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An Annotated Chronological Index of People's  
Republic of China Statutory and other Materials Relating  
to Cultural Property<sup>1</sup>

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7. 6. 30      *Law on the Preservation of Ancient Objects*: (prohibiting export, archaeological excavation by foreigners, and domestic sale of objects to foreigners).
3. 7. 31      *Detailed Rules for the Implementation of the Law on the Preservation of Ancient Objects*.
24. 5. 50      *Provisional Measures Prohibiting the Exportation of Precious and Valuable Art Objects, Pictures and Books*  
*Provisional Measures Governing the Investigation and Excavation of the Sites of Ancient Cultural Ruins and Ancient Graves and Burial Grounds*: (unauthorized field research by foreigners prohibited; export of significant art and archaeological items prohibited except for exchange or exhibition purposes; provision for inspection and sealing by customs officials).
17. 11. 60     *Provisional Regulations on the Protection and Administration of the Cultural Heritage*, approved by the 105th plenary session of the State Council: (general regulations dealing with both movable and immovable property; definitions; central and localised enforcement; state ownership of unexcavated objects; ranking by cultural administration; designations; trade regulation) [presumably superseded by the comprehensive 19. 11. 82 Cultural Relics Law].
4. 3. 61      *Circular Promulgating the First Group of Key National Cultural Protection Units*, approved by the State Council: (announces 180 approved cultural relics, sites and monuments, and directs People's Committees of the respective provinces, autonomous regions and municipalities as to protection and administrative work; see also 23. 2. 82 and 13. 1. 88).
5. 8. 72      *Rules Governing the Supervision and Control of Import and Export Cargoes by the Customs of the People's Republic of China*, promulgated by the Ministry of

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- Foreign Trade: (Articles 2 and 3 deal with appraisal of cultural relics).
16. 12. 74 *Circular Concerning the Opinion on Strengthening Cultural Relics Commercial Administration and Implementing the Policy on the Protection of Cultural Relics*, promulgated by the State Council approving the *Opinion of the Ministry of Foreign Trade, the Ministry of Commerce and the State Administration for Protection of Cultural Relics* (preamble highlights abuses and breakdowns in administration; policy guidelines as to domestic and foreign trade and departmental coordination).
- \*.\*.77 *Customs Guide for Passengers*: deals with permissible, and prohibited, exports of cultural relics – ss.I.5 and IV.3.
23. 3. 78 *Provisional Customs Regulations for Supervision and Control Over the Baggage and Articles Accompanying Incoming and Outgoing Overseas Chinese and Other Passengers*, promulgated by the Ministry of Foreign Trade: s.5 deals with permissible exports of cultural relics and related procedures.
29. 6. 79 *Regulations on the Work of Provincial, Municipal and Autonomous Region Museums*, approved and promulgated by the State Cultural Relics Bureau: general guidelines for the work of, and cooperation between, the museums of different provinces, municipalities and autonomous regions.
31. 7. 79 *Circular Approving the Report Seeking Instructions on the Trial Measures on the Administration of Exports of Cultural Relics With Special Permission*, issued by the State Council approving the Report of the State Cultural Relics Administrative Bureau: attempt to establish guidelines as to selection of objects for export; administrative measures; see also 27. 2. 89.
1. 1. 80 *Criminal Law of the People's Republic of China*, adopted by the Second Session of the Fifth National People's Congress 1. 7. 79 and effective as of 1. 1. 80: generally criminalising violations of laws and regulations on the protection of cultural relics, stealing and exporting – Arts. 173, 174; see also 8. 3. 82, 27. 11. 87, 21. 1. 88, and 27. 2. 89.
30. 3. 80 *Announcement Regarding the Cracking Down on Smuggling, Speculation, and Profiteering in Imported and Exported Articles*, issued by the General Administration for Industry and Commerce and the General Administration of Customs of the People's Republic of China: Art. 2 deals with reselling cultural relics for profit.

