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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

COMMITTEE OF GOVERNMENTAL EXPERTS
ON THE INTERNATIONAL PROTECTION OF CULTURAL PROPERTY

OBSERVATIONS OF GOVERNMENTS
OF THE PRELIMINARY DRAFT UNIDROIT CONVENTION
ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS.

(Israel)

Rome, January 1992
Article 3

We suggest adding an additional paragraph to this Article, to read as follows:

(3) The time of the theft shall be determined, for the purposes of this Article, by public documents in the requesting State.

Reason: In order to allow a person to bring an action in a foreign court on the basis of a claim that an object is a stolen object, he must generally prove that he made a complaint to the local police at the time of the theft. Proof that such a complaint has been submitted ought to be only by means of public documents such as police files.

Article 8

Paragraph (2)

We suggest that the whole paragraph be deleted.

Reason: This alternative does not seem desirable. Any dispute as to the value of a cultural object or compensation to be made in respect thereof should be submitted to the decision of a competent authority, but the possessor of such object should not be allowed to transfer it to a third party, thus preventing the requesting State itself from gaining possession of an object illegally exported from its territory.