts and have begun returning colonial-loot to their patrimonial homes. Through an agreement between London museums and Benin, Nigeria will soon establish a permanent loan for the Benin Kingdom's bronzes treasures that British forces looted in 1897. Furthermore, in November 2017, French President, Emmanuel Macron, spoke at the University of Ouagadougou about his five-year plan to temporarily or permanently restitute African cultural property obtained while Africa was under French-colonial rule and since held in French museums.¹⁰⁹

1. Germany

Whether by monetary reparations agreements¹¹⁰ or public condemnation, Germany has had to reconcile actions its citizens and government took during WWII. However, Germany, like many other countries possessing Nazi-looted works, historically resisted restituting property to Holocaust survivors and their heirs.¹¹¹ Recent discoveries and social interest has somewhat flipped the script with additional public German

<https://www.forbes.com/sites/zoharelhanani/2018/12/17/how-blockchain-changed-the-art-world-in-2018/#46d6c93074>; Samuel Miller, *Blockchain and the Art Market: A Match Made in Heaven?*, MEDIUM (Dec. 18, 2018), <https://medium.com/aerum-technologies/blockchain-and-the-art-market-a-match-made-in-heaven-d6b1fd61a409>; Anneli Botz, *Is Blockchain the Future of Art? Four Experts Weigh In*, ART BASEL, <https://www.artbasel.com/news/blockchain-artworld-cryptocurrency-cryptokitties> (last visited Oct. 17, 2019); *FAQ*, ARTOLIN, <https://artolin.org/faqs/> (last visited Oct. 17, 2019); Sam Mire, *12 Startups Using Blockchain to Transform the Art Industry*, DISRUPTOR DAILY (Dec. 25, 2018), <https://www.disruptordaily.com/blockchain-market-map-art/>; MAECENAS, <https://www.maecenas.co> (last visited Oct. 17, 2019).

109. Annalisa Quinn, *After a Promise to Return African Artifacts, France Moves Toward a Plan*, N. Y. TIMES, (March 6, 2018).

110. German restitution payments schemes include: Hardship Fund, Article 2 Fund, Child Survivor Fund, Orphan Fund, ZRBG, BEG, GGWP, and others. *Compensation Payment Programs*, CLAIMS CONFERENCE, <http://www.claimscon.org/what-we-do/compensation/background/> (last visited Oct. 17, 2019).

111. *Vineberg v. Bissonette*, 548 F.3d 50 (1st Cir. 2008).

funds being allocated to the German Lost Art Foundation for provenance research.¹¹²

The Zeppelin Museum uses the funds to look into their “degenerate” collection, the culmination of which has created an extraordinarily transparent, first-of-its-kind exhibition.¹¹³ “The Obligation of Ownership: An Art Collection Under Scrutiny” classifies the Zeppelin’s collections with green, yellow, orange, and red stickers to identify an object’s “looting danger” and describes the ongoing research to fill the provenance gaps.¹¹⁴

2. France

Partially modeled from Germany’s restitution to Holocaust victims, France founded a collaborative commission, which includes art historians, economists, artists, activists, collectors, and experts from Africa and Europe.¹¹⁵ Since President Macron’s 2017 speech, the commission has worked to identify objects in French national museum inventories which rightfully belong to Africa.¹¹⁶ The Quai Branly-Jacques Chirac Museum, which houses indigenous art from the Americas, Asia, Oceania, and Africa, has identified 5,142 Senegalese objects and Benin’s treasures in its collection.¹¹⁷ However, similar to issues which Holocaust victims and their heirs face in their claims for restitution, not all the identified items of African cultural property were illicitly obtained under colonial rule or through unfair purchases.¹¹⁸ Even while Senegal asserts that seemingly mundane objects, such as Senegalese fishnets, have little value while out-of-context in French museums, there remains a hesitancy to reconstitute such objects. However, the Senegalese fishnets are filled with ancient mathematical code that are essential to Senegal’s technological heritage.¹¹⁹

112. J.T.J., *A German Museum Put the Questionable Provenance of its Art on Display*, *ECONOMIST* (May 25, 2018), <https://www.economist.com/prospero/2018/05/25/a-german-museum-puts-the-questionable-provenance-of-its-art-on-display>; Deutsche Welle, *Berlin Exhibition Spotlights Issue of Art Looted by Nazis*, *DW NEWS* (Nov. 26, 2018), <https://www.dw.com/en/berlin-exhibition-spotlights-issue-of-art-looted-by-nazis/av-46454026>.

113. *Id.*

114. *Id.*

115. Ilaria Sala, *France is Preparing to Return African Artifacts looted in its Colonial Era*, *QUARTZ AFRICA* (July 2, 2018), <https://qz.com/africa/1317376/france-to-return-african-artifacts-from-senegal-benin-dahomey-mali-others/>.

