

SOLVING OWNERSHIP ISSUES RELATED TO ANTIQUITIES AND CULTURAL ARTIFACTS

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AABC is a 501(c)3 not-for-profit consortium dedicated to creating new models of art, artifact, and cultural object ownership and stewardship. Founded by six women with broad expertise in the areas of art, technology, and the law, AABC provides a more equitable and inclusive way to align cultural heritage, cultural education, preservation, and social impact.

Recognizing the potential of new technology to assist with solutions to existing problems, AABC developed a blockchain-based shared, digital, and collaborative resource that maintains privacy while opening exciting possibilities to equitably allocate title and economic benefits of cultural objects. We aim to use this blockchain-based infrastructure to create common standards for the ownership and exhibition of cultural artifacts.

WHO OWNS CULTURE?

Debate over ownership of cultural artifacts has challenged museums, auction houses, art dealers, and collectors for decades, highlighting the need for more inclusive and ethical solutions. Over the last five years, major international attention has been focused on the return of cultural heritage objects and antiquities to their source countries. The current desire by many institutions to address objects that were taken during historical colonial periods has added urgency to the matter.



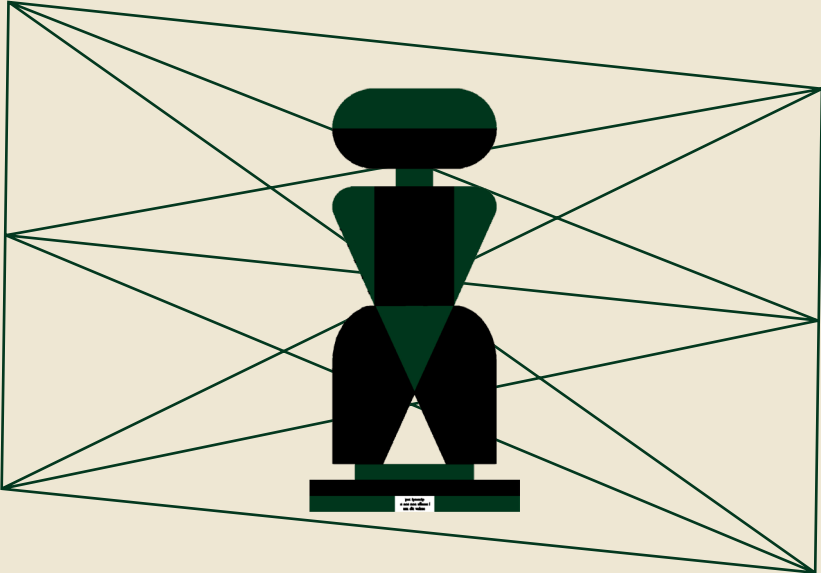
MUSEUMS



AUCTION HOUSES



SOURCE COUNTRIES/
GOVERNMENTS



COLLECTING COUNTRIES



SCHOLARS



PRIVATE COLLECTORS/
DEALERS

Repatriation cases are increasing throughout the world, resulting in frozen markets and orphaned objects. Subsequent transfers of an object with unclear provenance can be a challenge to the owner, the buyer, and other stakeholders, such as insurance companies and auction houses. An aggressive provenance policy can prevent expensive and damaging legal suits and open the market for artifacts with importance across cultures. Thus, establishing clear, universally trusted provenance of items in collections is necessary to enable museums, auction houses, and collectors to deal with colonialist history and responsibly share their collections with the world.

Indeed, within the world of cultural heritage, there are systems of collective ownership and collaborative solutions that make it possible to reimagine ownership structures for existing cultural objects (Whitaker et al. 2020). AABC was founded to facilitate new methods of ownership and assist in governing a blockchain-based platform that can disentangle ownership and facilitate revenue sharing and dynamic ownership/stewardship agreements to ensure all stakeholders participate and benefit from these objects.

