

The Unidroit Convention on Stolen or Illegally Exported Cultural Objects

In October 1997, the Commission published its Report on the [*Unidroit Convention on Stolen or Illegally Exported Cultural Objects \(LRC 55-1997\)*](#) as part of its First Programme of Law Reform.

The Unidroit Convention on Stolen or Illegally Exported Cultural Objects aims at protecting cultural property by conferring on dispossessed owners – whether States, institutions or private individuals – the right to seek the return of objects stolen from them or illegally exported from their territories. This report examines whether Ireland should accede to the Unidroit Convention.

First the Commission looked at previous international and regional instruments and illustrated the differences between the various regimes. This review pointed up the need, notwithstanding the existence of these regimes, for an instrument which is international in character and attracts widespread support, particularly from “importing” States. It then considered the Convention text Article by Article, pointing out the areas which necessitate changes in Irish law and presenting recommendations. The particular issues raised by our law of larceny are considered in Chapter 4, where the Report focused on the adequacy of that law and on the question of whether it forms a satisfactory basis on which to pursue a claim under the Convention. The Webb decision and the National Monuments legislation are also considered, particularly in the context of ownership of material recovered from land. In Chapter 5 the Report looked at the Irish export regime and at the extent of protection afforded by it in the context of Chapter III of the Convention. The procedures available for the pursuit of a claim for return of objects to and from Ireland are considered in Chapter 6 and 7 respectively. The Commission’s conclusions on the Convention are set out in Chapter 8. A summary of the Commission’s 13 recommendations is provided in Chapter 9, number one of which is that Ireland should accede to the Convention. It also recommended that:

- Ireland should not avail itself of the option, in Article 3(5), of making a declaration that claims for return of objects forming an integral part of an identified monument or archaeological site, or belonging to a public collection shall be subject to a limitation period of 75 years or longer. Such claims should not be subject to time limitation.
- Ireland should make a declaration under Article 13(3) that in its relations with other European Community Member States, it will apply the rules of Community law rather than the Convention where the scope of these rules coincides with the scope of application of the Convention.
- Ireland should make a declaration under Article 16(1) nominating the Minister for Arts, Heritage, the Gaeltacht and the Islands as the central authority to which claims for restitution or requests for return should be submitted.

Draft Legislation in Report

Not applicable.

Information on Implementation
