

CULTURAL PROPERTY PROTECTION IN PRIVATE INTERNATIONAL LAW / Bogdan Kryvolapov

Bogdan Kryvolapov
Associate Professor
National Taras Shevchenko
University of Kyiv,
Educational and Scientific Institute
of International Relations
Yuriiia Illienka St, 36/1,
04119 Kyiv, Ukraine.
kryvolapov@knu.ua
ORCID: 0000-0002-5933-7850

This publication is an outcome of the
'VUIAS Fellowships in Ukraine' for the
academic year 2023/2024¹.

Abstract: *The armed aggression of the Russian Federation against Ukraine has brought the issue of protecting cultural property to the forefront. Numerous documented cases of illegal exports of cultural property from Ukrainian museums located in territories occupied by the aggressor country have emerged. In addition, little is known about the number of stolen objects from private collections, which are considered cultural artifacts. There are no statistics available on this matter. This paper aims to explore the problem of applicable law during the consideration of disputes regarding the protection of cultural property. The author examines the concept of cultural property restitution in private international law and different approaches and concepts for defining "restitution" and "return" of cultural values. It has been argued that the term "return of cultural property" should encompass a wider scope, including both the restitution of illegally exported cultural property and the return of cultural property that was legally in the possession of another state but was later repatriated to the original state as a gesture of goodwill. The author offers his definitions of these terms based on theoretical research, as well as an analysis of the domestic legislation of Ukraine and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Property of June 24, 1995. The paper also delves into the issues of conflict regulation of disputes involving cultural values. Both the issues of determining the right of ownership to and the problems associated with the protection of the right of ownership of cultural property in private international law are considered. The point of view that the conflict of laws rule *lex originis* (the law of the country from whose territory the cultural property was exported) should be applied in disputes regarding the return of cultural property from someone else's illegal possession is supported. The author concludes, based on a comparative analysis of laws on private international law, about the most appropriate mechanism for protecting the property rights of a bona fide purchaser in disputes over cultural property.*

Key words: *Cultural Values; Private International Law; Restitution; Conflict of Law Rule; Law of the Property's Location; Good Faith Purchaser; Lex Originis*

Suggested citation:

Kryvolapov, B. (2024). Cultural Property Protection in Private International Law. *Bratislava Law Review*, 8(1), 171-180. <https://doi.org/10.46282/blr.2024.8.1.382>

Submitted: 09 May 2023

Accepted: 13 December 2023

Published: 07 July 2024

1. INTRODUCTION

The military aggression of the Russian Federation against Ukraine and the occupation of part of its territories have seriously raised concerns about the protection of cultural heritage. Ministry of Culture of Ukraine and UNESCO informed about the repeated illegal exports of cultural property. For example, the Mariupol City Council has reported that more than 2,000 unique exhibits, including original works by Arkhip Kuindzhi and Ivan Aivazovsky, ancient icons, a unique handwritten Torah scroll, the Gospel of 1811 made by the Venetian printing house for the Greeks of Mariupol, and more than 200 medals from the Museum of Medallion Art Harabet, were removed to Donetsk (Sauer, 2022). Furthermore, after the liberation of Kherson, it was discovered that many exhibits from the Oleksiy Shovkunenko Art Museum, including paintings by Ivan Aivazovsky, Oleksiy Shovkunenko, and Mykola Pymonenko, had been looted by Russian invaders (Lototska, 2022). The Ukrainian Prosecutor General's Office reported that invading Russian troops stole ancient Scythian gold stored in the Melitopol Museum of Local History (Barsukova, 2022).

Without a doubt, some objects illegally exported from Ukraine are certain to be found in museums across the Russian Federation. However, good faith purchasers may also acquire many cultural artifacts that were illicitly taken from Ukrainian museums and private collectors. Therefore, claims for the return of illegally exported cultural property are likely to arise in different countries, making the applicable laws on disputes regarding cultural property crucial.

Although a considerable body of research has been dedicated to the restitution of cultural property, little attention has been paid to the regulation of conflicts of law in the circulation of cultural values. Additionally, no conventions that currently contain rules on the law applicable to transactions involve cultural property.

