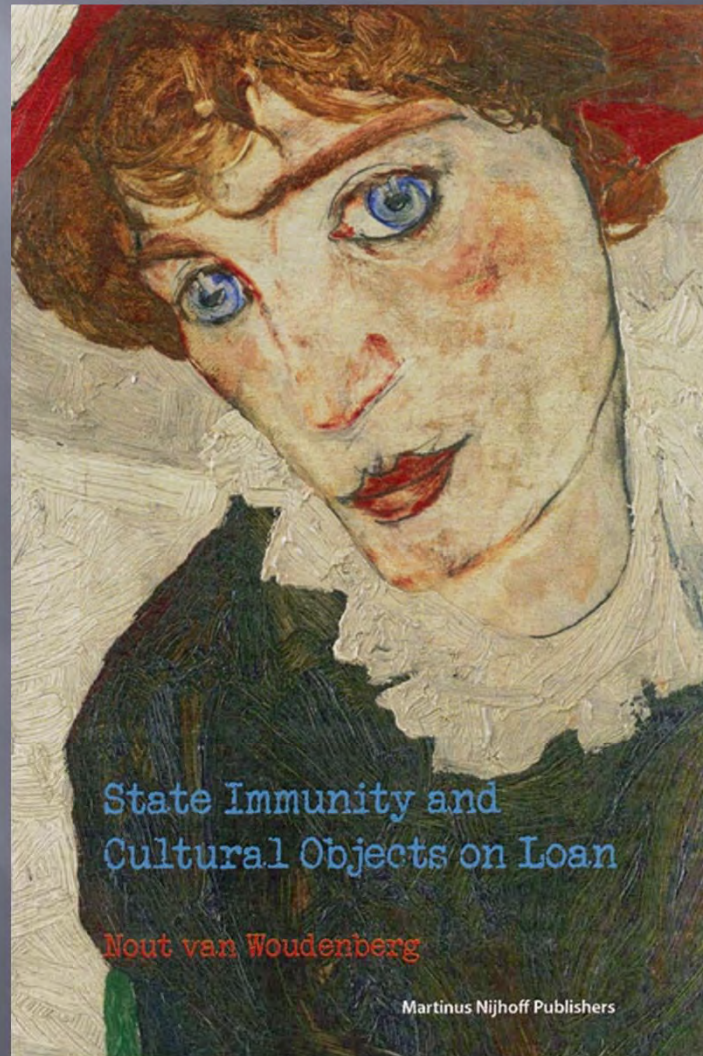


# A future convention for all cultural property on loan?



A relatively young rule of customary international law exists, stating that cultural objects belonging to foreign States and on temporary loan for an exhibition are immune from seizure.

International Law Association

Cultural Heritage Law  
Committee

## “inclusive approach”:

- Not only immunity from seizure, but also from suit
- Not only cultural objects on loan, but also cultural objects present for cultural, educational or scientific purposes
- Not only cultural State property but also privately owned property

## Fundamental purpose:

To protect the integrity of international loans and thereby encourage their role in promoting cross-cultural understanding

The convention expresses the conviction:

- that immunity from seizure can prevent cultural objects temporarily abroad for cultural, educational or scientific purposes from being subject to trade, ownership or other disputes, and
- that immunity from seizure facilitates the mobility of cultural objects and overcomes the reluctance of lenders to send their cultural objects into a foreign jurisdiction where they might be subject to some form of judicial seizures.

## Article 3:

Objects which are temporarily present in a receiving State for cultural, educational or scientific purposes shall enjoy immunity from seizure in that State

## Article 4, para. 1:

The temporary presence of the cultural objects in the receiving State for cultural, educational or scientific purposes shall not form the basis for any legal process in the receiving State



## Article 5:

Immunity from seizure or suit does not apply in cases where the receiving State is bound by conflicting obligations under international or regional law

# DUE DILIGENCE

ICOM CODE OF ETHICS

UN Secretary General  
Secretary General of UNESCO  
Hague Conference of Private  
International Law  
COJUR/EU  
CAHDI/ Council of Europe  
ICOM

THANK YOU! (END OF PART 4)