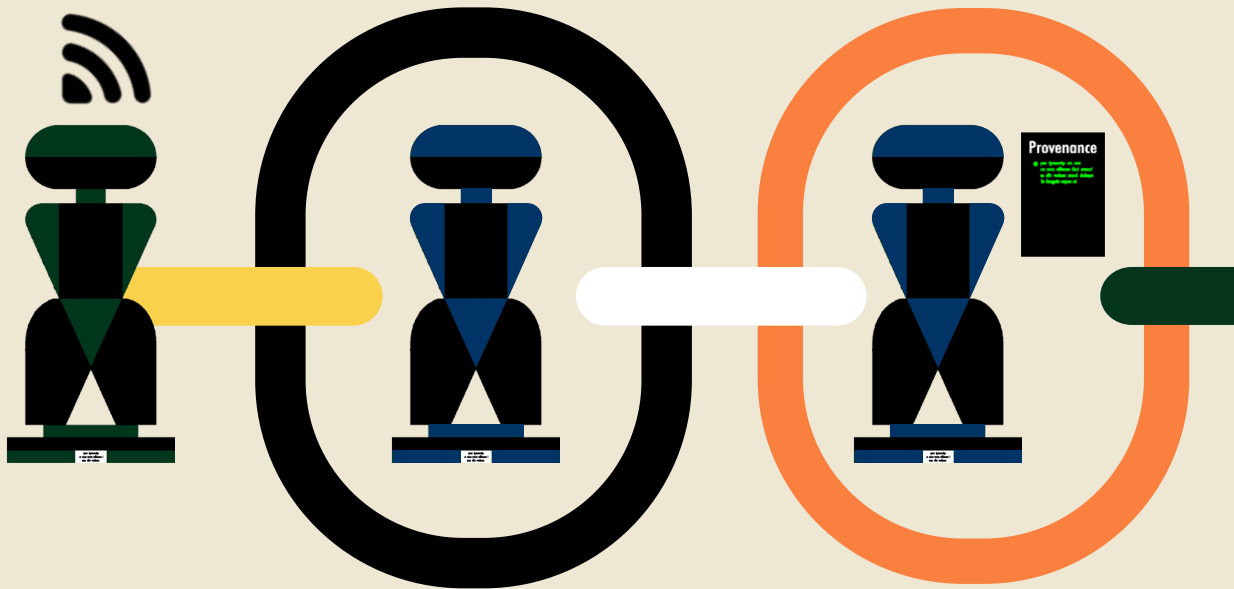
WHAT IS AABC ARTIFACT SOLUTION?

Broadly, stakeholders in the ecosystem of artifacts and cultural objects include governments in source and collecting countries, museums and their staff, private collectors, dealers, and auction houses. Nuances in these relationships depend on cultural identities stemming from heritage, ethnicity, religion, and community,

ultimately, the question of who owns culture. AABC is creating a decentralized network through blockchain to ensure all stakeholders participate in and retain a stake in the larger conversation. We are committed to fair and equitable representation and practices and setting standards and governance practices.

AABC Artifact Solution implements blockchain to consider all stakeholders when developing smart contracts to divide revenue streams. The digital ledger created aims to provide the transparency necessary to prevent legal suits and ownership disputes. The initial iteration of the platform will involve a blockchain-based registry of all the transactions that pertain to the objects on the network, as well as pertinent information about any involved stakeholders. This registry will allow for smooth transfer and confidence in the origin of cultural artifacts before their sale, donation, or transfer.

Future iterations on the project will involve technical additions to boost confidence in the registry's authenticity. These methods may include adding images and thermal imaging (with standard of digitization) of the proposed artifact to increase clarity and protect against counterfeits and bolstering profit-sharing calculation capabilities to assist in the development and execution of fractional-ownership and royalty agreements. Non-fungible tokens (NFTs) for relevant cultural objects and agreements will be minted to support certification and reliability and owned by all identified stakeholders.