2. RESTITUTION AS A TOOL FOR PROTECTING THE OWNERSHIP OF CULTURAL PROPERTY

One of the foremost Ukrainian scholars in this field, Professor V.I. Akulenko, defines restitution as a special form of returning property of historical, cultural, artistic, or other significance that was illegally seized and exported by a belligerent country from the territory of another belligerent state during an armed conflict or other international illegal act (Akulenko, 2013a). While it is possible to agree with Professor Akulenko's definition, it is worth noting that the concept of cultural property restitution should also extend to the return of any cultural property that has been unlawfully removed from the territory of a certain state.

In the context of discussions on cultural property restitution, Kamil Zeidler, a professor at the University of Gdansk, points out that some authors see restitution as an action leading to the return of cultural property located outside the country where the claim for restitution is being filed (Zeidler, 2016). A problem with this definition is that it is too broad and not specific.

According to D. Koval, restitution is a compensation for damage caused to the state, individuals, or legal entities of the state by an illegal act that crossed international borders, by returning cultural values seized from their rightful owners or replacing them with objects of equal value, in order to restore the situation that existed before the illegal act was committed (Koval, 2016). The concept may be original, but we believe that it is not necessary to conflate restitution as a form of liability in international public law with restitution as a means to protect the ownership of cultural property. Additionally, it is worth considering that restitution does not always involve the "removal of property from

rightful owners". For example, if an item was stolen and is still in the hands of the criminals, restitution can still be sought through legal means.

An important point to bear in mind is that there is a difference between the terms "restitution" and "return" of cultural values. While these terms share some similarities, they have different meanings, particularly about the legal status of cultural objects involved. Professor Akulenko points out that "restitution" involves the legal right of a state to demand the return of illegally exported cultural values, while in the case of "return" of cultural values, the state has only a moral right to demand their return from other states (Akulenko, 2013b). This difference has implications for the legal treatment of these objects. When cultural values are "returned", the owner state can demonstrate goodwill by returning the objects voluntarily or as part of an international agreement. In fact, one could also state that the term "return of cultural property" should encompass a wider scope, including both the restitution of illegally exported cultural property and the return of cultural property that was legally in the possession of another state but was later repatriated to the original state as a gesture of goodwill.

The UNIDROIT Convention on Stolen or Illegally Removed Cultural Property of 24 June 1995 uses both terms, but without any definitions. A logical interpretation of the convention suggests that "restitution" can be defined as the return of stolen cultural property, while "return" refers to a set of actions aimed at overcoming the negative consequences of illegal export of cultural property, such as smuggling.

It should be noted that the term "restitution of cultural values" is absent in Ukrainian legislation, but the term "return of cultural values" is provided. According to Article 1 of the Law of Ukraine "On Export, Import, and Return of Cultural Values", the term "return of cultural values" refers to a set of actions related to the import into or export from the territory of Ukraine to other states of cultural values in accordance with claims and appeals made by Ukraine, other states, or their authorised bodies, as well as decisions made by Ukrainian or foreign courts. The analysis of this term suggests that the Law in question combines doctrinal definitions of restitution with provisions for the return of cultural values. Notably, the phrase "return of cultural values" implies primarily the involvement of the state or its authorised bodies in these processes. However, we argue that this term should also include actions related to the import and export of cultural values upon appeals by legal entities and individuals.

3. ADVANTAGES AND DISADVANTAGES OF USING *LEX REI SITAE* IN DISPUTES REGARDING CULTURAL PROPERTY PROTECTION

In the modern private international law doctrine, there is no consensus regarding the law that applies to transactions involving cultural objects. Traditionally, ownership of cultural property has been determined on the basis of the law of the property's location (*lex rei sitae*). As noted by Alessandro Chechi, a researcher at the Faculty of Law at the University of Geneva, this approach is favoured for its simplicity, legal certainty, and ease of application (Chechi, 2018). Derek Fincham, a professor at the Southern College of Law (USA), has similar arguments (Fincham, 2009).

According to Professor of Union University (USA) Patricia Reyhan, the validity of transfer of ownership of movable cultural property is determined according to the law of the location of these things at the time of their transfer (Reyhan, 2001).

Ukrainian researcher B. Shuba argues that the laws governing the export and import of cultural property are public laws and should be determined by the law of the property's location (*lex rei sitae*). If cultural property is illegally moved to the territory of another state, the court of that state cannot apply the violated rules of the exporting state,

as this would involve applying foreign public rules, which is unacceptable in modern private international law (Shuba, 2017).

