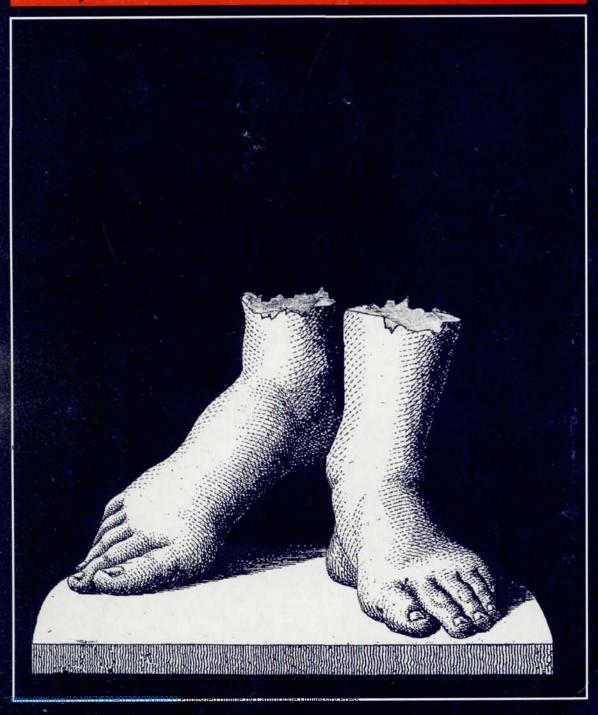
INTERNATIONAL JOURNAL OF CULTURAL PROPERTY

de Gruyter Berlin · New York

No. 2 · Vol. 2 · 1993



Editor-in-Chief

Professor Norman Palmer, Faculty of Laws, University College London, Bentham House, 4-8 Endsleigh Gardens, London WC1H OEG, UK telephone 071 380 7326, fax 071 387 9597. All articles and correspondence.

Assistant Editors

Documents:

Professor Gareth Miller, School of Law, University of East Anglia, University Plain, Norwich, NR4 7TJ, UK telephone 0603 56161, fax 0603 250245. All government and institutional reports, professional and commercial codes of practice, research and consultation papers.

Legislation:

Caroline Forder, Faculteit der Rechtsgeleerdheid, Privaatrecht, Rijkuniversiteit Limburg Postbus 616, 6200 MD Maastricht, NL telephone 31 43 88-3206/3097, fax 0340 258981

Case Notes:

Sarah Dromgoole, Faculty of Law, University of Leicester LE1 7RH, UK telephone 0533 522522, fax 0533 522200.

Treaties and EC Matters:

Joanna Goyder, European Co-Ordinator, Baker & McKenzie, Boulevard du Régent 40, 1000 Brussels, Belgium, telephone 32-2 506 3611, fax 32-2 511 6280.

Essay:

Professor Peter Vergo Department of Art History and Theory University of Essex Wivenhoe Park, Colchester, Essex CO4 3SQ, UK telephone (0206) 873002, fax (0206) 873003

Chronicles:

Sharon Costelloe, Faculty of Laws, University College London, Bentham House, 4-8 Endsleigh Gardens, London WC1H OEG, UK telephone 071 380 7326, fax 071 387 9597.

Book Reviews:

Books for review should be sent to: Brad Sherman, London School of Economics and Political Science, Department of Law, Houghton Street, London WC2A 2AE, UK telephone 071 955 7469, fax 071 955 7366.

Manager

Ben Ward, Faculty of Laws, University College London, Bentham House, 4-8 Endsleigh Gardens, London WC1H OEG, UK telephone 071 380 7326, fax 071 387 9597.

Published for the International Cultural Property Society

Professor John Henry Merryman (President) Stanford Law School, Crown Quadrangle, Stanford, California, 94305-8610, USA telephone (415) 723-2473, fax (415) 725-0253.

Publishers/Advertising/Subscription

Walter de Gruvter & Co. Postfach 30 34 21 D-10728 Berlin telephone (0)30-26005-161, fax (0)30-26005-251.

For USA, Canada and Mexico: Walter de Gruyter Inc. 200 Saw Miller River Road Hawthorne, New York 10532 telephone (914) 747-0110, fax (914) 747-1326.

Submission of Manuscripts

Manuscripts with a diversity of styles and contents are welcome. Four (4) copies, should be sent to the Editor-in-Chief. Manuscripts may be submitted in the original language for review purposes only. If a manuscript is accepted for publication it must be translated into English. Potential contributors who cannot arrange for the translation of their manuscripts should contact the Editor-in-Chief.

Reviewing of Manuscripts

Each manuscript (with author's name(s) removed) is evaluated by at least two reviewers, usually members of the Editorial Board, and authors are sent copies of the reviewers' comments together with the decision on publication. It is a condition of acceptance that manuscripts have not already appeared in print (with limited exceptions for manuscripts which have been published in certain languages other than English).

