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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

ISRAEL

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.