PHYSICAL OBJECT

DIGITAL TWIN

SHARED STEWARDSHIP

Transparency and accountability are particularly important given the long history of colonial cultural exploitation. The unalterable and accessible nature of decentralized blockchains means that formerly marginalized stakeholders will not need to place their trust fully in institutions that have historically mishandled their cultural works.

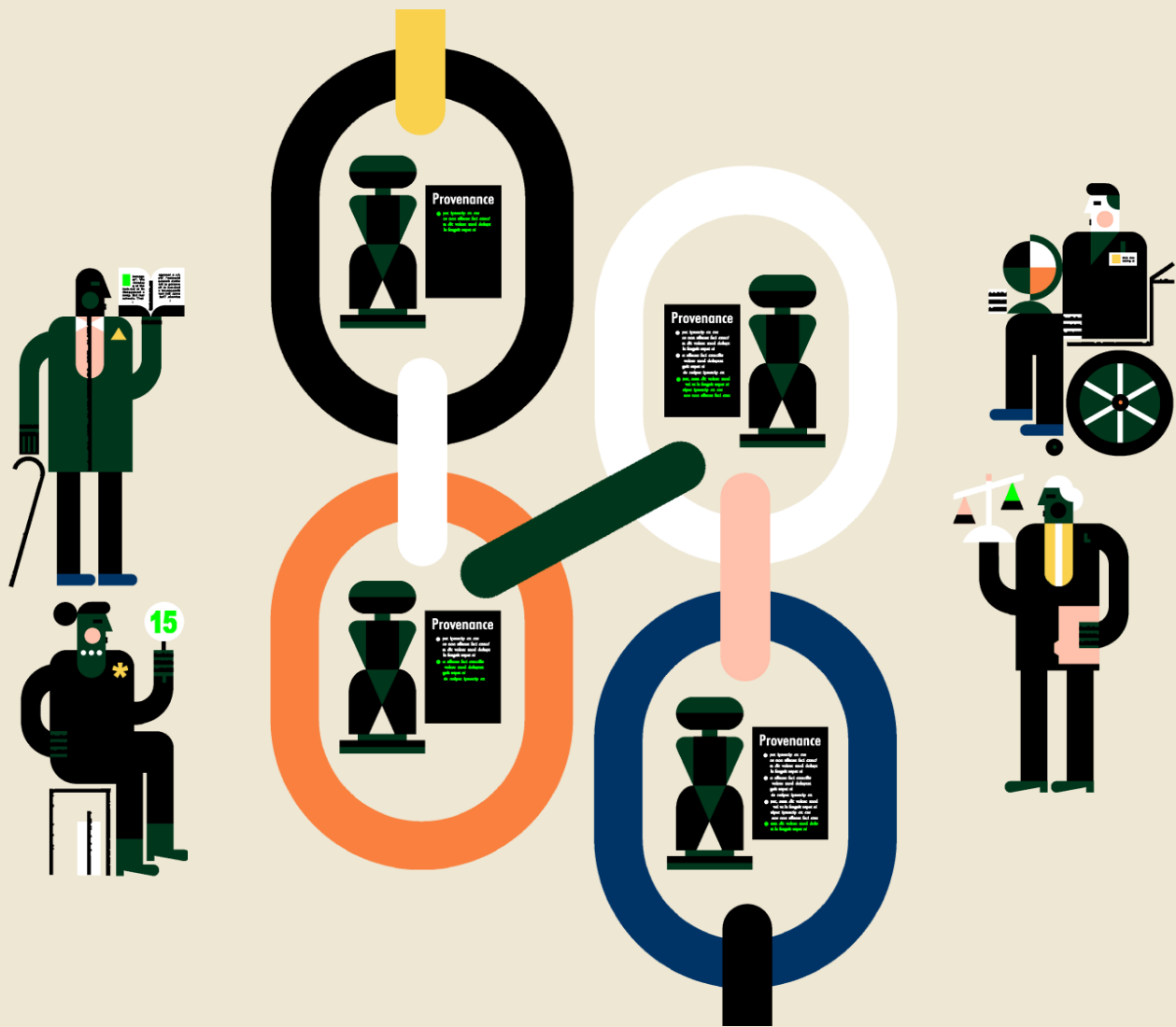
WHY BLOCKCHAIN?

