From earliest times, art and cultural property have been treated, and prized as “the spoils of war.” In just the past century, civilization has witnessed massive theft and destruction of art and cultural property during armed conflicts, ranging from the systematic looting of the artwork of entire nations by the Nazis during WWII, to the deliberate eradication of Buddhist temples and monasteries in Cambodia by the Khmer Rouge, to the recent pillaging of an entire national museum. Unfortunately, the legal efforts to protect art and cultural property during such armed conflicts have not kept pace. This section will address the recourses to the theft and smuggling of stolen art or looted antiquities, with estimated annual losses as high as $6 billion, according to the FBI Art Crime Team. Particular emphasis will be given to the problem of archaeological site looting. Among the specific topics covered are: the domestic implementation of the 1970 UNESCO Convention among market nations; the prosecution for dealing in stolen art and antiquities; and criminal forfeiture. Finally, we will discuss the particular problems faced by auction houses and purchasers. Case studies, including the looting of the Iraq Museum and of archaeological sites in Iraq, will be used throughout the course to illustrate these legal principles.

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This program provides the only opportunity in the world to study in depth the relationship between international law and art itself, as both physical and intellectual property. Its merit is that it looks to the most basic premise of all: that there can be no preservation of artistic excellence if there is no protection of art itself. While it is all well and good to speak about the production and dissemination of art, there would be no art or artists without their protection. While the program is designed primarily for law students, graduate students in other disciplines, such as art, art history, archeology, and anthropology are encouraged to attend. These students bring additional depth to the program, as their insights and perspectives come from a completely different thought process than the legal one. As can be seen from the course descriptions and faculty biographies sections, the program brings together not only international legal scholars, but also scholars with expertise in art and archeology in order to give students in the program a multi-dimensional understanding of the subject matter. This combination of students and faculty members from many different fields removes barriers from the classroom and allows for an interchange of both ideas and opportunities.

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