Subscriptions

Per volume of two issues DM 220, - plus postage Single copies DM 125, - plus postage

Phototypeset in Times New Roman by Arthur Collignon GmbH, Berlin, Printing by Gerike, Berlin, Binding by Mikolai, Berlin, Cover-Design by Thomas Bonnie, Hamburg. Printed in Germany

© Copyright 1993 by Walter de Gruyter & Co. Berlin · New York All rights reserved. No part of this journal may be reproduced or utilized in any form or by any means. electronic or mechanical including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publishers.

Copying in the USA Authorization to photocopy items for internal or personal use, or the internal or personal use of specific client, is granted by Walter de Gruyter & Co. · Berlin · New York for libraries and other users registered with the Copyright Clearance Center (CCC) Transactional Reporting Service, provided that the base fee of \$02.00 per copy is paid directly to CCC, 27, Congress St., Salem, MA 01970. 0940-7391/92/\$ 02.00

Title No. 3 10 900759 9 ISSN 0940-7391

CULTURAL PROPERTY

de Gruyter Berlin · New York

No. 2 · Vol. 2 · 1993

Editorial Board

Professor John Henry Merryman (USA), Chairman
Dr. Claude Daniel Ardouin (Senegal)
Professor Clemency Coggins (USA)
Richard Crewdson (England)
Professor Vassos Karageorghis (Cyprus)
Professor Pierre Lalive (Switzerland)
Professor David Lowenthal (England)

Professor Norman Palmer (England)
Dr. Patrick O'Keefe (Australia)
Professor Lyndel Prott (Australia)
Professor Stefano Rodota (Italy)
Professor Dr. Kurt Siehr
(Germany, Switzerland)
Professor Rodolfo Stavenhagen (Mexico)

Supporting Members of the International Cultural Property Society:

Julian Levy, Edward Merrin, John Henry Merryman

Others interested in supporting the Journal may do so by becoming members of the International Cultural Property Society. Full information on membership appears on the following page.

Join The International Cultural Property Society

The International Cultural Property Society, founded in 1990, supports the International Journal of Cultural Property (IJCP) and other cultural property-related activities.

The officers of the Society are: Professor John Henry Merryman (USA), President; Professors Clemency Coggins, (USA) and Stefano Rodota (Italy), Vice-Presidents; Professor Norman E. Palmer (England), Secretary; and Thomas H. Weyland (Netherlands), Treasurer.

The Society welcomes members in four categories: Members (annual dues \$150); Supporting Members (annual dues \$1,000); Sponsor Members (annual dues \$5,000); Patrons (annual dues \$10,000).

Members in all categories receive subscriptions of the Journal; the names of Supporting Members, Sponsor Members and Patrons are listed in the Journal.

You can support the Journal and the Society by returning the enrolment form on the reverse of this page.

Continued publication of the Journal is made possible by dues paid by members of the Society.

Contents

No. 2 · Vol. 2 · 1993

213 Editorial Norman Palmer

Articles

- 217 Who has a Right to Historic Wrecks and Wreckage? Sarah Dromgoole and Nicholas Gaskell
- 275 Treasure Trove and Title to Discovered Antiquities Norman E. Palmer
- 319 Attribution and the Claim to Objectivity
 John Murdoch

Essay

- 335 The Pillage of the Ancient Tombs in the Crimea Igor Emetz and Anatoly Golentzov
- 339 Chronicles

Case Notes

- 359 Bolivian Textiles in Canada Robert K. Paterson
- 371 The Case of the Treasure of L'Ange Gardien: An Overview Benoît Pelletier

Opinion

383 'Dead and Dismembered on the Nile': Extract from *The Times* Simon Jenkins

Treaties and EC Matters

387 European Community
Free Movement of
Cultural Goods and
European Community
Law
Part IV: Progress of
Legislative Proposals
Joanna Goyder

Conference Reports

393 The Penal Protection of Cultural Property: A Seminar held by the International Institute of Higher Studies in Criminal Sciences (ISISC), Siracusa (Italy), 22-26 March 1992 Marina Schneider

Book Reviews

401 Justin Lewis Art, Culture and Enterprise: The Politics of Art and the Cultural Industries Lionel Bently 408 Gerte Reichelt (ed.)
Internationaler
Kulturgüterschutz —
Wiener Symposium 18./19.
Oktober 1990
Martin Philipp Wyss

410 Frank Fechner Rechtlicher Schutz archäologischen Kulturguts [Legal Protection of Archaeological Cultural Property] Kurt Siehr

412 Simon Tait

Palaces of Discovery

Lady Mason

415 List of Contributors

417 Index

Preview

Our fifth issue will contain articles on the position of the United States in relation to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the continuing controversy over the restoration of the Barnett Newman painting 'Who's Afraid of Red, Yellow and Blue III' and the Enactment of a Post-Excavation Cultural Preservation Policy. In addition the issue will feature the normal range of Case Notes, Chronicles, Conference Reports and Documents. Legislation to be noted will include the Museums and Galleries Act (UK) 1992, and a survey of cultural protection legislation in the People's Republic of China. European developments will, as in other issues, be the subject of a special report. Contributors will include Jonathan Franklin, Caroline Forder, David Murphy, Joanna Goyder, Alan Ward and Paul Kearns.