

March 15, 2005

VIA FAX

Mr. Jay Kislak
Chair, Cultural Property Advisory Committee
301 4th Street, SW
Washington, DC 20547

Dear Chairman Kislak:

On behalf of the Association of Art Museum Directors (AAMD) and particularly the AAMD members who addressed your committee last month we thank you and the committee for your time and attention to this important subject. We understand that your deliberations continue and would like, therefore, to take this opportunity to summarize the suggestions made to the committee by members of the AAMD.

Notwithstanding the extraordinary personal and institutional relationships – some extending half a century or more -- between American museums and museum professionals and their counterparts in China, we nonetheless strongly oppose the proposed import ban for reasons clearly described in the AAMD testimonies presented to the committee. And while we recognize that the CPAC cannot dictate the organization of China's cultural protection program, we suggest that in refusing the request for import restrictions the committee share suggestions that would, taken in whole or in part, dramatically enhance China's capability to protect its archeological treasures. To that end we offer the following:

I. TRADE POLICY

A. Create A Licit Market

Before pursuing a sweeping request for import restrictions China should take a step back and spend the time necessary to create a meaningful licit market for cultural objects, one that is not only available domestically, but also to those outside China. The logical steps to creating such a market:

- 1) Establish a fair and open system of export certificates.
- 2) Identify objects of monumental value that should never leave China.
- 3) Offer greater protection to archeological sites and storehouses.
- 4) Compensate citizens for accidental finds.

B. Enhance A Licit Market

Once having determined that looting and pillage can be controlled and a licit market can exist, China would have any number of options or combinations of options available to it.

1) Japanese model is highly effective in protecting its cultural heritage and creating an art trade policy that is generous, rational and effective by allowing the export of works of high quality that are not unique or irreplaceable. In its 100-year history the system has allowed dealers and collectors to recognize potentially questionable types of objects for export from Japan, thereby adding an additional layer of protection to Japanese artifacts that should not leave the country.

2) Partage has in the past provided source countries much-needed expertise, technology, personnel, long-term relationships and financial resources to scientifically excavate archaeological sites in exchange for sharing in the finds. A similar system would work today in China.

3) Sale of multiples in a country like China would expand the country's artistic and cultural reach and provide capital to maintain and protect sites and storehouses while at the same time easing the burden of caring for endless numbers of like objects. As a statutory matter, categories of restricted material are allowed only if every object within the category is deemed to be of "cultural significance", which cannot be the case when there are, for example, 40,000 equestrian warrior figurines from the Han Dynasty that are identical or nearly so.

II. RELATIONSHIPS

The level of economic interdependence between the US and China makes it incumbent on both nations that all possible steps be taken to increase mutual understanding and appreciation of our respective artistic and cultural heritage.

A. Interaction

Increase the capability for Chinese art historians and archaeologists to establish and maintain relationships with their peers worldwide.

B. Cooperation

Reduce the excessively high loan fees that make it exceedingly difficult to impossible for American museums to arrange loans of Chinese art for US exhibitions.

C. Two-way Relationship

While the US and China have cooperated on many levels, in recent years the Chinese have made more frequent requests to American museums for exhibitions of western art to travel to China, some for long-term loans. American museums are eager and willing to share our heritage, however, for a two-way relationship to flourish and grow China must be willing to create a trade policy that opens its markets to American museums.

Mr. Chairman, although we recommend against the China request, we are steadfast in our desire for China to preserve the material from its glorious past and are eager to assist China in maintaining those objects that are part of its patrimony.

We are also pleased to offer to the committee the expertise of the AAMD membership as you continue your deliberations. Please do not hesitate to call on us if we can be of assistance.

Sincerely,

Anita M. Difanis
Director of Government Affairs