T. Dudenko, a Ukrainian author, also supports the use of *lex rei sitae* and suggests that property rights for cultural objects listed in a national register of cultural heritage should be governed by the law of the state in which the object is registered (Dudenko, 2017). This proposal is relevant because the Law of Ukraine "On Private International Law" (UPIL) has no separate conflict-of-law rules on cultural values.

Although the use of *lex rei sitae* is simple and straightforward, many authors highlight the potential problems that may arise, particularly for owners of stolen cultural property, especially when it involves *bona fide* acquisition (Chechi, 2018).

One of the most well-known cases in the field of cultural property disputes is *Winkworth v. Christie Manson & Woods, Ltd*, which was described by the renowned researcher John Merryman (Merryman, 2007). The case involved the theft of Japanese works of art (netsuke) from a private collection in England, which were subsequently taken to Italy and purchased by an Italian collector in good faith. The purchaser later consigned the netsuke to Christie's in London for sale. The British collector from whom the netsuke had been stolen filed a claim for their return. The High Court of Justice in London applied the *lex situs* rule and determined the title under Italian law, which held that the *bona fide* purchaser became the owner. As a result, the British court ruled in favour of the Italian collector. There have been other judicial decisions on the applicable law issues in disputes over cultural property, such as the *Winkworth* case (Fincham, 2009).

Derek Fincham argues that a potential drawback of using *lex rei sitae* is the application of a law from a different country where the object is located, which may differ from the law of the original place. This can result in a substitute title being granted to a subsequent acquirer, even if it violates the primary title obtained earlier (Fincham, 2009).

4. LEX ORIGINIS AS A NEW APPROACH TO SOLVING THE PROBLEM OF APPLICABLE LAW

In 1991, the Institute of International Law adopted the "Resolution on the International Sale of Works of Art from the Angle of the Protection of the Cultural Heritage" (also known as the Basel resolution). According to Article 2 of this resolution, the transfer of ownership of works of art that belong to the cultural heritage of the country of origin is governed by the laws of that country. Article 3 of the Basel Resolution states that the export of works of art must be governed by the law of the country of origin. As per Article 1 of this resolution, the "country of origin" of a work of art is the country to which the property is most closely connected from a cultural point of view.

Since the adoption of the Basel resolution, new concepts have emerged on the issues of law applicable to stolen or illegally exported cultural property. A well-known private international law scholar, professor at Willamette University (USA) Symeon Symeonides, proposed a model called *Lex Rei Sitae Originis* (Symeonides, 2021). Symeonides's approach can be described as follows: a person who is the owner of a cultural property under the law of the state in which the thing was located at the time of its illegal movement to another state has the right to be protected by the law of the former state (State of origin). Symeonides argued that the abovementioned method is the most logical criterion for determining the applicable law (Symeonides, 2021). This author also claims that a person who, according to the law of "place of origin", is considered the owner of a cultural value should not lose the protection and remedies that national law provides him only because the object is currently in another country (Symeonides, 2021). The

model proposed by Simeonides provides exceptions in favour of the principle of the closest connection and when it is necessary to protect the *bona fide* purchaser of the cultural property after it has been transferred to another state (Symeonides, 2021). Although this approach seems reasonable, its disadvantage is that the original owner may lose all rights to the item due to the good faith of the foreign purchaser. Therefore, the problem of the *bona fide* foreign purchaser has yet to be resolved. Simeonides's idea was supported by Derek Fincham, who emphasises that "the *lex originis* must decide the outcome of any legal action arising from the theft or seizure" of cultural property (Fincham, 2009).

Professor Patricia Rayhan has suggested a similar concept, according to which the validity and consequences of the transfer of rights to the stolen property to a *bona fide* purchaser are determined by the law of the place of residence of the original owner at the time of the theft (Reyhan, 2001). Reyhan's idea is that the law of the original owner will regulate both the validity of the transfer of ownership of cultural property and the situation of a *bona fide* purchaser. While it is possible to agree with this proposition, considering that the original owner's law offers fair compensation for the *bona fide* purchaser, what happens if the *lex originis* does not have rules for compensating the good faith purchaser?

5. PROBLEM OF A GOOD FAITH PURCHASER AND POSSIBLE SOLUTIONS

So, on the face of the problem, which Professor Reyhan calls a "chaotic palette" (Reyhan, 2001), it is on the one hand, necessary to protect the original owner of the cultural property from depriving him of any rights to cultural property due to the application of the foreign law of *bona fide* purchaser. On the other hand, it is possible that the law of original owner will not consider the interests of a *bona fide* purchaser at all.

