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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
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COMMITTEE OF GOVERNMENTAL EXPERTS
ON THE INTERNATIONAL PROTECTION OF CULTURAL PROPERTY

OBSERVATIONS OF GOVERNMENTAL DELEGATIONS
ON THE PRELIMINARY DRAFT UNIDROIT CONVENTION
ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS

(Bulgaria)

Rome, September 1993

BULGARIA

CHAPTER I - SCOPE OF APPLICATION AND DEFINITION

Article 1

We would prefer in sub-paragraph b) to speak of the objects having been removed from the territory of a Contracting State contrary to law rather than to refer specifically to the law applicable to the protection of cultural objects, in order to broaden the legal criteria, and taking into consideration that sometimes no such rules of law exist.

Article 2

We consider Alternative I to be more appropriate, as far as the general definition of a cultural object would have a wider scope of application. We would be in favour of the language in square brackets "including those designated as such by each Contracting State".

CHAPTER II - RESTITUTION OF STOLEN CULTURAL OBJECTS

Article 4

We would prefer in paragraph (1) the wording "neither knew nor ought reasonably to have known", as we believe this version would motivate more strongly the potential possessors to properly check the provenance of the cultural object.

CHAPTER III - RETURN OF ILLEGALLY (EXPORTED) CULTURAL OBJECTS

Article 5

We prefer the text of Alternative II, paragraphs (1) and (3) in particular. We would suggest that paragraph 1) be adopted without the language in the square brackets.

Article 8

We are in favour to retain in (1) the general formula "contrary to law" and the language in the square brackets, "either knew nor ought (reasonably) to have known".

CHAPTER IV - CLAIMS AND ACTIONS

Article 9

Of the various alternatives prepared for this article we would prefer Alternative I, as in our opinion its provisions established wider opportunities with respect to filing of claims for restitution and return of cultural objects.

CHAPTER V - FINAL PROVISIONS

Article 10

We are in favour of the principle of non-retroactivity, i.e. we consider reasonable that the provisions of this Convention shall apply only when cultural objects have been stolen or illegally exported after the entry into force of the Convention.

We would suggest that the text of paragraph (1) should be adopted without the language in square brackets, for reasons already mentioned above.