We utilized blockchain technology to create a decentralized ledger that clarifies current and past ownership and documents legal transactions of various cultural objects. The principal benefit of using blockchain is that it creates a de-centralized, unalterable record that fosters trust in a relationship historically fraught with tension. Thus, through its blockchain platform AABC Artifact Solution will create the ethical standard for the

market for antiquities and cultural objects, provide neutral territory for source countries and museums, and develop new ownership models to solve complex and pressing problems in the field.

Specifically, blockchain(s) have the capacity to divide (or fractionalize) ownership structures of heritage objects, creating transparent and immutable connections to original owners and source countries and providing an innovative platform for antiquities mired in complex ownership dynamics and disputes. For our purposes, the value of the blockchain is twofold. From a philosophical perspective, the secure, transparent, and democratic storage of provenance information will encourage community solutions to traditionally adversarial and opaque provenance issues. From a practical perspective, our digital ledger will track and store data in a way that cannot be altered, enabling an unbroken evidentiary chain to enhance the value of objects and reduce risk on the part of stakeholders. This transparent supply chain will not only have complete provenance information but also will allow for fractionalized, continuous payment options for source countries and other stakeholders.

Finally, the proposed platform is designed for compatibility with existing collection management systems in use by museums. These systems represent museums' ability to manage often vast collections, and so interoperability between AABC Artifact Solution and current management systems is fundamental to the success of our blockchain-based ledger.



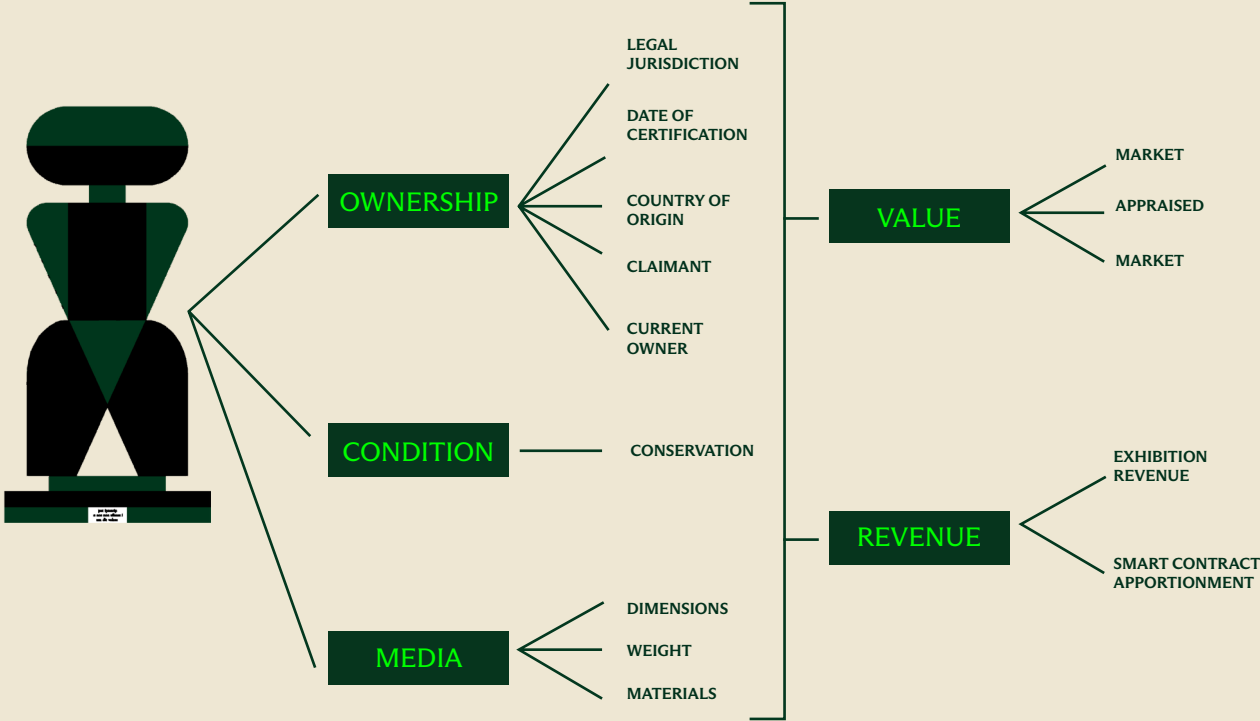
WHAT IS THE AABC REGISTRY?