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

3. United States

Congress enacted the Holocaust Expropriated Recovery Act of 2016¹²⁰ to prevent a statute of limitations from unfairly barring claims to Nazi-loot.¹²¹ As noted in Congress' findings, Nazis misappropriated an enormous amount of art and cultural property and, in an effort to seek relief, Holocaust victims and their heirs "must painstakingly piece together their cases from fragmentary historical records ravaged by persecution [and] war."¹²² Public policy has historically ensured that the United States would not become a safe-harbor for unlawful owners to obtain and transfer legal title to stolen cultural property.

After applying Spanish law in *Cassirer v. Thyssen-Bornemisza Collection Found*,¹²³ the Court found the Spanish museum as the legal owner of a priceless, Nazi-looted, Camille Pissarro painting. Lilly Cassirer inherited the painting and, in 1939, traded the work in exchange for safe passage from Germany. Sixty years after the initial forced sale, a family friend recognized the painting hanging in the Thyssen-Bornemisza, and the subsequent transactions involving the painting were finally brought to light. There were various accounts of the painting being bought and resold after the Cassirer family fled from Germany and, in 1976, a dealer from the United States sold the painting for \$300,000 to Baron Hans-Heinrich Thyssen-Bornemisza, who exhibited the painting in his Spanish museum. Although the judge noted the Pissarro paintings were immediately suspect due to their long histories with European Jewish collectors and Nazi looters, the Judge determined Thyssen-Bornemisza did not actually know of the painting's looted past, although there were numerous red-flags such as missing and torn provenance labels, which should have given rise to additional investigation into the painting's title. Further the judge vigorously criticized both the museum and Spain for not abiding by international moral agreements.

IV. IMPLEMENTING A CENTRALIZED ART REGISTRY

A. *Logistics and Consolidating Data Efforts*

Because of its powerful partnerships and breadth of its database, INTERPOL is the foremost international entity when it comes to regulating and tracking stolen art and cultural property. As a result, the INTERPOL

120. Holocaust Expropriated Recovery Act of 2016, Pub. L. No. 114-308, § 3 (2016), <https://www.congress.gov/114/plaws/publ308/PLAW-114publ308.pdf>.

121. *Id.*

122. *Id.* at §2[6].

123. *Cassirer v. Thyssen-Bornemisza Collection Found.*, 862 F.3d 951 (9th Cir. 2017).

Database should be expanded to host the international centralized registry for art and cultural property. Further, because a majority of private collections, museums, and educational institutions already self-regulate their collections in accord with minimum international standards, the relevant information for the central registry is already prepared and merely needs to be submitted.

B. *Incentives*

The existence of an international centralized registry would deter crimes against art and cultural property because information on the registry will easily allow law enforcement to identify objects, fill provenance gaps, and determine the circumstances under which the looting occurred. The international central registry will also serve as a supplement to litigation for good faith purchasers. As environmental and terrorist threats grow, the central registry can also serve as a conservation method.¹²⁴ Individuals, museums, and countries which submit to the international central registry in good faith should enjoy immunity and grants to assist and encourage continued registration. Demand and prices for objects on the transparent international central registry market will rise, while stifling the black market for art and cultural property.

V. CONCLUSION

The seemingly weak and underutilized, existing art and cultural property laws and best practices are strengthened when interpreted and utilized to create an international centralized registry. In the past, each time crimes were perpetrated against art and cultural property, societies renewed their efforts to shield such objects by increasing protections through art and cultural property laws. Major art-rocities were the motivating factors for adapting art and cultural property laws, shifting social morals with regard to loot and plunder, and spurred technological changes.¹²⁵ Although critics may argue an international centralized registry is too impractical to create or enforce, a

124. Neil Asher Silberman, *From Cultural Property to Cultural Data: The Multiple Dimensions of Ownership in a Global Digital Age*, 21 I.J.C.P. 365, 367 (2014) (“Destruction of cultural property will be beyond the power of the international community to stop has led to preemptive efforts by the UNESCO World Heritage Centre, a variety of university computer science departments in both eastern and western hemispheres, and private initiative such as the silicon-valley based CyArk 500 to proactively laser scan heritage and cultural properties that may someday be destroyed.”)

125. Technology manipulated the art world twofold: how crimes were being perpetrated and how information was being stored.

centralized art registry has never been more plausible since public policy demands a moral society and encourages modern technological advancements. Thus, critics' concerns are far outweighed by the incentives, solutions, and possibilities which an international centralized art registry generates. Creating and utilizing an international central registry, to the extent that current and future technology allows, will reduce art and cultural property crimes and increase the repatriation and restitution of illicit art and cultural property.