15. 5. 80 *Circular Approving the Report Seeking Instructions on Strengthening Administrative Work Over the Protection of Ancient Buildings and Ancient Sites Containing Cultural Relics*, issued by the State Council approving the Report of the State Cultural Relics Administrative Bureau and the State Capital Construction Committee: attempts to strike a balance between the protection of cultural relics and capital construction work.
4. 6. 80 *Regulations Concerning the Retrieval of Precious Cultural Relics and Books Scattered and Lost During the Cultural Revolution*, approved and promulgated by the Central Committee of the Communist Party of China and the State Council.
15. 1. 81 *Circular Approving the Report Seeking Instructions On the Strengthening of Cultural Relics Work*, issued by the State Council approving the Report of the State Cultural Relics Administrative Bureau.
12. 10. 81 *Interim Provisions on Strengthening the Administration of Publication in Co-operation With Foreign Countries*, approved and promulgated by the State Council: deals in part with the right to reproduce likenesses of relics.
10. 11. 81 *Beijing Municipal Administrative Measures on the Protection of Cultural Relics*, adopted at the Sixteenth Meeting of the State Council of the Seventh Beijing Municipal National People's Congress on 7. 11. 81 and promulgated by Order No.143 of 1981 of the Beijing Municipal People's Government on 10. 11. 81: municipal legislation for the protection of cultural relics; deals with export, protection, administrative responsibilities, local "protective committees" to protect sites, personal donations, state ownership, criminal aspects, etc.; see also 21. 5. 82, 7. 7. 87 and 1. 12. 87.
8. 2. 82 *Circular Approving the Report Seeking Instructions on the Protection of China's Famous Historical and Cultural Cities*, issued by the State Council approving the Report of the State Capital Construction Commission: directions to the People's Governments at various levels regarding the preservation and protection of 24 selected famous historical and cultural cities; see also 8. 12. 86.
23. 2. 82 *Circular Promulgating the Second Group of Key National Cultural Protection Units*, approved and promulgated by the State Council: adds 82 sites, relics and monuments to the 4. 3. 61 list.
8. 3. 82 *Decision Concerning the Severe Punishment of Criminals Who Seriously Undermine the Economy*, adopted by the 22nd Session of the Standing Committee of the

- Fifth National People's Congress: very revealing preamble dealing with extent of abuses; the crime of stealing and exporting precious cultural relics in Art. 173 of the Criminal Law can now attract the death penalty in serious cases.
21. 5. 82 *Beijing Municipal Interim Provisions on the Administration of the Cultural Relics Market*, announced by Order 68 of 1982 of the Beijing Municipal People's Government: largely repetitive of earlier Beijing regulations dealing with private collections, state ownership of unearthened relics, sales administration and criminal aspects.
19. 11. 82 *Law of the People's Republic of China on the Protection of Cultural Relics*, adopted at the 25th Meeting of the Standing Committee of the Fifth National People's Congress and promulgated by Order No.11 of the Standing Committee of the National People's Congress: the comprehensive national cultural property law with chapters on definitions, ownership, site protection, archaeological excavations, cultural relics in the collection of cultural institutions and in private collections, export of relics, and penalty provisions.
4. 12. 82 *Constitution of the People's Republic of China*, adopted at the 5th Session of the Fifth National People's Congress: Arts. 22 and 119 deal with the protection of the cultural heritage.
15. 6. 83 *Regulations of the People's Republic of China on the Control of Gold and Silver*, promulgated by the State Council: Arts. 2 and 13 relate to cultural property aspects.
1. 1. 84 *Detailed Rules for Implementation of Regulations of the People's Republic of China on the Control of Gold and Silver*, issued by the People's Bank of China: Art.2 provides that departments of cultural relics shall not export or sell on the domestic market gold and silver purchased by them; where such export or sale is necessary, application must be made to the People's Bank of China.
31. 7. 84 *Customs Notice to Members of Tourist Groups To Hong Kong and Macau*, promulgated by the General Administration of Customs: Art.6 provides that cultural relics to be brought out shall first be verified by the Cultural Relics Administration. An "insignificant quantity of or less valuable relics" shall be released by the Customs.
1. 10. 84 *Law of the People's Republic of China on Regional National Autonomy*, adopted at the Second Session of the Sixth National People's Congress, promulgated on 31. 5. 84 and effective as of 1. 10. 84: Art. 38 provides

that the organs of self-government of national autonomous areas shall protect historical sites and cultural relics.

11. 12. 84 *Interim Provisions on the Use of Cultural Relics and Monuments in the Shooting of Feature Films for Motion Pictures and Television*, promulgated by the Ministry of Culture: restrictions placed on filming by the State, Hong Kong and foreign film companies; and see 19. 4. 85.
15. 2. 85 *Regulations of the People's Republic of China Governing Control Over Outward Cultural Relics Carried or Shipped By Passengers and Posted By Individuals*, promulgated by the General Administration of Customs: regulations enacted in accordance with Articles 27 and 28 of the 19. 11. 82 Cultural Relics Law; requirements for declarations, export certificates, etc.
19. 4. 85 *Interim Provisions on the Use of Cultural Relics and Monuments in the Filming of Motion Pictures and Television*, promulgated by the Ministry of Culture: more detailed provisions, including restrictions, application procedures, and penalties.
21. 1. 86 *Interim Provisions of the Shandong Economic and Technological Development Zone on Land Management*, promulgated by the Shandong Provincial People's Government: provincial regulations; Art. 3 deals with protection of cultural relics and historic sites.
19. 3. 86 *Mineral Resources Law of the People's Republic of China*, adopted by the 15th Session of the Standing Committee of the Sixth National People's Congress: Art. 17 deals with mining in areas where there are significant immovable historical and cultural relics.
27. 9. 86 *Hunan Provincial Regulations on the Protection of Cultural Relics*, approved at the 21st Session of the Standing Committee of the Sixth People's Congress of Hunan Province: provincial legislation largely reflecting the provisions of the 19. 11. 82 Cultural Relics Law.
1. 12. 86 *Measures for the Declaration of Articles Imported and Exported by Diplomatic Missions and Their Members in China*, promulgated by the General Administration of Customs: Arts. 3 and 4 deal expressly with cultural relics.
1. 12. 86 *Provisions on the Import and Export of Articles by Diplomatic Missions and Their Members in China*, approved 31. 10. 86 by the State Council and promulgated 1. 12. 86 by the General Administration of Customs: Art. 5.