AABC created an on-chain artifact management and tracking registry, an example of which is provided. Our focus is on taking real-world cultural objects, documenting, and storing their history, as well as changes to their ownership and other details. We envision this registry will be used for enforcement, equitable transparency, due diligence, long-term relationship building, and potential dispute resolution. In addition, documentation of

this information can assist in future efforts to apportion value and disbursements from revenue obtained from an object when two or more individuals have different property interests in that object (e.g., from an exhibition of a given object).

The artifacts will be governed through entry in this on-chain registry, which will store relevant information on each object. The proposed and prototyped interface stores all relevant data to the object listed below using a similar format and feature set to those used by existing collection management systems. The goal is a registry that is transparent, universally accessible and trusted by multiple, disparate stakeholders across various geographies.

TABLE 1. AABC REGISTRY



Overall, this asset registry will be the primary record of the artifacts' legal status and will include rules governing the assets' maintenance and use. The registry will be continually updated as more information is learned about a given asset.

HOW WAS THIS REGISTRY DEVELOPED?

The idea behind this project originated from a year-long interdisciplinary project initiated by AABC in partnership with Wake Forest University and its Provost's office. The culmination of the project was a blockchain track hackathon under the aegis of the University Blockchain Society. In the Hackathon's Case Study Scenario B, The Museum of Anthropology at Wake Forest University ("the Museum") hypothetically realized several objects in their collection were likely looted from an area of Western Mexico.

Upon realizing these items were of uncertain provenance the Museum proactively contacted the Mexican government. A representative of the Mexican government acknowledged the object's history but did not want to take physical custody of the items and incur the expense of caring for and displaying the items. Presumably, the Museum is interested in equitably dealing with their collection, limiting their legal liability, and preserving their access to these items. The Mexican government is interested in maintaining their ownership rights to these items while limiting maintenance costs.

Fractional ownership would allow the origin country to keep costs in check while being able to hold the museum accountable to the object (cf. Whitaker and Kräusl 2020). Allowing the object to remain in the care of the Museum means that Mexico will not have to incur the costs associated with conservation, storage and display of the object. While best practices and public relations can put some pressure on museums to follow through on legally non-binding promises, fractional ownership ensures that these promises can be enforced in a court of law. In other words, fractional ownership can give stakeholders peace of mind, knowing that their interest in the object will be respected rather than simply ceremonial.

The reality of the art and antiquities market is that fractional ownership is uncommon, even if it is easy to establish. Thus, the winning project represented a paradigm shift in thinking about using novel technologies to create equitable ownership structures in this space. After collaboration with the AABC, the winning project in this hackathon evolved to focus on the creation of a blockchain-based transactions ledger tracking the history, original ownership, and movement of art objects. This project is currently being incubated with the support of Blockchain for Social Impact under the supervision of Ravi Srinivasani.

The AABC Artifact Solution has the potential to create new revenue streams for stakeholders via exhibition ticket sales, auction sales, and museum loan fees. In the future, we envision

social impact investors being able to purchase a token in particular projects anywhere in the world.