One of the ways to solve this problem is the unification of material and conflict rules on the restitution of cultural property. On June 24, 1995, at the UNIDROIT Diplomatic Conference, the Convention on Stolen or Illegally Exported Cultural Property (UNIDROIT Convention) was signed. This convention's primary purpose is to return stolen cultural objects to their owners. The UNIDROIT Convention seems to solve the so-called "chaotic palette". First, paragraph 1 of Art. 3 of the UNIDROIT Convention clearly states that the possessor of a cultural object which has been stolen should return it. Secondly, paragraph 1 of Art. 4 provides that a *bona fide* owner has the right to expect fair and reasonable compensation if he neither knew nor ought to have reasonably known that the object was stolen. Hence, it is possible to assume that the UNIDROIT Convention provides a protection mechanism for both, the original owner of the stolen cultural property and its *bona fide* purchaser. However, there are some problems with the application of this convention. Ukraine did not sign it, while the Russian Federation still needs to ratify it (States parties, 2022). The UNIDROIT Convention was not signed by the most important market states, such as the USA, Great Britain, Germany, and Austria (States parties, 2022). France and the Netherlands did not ratify this convention (States parties, 2022). Derek Fincham sees the problem of the unpopularity of this convention in the fact that according to Art. 18, no reservations are permitted except those expressly authorised in this convention. Furthermore, many countries reacted negatively to the provision of paragraph 2 of Art. 3 UNIDROIT Convention, which provides that a cultural object which has been unlawfully excavated or lawfully excavated but unlawfully retained is considered to be stolen if this complies with the law of the state where the excavations took place (Fincham, 2009). Thus, Ukraine will not be able to use the mechanisms provided by the UNIDROIT Convention to return illegally exported and stolen cultural property.

It appears clear that the presence of conflict-of-laws rules of the same type in domestic laws of states could be a possible solution to the "chaotic palette." Positive trends in this matter have been observed and some countries have included relevant provisions in their private international law statutes. For instance, Article 70 of the Code of Private International Law of Bulgaria contains a conflict-of-law rule stating that when a cultural object belonging to the heritage of a specific state has been illegally removed from that state's territory, the request for return of the object will be governed by the law of that state, except where the state has opted for the application of the law of the state in which the object is located at the time of making the return request. Article 90 of the Belgian Law of July 16, 2004, "On the Code of Private International Law," provides a more effective conflict-of-laws rule. It states that if an item, which a state considers as being included in its cultural heritage, has left the territory of that state in a way, which is considered to be illegitimate at the time of the exportation by the law of that state, the revindication by the state is governed by the law of that state, as it is applicable at that time, or at the choice of the latter, by the law of the state on the territory of which the item is located at the time of revindication. Paragraph two of this article provides that if the law of a state that considers a thing to be part of its cultural heritage does not give any protection to a *bona fide* purchaser, the latter may seek protection under the law of the state in whose territory the thing is located at the time of vindication. Article 33 of the Law on Private International Law of Montenegro of December 23, 2013 provides a similar provision. This approach, commonly known as the "*bonae fidei* emptor clause," is widely considered the best solution to the "chaotic palette" problem. It provides a practical and effective way to resolve the issue. On the one hand, the existence of conflict-of-law rules on cultural property in some legislative acts on private international law is a positive factor. However, on the other hand, it should be noted that only a few countries have implemented such rules. Therefore, it may be concluded that the adoption of a uniform conflict-of-laws rule, based on the legislation of Belgium and Montenegro, within the framework of a specialised convention for protecting cultural property in private international law, would be the most acceptable solution to this problem.