8. 12. 86 *Circular Approving the Report Seeking Instructions on the Promulgation of the Second Group of Famous Units Located in Famous National Historical and Cultural Cities*, issued by the State Council approving the Report of the State Capital Construction Commission: a further 38 cities are approved, following the success of the 8. 2. 82 Circular.
1. 1. 87 *Regulations of the People's Republic of China on Administrative Penalties for Public Security*, adopted at the 17th Meeting of the Standing Committee of the Sixth National People's Congress, promulgated 5. 9. 86 and effective as at 1. 1. 87: lists various "acts impairing the administration of social order" including deliberately defacing and damaging cultural relics in "circumstances not serious enough for criminal punishment".
22. 1. 87 *Customs Law of the People's Republic of China*, adopted by the 19th Session of the Standing Committee of the Sixth National People's Congress: Art. 47 ff. relating to smuggling generally.
7. 3. 87 *Regulations on Land-Use Management for Foreign Investment Enterprises in Jiangsu Province*, adopted at the 24th Session of the Standing Committee of the Sixth Jiangsu Provincial People's Congress on 21. 2. 87 and promulgated by the Standing Committee of Jiangsu Provincial People's Congress on 7. 3. 87: Art. 6 provides that all cultural and historical relics on land or underground are the property of the PRC. Any relic discovered shall be properly protected and reported to the local departments in charge of cultural and historical relics.
9. 3. 87 *Circular Concerning the Levying of Relevant Taxes on Cultural Relics Shops*, issued by the State Tax Bureau: measures aimed at unifying the imposition of taxes by different tax bureaus.
26. 5. 87 *Circular on Cracking Down on Activities Involving Smuggling and Illegal Excavation for Cultural Relics*, issued by the State Council: preamble describes various abuses; guidelines for enforcement of Criminal Law and Cultural Relics Law; directive as to discoveries of underground or underwater relics; invitation to criminals to surrender relics in return for leniency.
1. 7. 87 *Detailed Rules for the Implementation of Administrative Penalties of the Customs Law of the People's Republic of China*, approved by the State Council on 30. 6. 87 and promulgated by the General Administration of Customs 1. 7. 87: supplements Customs Law, primarily with respect to penalties.

7. 7. 87 *Beijing Municipal Administrative Regulations on the Protection of Cultural Relics*, adopted at the 37th Meeting of the Standing Committee of the Eighth Beijing Municipal National People's Congress: municipal regulations implementing the 19. 11. 82 Cultural Relics Law.
27. 7. 87 *Circular on Cracking Down on Activities Involving Smuggling and Illegal Excavation for Cultural Relics*, promulgated by the Guangzhou People's Government: calls for the propagation of the State Council Circular of 26. 5. 87 and for cooperation among governments of various levels.
5. 9. 87 *Archives Law of the People's Republic of China*, adopted at the 22nd Session of the Standing Committee of the Sixth National People's Congress: Art. 12 relates to cultural relics; Arts. 16, 18 and 24 deal with sale or export of archival material.
17. 9. 87 *Provisional Regulations on Administrative Penalties for Speculation and Profiteering*, promulgated by the State Council: "reselling cultural relics" covered in Art. 3(4).
26. 9. 87 *Circular on Strictly Implementing the Archives Law*, issued by the State Archives Bureau.
24. 11. 87 *Notice on Further Strengthening of Cultural Relics Work*, promulgated by the State Council: direction to improve administrative aspects of protection efforts, rural construction works, construction of museums, etc.
27. 11. 87 *Explanation of Several Questions Concerning the Applicable Law in Handling Cases of Stealing, Illegally Recovering, Dealing in, and Smuggling Cultural Relics*, issued by the Supreme People's Court and Supreme People's Procuratorate: clarification of the applicable law relating to relics offences, and penalties.
1. 12. 87 *Beijing Municipal Administrative Regulations on the Protection Areas for the Cultural Relics, Protection Units and Construction Control Zones*, promulgated by the Beijing People's Government.
1. 1. 88 *Fujian Provincial Administrative Regulations on the Protection of Cultural Relics*, passed by the Standing Committee of the Fujian People's Congress: provincial supplement to the 19. 11. 82. Cultural Relics Law.
13. 1. 88 *Circular Promulgating the Third Group of Key National Cultural Protection Units*, approved and promulgated by the State Council: announcement of an additional 258 sites, relics and monuments, following 4. 3. 61 and 23. 2. 82.
21. 1. 88 *Supplementary Provisions Concerning the Punishment of Smuggling*, adopted at the 24th Session of the Stand-

