

Declaration on Jurisdictional Immunities of State Owned Cultural Property

We, the undersigned,

Desirous to strengthen international cooperation in the field of culture;

Recognizing that the exchange of cultural property significantly contributes to the mutual understanding of nations;

Resolved to promote the mobility of State-owned cultural property through temporary cross-border loans for public display;

Aware of the need to reaffirm the international legal framework applicable to State-owned cultural property on public display in another State on the basis of the customary international law on State immunity, as codified in the United Nations Convention on Jurisdictional Immunities of States and Their Property of 2004 (hereinafter the "Convention");

Jointly declare the following:

In accordance with customary international law as codified in the Convention

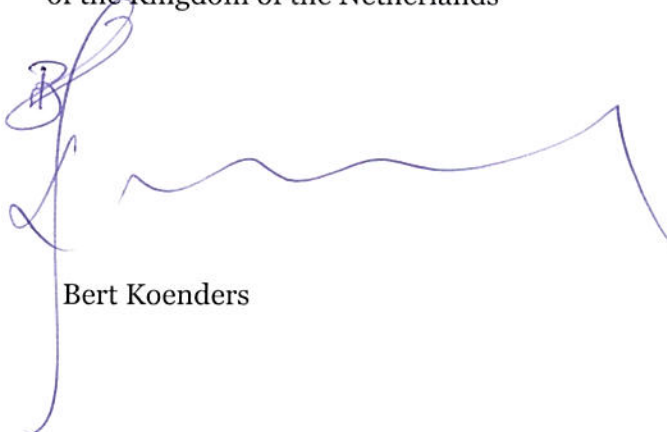
- property of a State forming part of its cultural heritage or its archives or forming part of an exhibition of objects of scientific, cultural or historical interest, and not placed or intended to be placed on sale cannot be subject to any measure of constraint, such as attachment, arrest or execution, in another State; and

- therefore, such measures of constraint can only be taken if immunity is expressly waived for a clearly specified property by the competent national authorities of the State owning the property or if the property has been allocated or earmarked by that State for the satisfaction of the claim which is the object of the proceeding concerned.

In this context, we reaffirm our commitment to the rules of customary international law on State-owned cultural property as outlined above, in relation to any dispute that may arise in connection with cross-border loans of such property intended for public display.

In witness whereof the undersigned, being duly authorised thereto, have signed the Declaration.

Minister of Foreign Affairs
of the Kingdom of the Netherlands

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a long horizontal stroke with a small peak at the end.

Bert Koenders