6. CONFLICT-OF-LAWS RULES CONCERNING CULTURAL PROPERTY IN UKRAINIAN LEGISLATION

As previously mentioned, the UPIL does not include a specific conflict-of-laws provision for cultural property. Instead, Article 38 of the law provides for the general principle of *lex rei sitae* to govern issues related to the right of ownership for such objects. Ownership of cultural property that is the subject of a transaction can be determined by the law of the place where the transaction occurred (*lex loci contractus*) or by the law chosen by the parties (*lex voluntatis*), as stated in part 1 and part 2 of Art. 39 of UPIL. However, there are no conflict-of-law rules regarding the status of a *bona fide* purchaser. Nonetheless, the Law of Ukraine "On Export, Import, and Return of Cultural Values" does include a specific provision related to *bona fide* beneficiaries. According to Article 32 of the law, individuals or legal entities who were unaware, and could not have known, that cultural values were illegally exported or stolen are considered *bona fide* beneficiaries. If such beneficiaries have purchased or received cultural values illegally, they must return the objects to the rightful owner. Nevertheless, beneficiaries are entitled to compensation, as outlined in the second part of the article. The fact that the *bona fide* beneficiary has the right to compensation under this law is positive. But the problem is that this rule is not a conflict-of-laws rule.

The need to change Ukraine's legislation is indisputable. Firstly, a separate conflict-of-laws rule (*lex originis*) needs to be provided in the Law of Ukraine "On Private International Law". Secondly, this law should be provided with a conflict rule, according to which, for a cultural property that is entered into the national register of cultural heritage, it is necessary to use a point of connection - the law of the state in which the cultural property is registered as an object of cultural heritage. Thirdly, to protect the rights of a *bona fide* purchaser, the UPIL should add the *bonae fidei* emptor clause as a conflict rule.

7. CONCLUSIONS

Ukraine has been facing an unprecedented scale of aggression from the Russian Federation, making it difficult to assess the damage done to its national cultural heritage. Despite the mechanisms provided by the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict and its protocols, as well as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, these valuable artifacts have failed to be effectively safeguarded, especially during times of armed conflict. Given the current realities and emerging challenges, there is an urgent need to significantly improve the UNIDROIT Convention on Stolen or Illegally Exported Cultural Property. It is necessary to provide definitions for the terms "restitution of cultural property" and "return of cultural property" in the UNIDROIT Convention. The term "restitution of cultural values" refers to the return of movable cultural objects that have been stolen to their country of origin. The term "return of cultural values" currently encompasses a wider range of actions, including the import of cultural objects that have been illegally exported from a country's territory. However, to be more comprehensive, this term should include the concept of "restitution of cultural values". Furthermore, the term should not only be limited to claims made by state authorities but also extend to claims made by private individuals. Additionally, one could argue that the term "return of cultural property" should also encompass the repatriation of cultural property that was legally in possession of another state and was subsequently returned to the original state as a goodwill gesture.

There is no single approach to the law regarding which state's law should be applied to claims of illegally exported or stolen cultural values in modern private international law doctrine. The use of the *lex rei sitae* conflict rule is problematic because it can deprive the rightful owner of any rights to these objects due to foreign rules on good faith acquisition. Many scholars now hold the view that in disputes about the vindication of cultural property from someone else's illegal possession, the conflict-of-laws rule *lex rei sitae originis* (*lex originis*) should be applied. This rule provides that suits for the return of cultural objects that are illegally exported from the territory of a certain country and are its cultural heritage are governed by the legislation of that state. According to the author of this paper, this approach is the most appropriate to protect the ownership of cultural property.

The results of this study indicate that there is still considerable uncertainty with respect to the protection of the interests of a *bona fide* purchaser of cultural property that is a national treasure and was illegally exported. The problem is further complicated because the UNIDROIT Convention, which contains provisions on this matter, is not widely used. The most acceptable mechanism for protecting a *bona fide* purchaser may be the conflict-of-law construction *bonae fidei* emptor clause, provided by the private international law legislation of Belgium and Montenegro. This means that a good faith purchaser of cultural property can apply for protection under the law of the thing's

location at the time of vindication if the law of the state, which considers the thing part of its cultural heritage, does not provide him with any protection.

BIBLIOGRAPHY:

- Akulenko, V. (2013a). *Mizhnarodne pravo okhorony kulturnykh tsinnosti ta yoho implementatsiia u vnutrishnomu pravi Ukrainy [International law on the protection of cultural values and its implementation in the domestic law of Ukraine]*. YuSTINIAN.
- Akulenko, V. I. (2013b). "Termyny yak mezhi mizhnarodno-pravovykh poniat "restytutsiia" i «restytutsiia kulturnykh tsinnosti» [Terms as the confines of international legal concepts of "restitutio" and "restitution of cultural treasures"]. *Pratsi Tsentru pamiatkoznavstva*, (24), 284–295.
- Barsukova, O. (2022). Rosiiiany taky vkraly skifskoe zoloto – Ofis henprokurora [The Russians did steal Scythian gold - Prosecutor General's Office]. *Ukrainska Pravda*, published on 10 May 2022. Available at: <https://life.pravda.com.ua/culture/2022/05/10/248597/> (accessed on 16.04.2024).
- Chechi, A. (2018). When private international law meets cultural heritage law - problems and prospects. *Yearbook of Private International Law*, Vol. XIX - 2017/2018, 269–294, <https://doi.org/10.9785/9783504386078-014>
- Dudenko, T. (2017). *Tsyvilno-pravova okhorona prav na kulturni tsinnosti ta yikh oborozdatnist [Civil legal protection of cultural values rights and its turnover]*. Dissertation. Available at: https://dspace.nlu.edu.ua/bitstream/123456789/15367/1/Dudenko_2017.pdf (accessed on 16.04.2024).
- Fincham, D. (2009). How adopting the Lex originis rule can impede the flow of illicit cultural property. *Columbia Journal of Law and the Arts*, 32, 2008, 111–150. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1287365 (accessed on 16.04.2024).
- Koval, D. (2016). *V imia mystetstva: mizhnarodno-pravovyi kontekstualnyi analiz zakhystu kulturnykh tsinnosti u zviazku zi zbroinym konfliktom [In the name of art: an international legal contextual analysis of the protection of cultural values in connection with armed conflict]*. Feniks.
- Lototska, N. (2022). Okupanty rozghrabuvaly Khersonskiy khudozhnii muzei: vynosyly vse, shcho bachyly [The occupiers ransacked the Kherson Art Museum: they took away everything they saw]. *LB.ua*, published on 5 November 2022. Available at: https://lb.ua/culture/2022/11/05/534949_okupanti_rozgrabuvali_hersonskiy.html (accessed on 28.03.2023).
- Merryman, J. H. (2007). The good faith acquisition of stolen art. Stanford Public Law Working Paper No. 1025515, Stanford Law and Economics Olin Working Paper No. 364, <https://doi.org/10.2139/ssrn.1025515>.
- Reghan, P. Y. (2001). A chaotic palette: Conflict of laws in litigation between original owners and good-faith purchasers of stolen art. *Duke Law Journal*, 50(4), 955–1043, <https://doi.org/10.2307/1373101>.
- Sauer, P. (2022). Ukraine accuses Russian forces of seizing 2,000 artworks in Mariupol. *The Guardian*, published on 29 April 2022. Available at: <https://www.theguardian.com/world/2022/apr/29/ukraine-accuses-russian-forces-of-seizing-2000-artworks-in-mariupol> (accessed on 28.03.2023).

- Shuba, B. (2017). Zakhyst kulturnykh tsinnosti: Lex rei sitae vs. protydia nezakonnomu obihu (mizhnarodnyi dosvid) [Protection of cultural values: Lex rei sitae vs. combating illegal trafficking (international experience)]. *Akualni problemy vidchyznianoï yuryspudentsii*, 3, 215–218.
- Symeonides, S. C. (2021). A choice-of-law rule for conflicts involving stolen cultural property, *Vanderbilt Journal of Transnational Law*, 38(4), 1177-1198. Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol38/iss4/10/> (accessed on 16.04.2024).
- Zeidler, K. (2016). *Restitution of Cultural Property: Hard Case, Theory of Argumentation, Philosophy of Law*. Gdańsk: Gdańsk University Press.
- Kodeks na Mezhdunarotnoto chastno pravo ot 17 May 2005 g., No. 42. [Bulgarian Private International Code No. 42, May 4, 2005].
- Law of 16 July 2004 holding the Code of Private International Law No. 2004009511.
- Law of Ukraine on export, import and return of cultural values No. 1068-XIV
- Law of Ukraine on private international law No. 2709-IV
- UNIDROIT. (2022). States parties. *UNIDROIT*. Available at: <https://www.unidroit.org/instruments/cultural-property/1995-convention/status/> (accessed on 13.04.2023).
- The International Sale of Works of Art from the Angle of the Protection of the Cultural Heritage.
- Unidroit Convention on stolen or illegally exported cultural objects.
- Zakon o Međunarodnom Privatnom pravu. 23. decembra 2013, No. 01-1973/2 [International Private Law Act of Montenegro No. 01-1973/2, December 23, 2013].