- ing Committee of the Sixth National People's Congress: Art.2 deals with the smuggling of relics and affirms the propriety of the death penalty in severe cases.
27. 2. 89 *Measures on the Administration of Export Verification for Cultural Relics*, announced by the Cultural Department: supplements the export provisions (Arts.27 and 28) of the 19. 11. 82 Cultural Relics Law by providing verification and grading guidelines; purports to apply to relics held by "compatriots in Hong Kong, Macau, Taiwan", etc.
25. 9. 89 1970 *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, acceded to by decision of the State Council.
20. 10. 89 *Regulations of the People's Republic of China on the Administration of Protection of Underwater Cultural Relics*: provides for state ownership, duties of finders, administrative procedures, regulation of archaeological work, etc.
22. 2. 91 *Administrative Measures of the People's Republic of China on Foreign Archaeological Work*, approved and promulgated by the State Cultural Relics Bureau.
28. 3. 91 *Ningbo Municipal Administrative Provisions on the Protection of Cultural Relics*, promulgated by the Municipal People's Government: municipal supplement to the 19. 11. 82 Cultural Relics Law.
29. 6. 91 *Decision on Amendments to Articles 30 and 31 of the Cultural Relics Law of the People's Republic of China*, adopted at the 20th Meeting of the Standing Committee of the Seventh National People's Congress: generally expanding the list of offences.
29. 6. 91 *Supplementary Provisions on Punishment for the Crime of Illegally Excavating Ancient Cultural Relics or Tombs*, adopted at the 20th Meeting of the Standing Committee of the Seventh National People's Congress: sentencing guidelines.
7. 5. 92 *Detailed Rules for the Implementation of the Law of the People's Republic of China on the Protection of Cultural Relics*, promulgated by the State Cultural Relics Bureau and approved by the State Council: supplements the 19. 11. 82 Cultural Relics Law, including definitions, the work of cultural protection work units, excavations, public and private preservation, exports and offences.
1. 6. 92 *Agreement between the People's Republic of China and Japan on the Establishment of the Japan-China Environmental Protection Centre and the Dunhuang Caves Cultural Relics Protection, Research and Exhibition Centre*: assistance fund for the restoration of a



- building in the exhibition centre and for the provision of research equipment.
10. 6. 92 *Agreement between the People's Republic of China and Italy on the Establishment of the Xi'an Cultural Relics Protection and Restoration Centre*: a three-year agreement providing for a fund, cooperation with the Shaanxi Province Cultural Relics Bureau to build a cultural relics protection centre and the training of experts.
12. 7. 92 *Administrative Measures on Foreign Businesses Taking Part in the Salvage of Sunken Ships or Artifacts in China's Coastal Waters*, promulgated by the State Council: provisions applying to foreign businesses and Sino-foreign co-operative joint ventures engaging in salvage operations.
20. 11. 92 *Provisions on Travellers Entering and Leaving China and the Selection of Red or Green Channel to Pass Through Customs; Provisions on the Declaration of Articles to Customs by Travellers Entering and Leaving China; Announcement on the Simplification of Customs Procedures for Travellers Entering and Leaving China*: cultural relics must be declared and made available for inspection.
1. 3. 93 *Prohibited Import and Export Goods List and Restricted Import and Export Goods List*, promulgated by the General Administration of Customs: prohibited exports include "valuable cultural relics and other cultural relics that are prohibited from being exported"; restricted exports include "ordinary cultural relics and other export products restricted by Customs"; these lists replace those issued on 1. 11. 87.

## Note

1 This index of statutory materials is an outgrowth of a larger research project focussing on international art sales and cultural property law in the context of Hong Kong and the People's Republic of China. That research will involve, *inter alia*, an analysis of some of the main Chinese legislation reflected in this index. The index is offered here because it is thought that the extent and nature of Chinese legislative and administrative enactments relating to cultural property matters are not widely known to those researching in the cultural property field: see, for example, the rather deficient treatment in UNESCO, *The protection of movable cultural property: Compendium of legislative texts* 1984. I gratefully acknowledge the research and translation assistance provided by Miss Eva Tam Sze Nga while a student in the Post-graduate Certificate in Laws course at the Faculty of Law, University of Hong Kong and currently an LL.M. candidate at the London School of Economics.