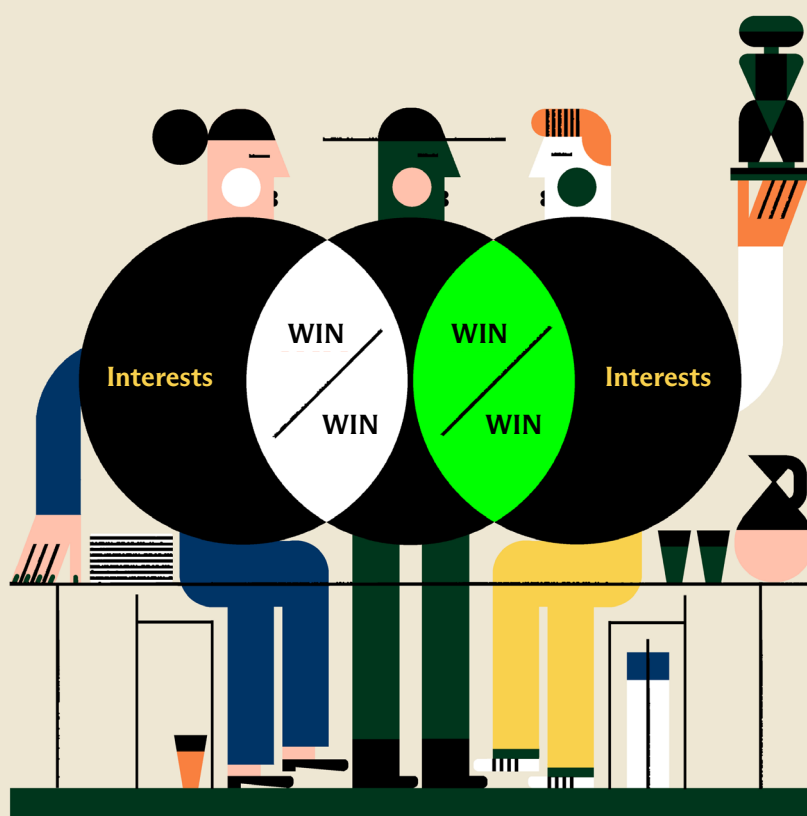
HOW DOES AABC ARTIFACT SOLUTION BENEFIT STAKEHOLDERS?

AABC Artifact Solution has significant potential to create greater transparency, equity, and value creation over time, reactivating the market for cultural artifacts and their improving management, ownership, and public display.

According to UNESCO, the estimated number of museums in the world is currently around 95 thousand, and many of these institutions house vast collections of objects with questionable provenance. Further, the sale of art and antiques generated over 64 billion U.S. dollars in 2019. These numbers demonstrate the vast scope of the problem and number of potential stakeholders who could benefit from Artifact Solution.

AABC was founded to facilitate better governance in the space of culturally significant antiquities by creating a neutral environment where these objects can be safely and legitimately recorded, without mandating certain outcomes or practices. Our overall aim is to create a transparent and confidential application that will become the “gold standard” for museums, auction houses, private collectors, and source countries to use as the basis for repatriation disputes.

By reimagining cultural heritage ownership solutions, AABC Artifact Solution ensures the integrity of cultural objects, honors everyone in the ecosystem, and builds common ground for the future of stewardship. Thus, our open source, decentralized network will set standards to empower a vast and global community of stakeholders to operate in accordance with the same protocols regarding international artifacts of significant cultural value.



References

Whitaker, A., Bracegirdle, A., De Menil, S., Gitlitz, M.A., & Saltos, L. (2020). Art, antiquities, and blockchain: New approaches to the restitution of cultural heritage. *International Journal of Cultural Policy*, 27(3): 312-329. <https://doi.org/10.1080/10286632.2020.1765163>

Whitaker, A., & Kräussl, R. (2020). Fractional equity, blockchain, and the future of creative work. *Management Science*, 66(10), 4594–4611. <https://doi.org/10.1287/mnsc.2020.3633>

For more information, see: <https://aabconsortium.org>