

EXPORTER PRATIQUE DU COMMERCE INTERNATIONAL

THESAURUS DU LANGUAGE DU COMMERCE INTERNATIONAL FORUM DU COMMERCE INTERNATIONAL, No. 3
 2009 INTERNATIONAL ART TRADE AND LAW / LE COMMERCE INTERNATIONAL DE L'ART ET LE DROIT
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THE PROGRAMME FOR THE THIRD SYMPOSIUM ON THE INTERNATIONAL ART TRADE AND LAW WAS DEVELOPED
 BY THE INSTITUTE FOR INTERNATIONAL BUSINESS LAW AND PRACTICE OF THE INTERNATIONAL CHAMBER OF
 COMMERCE AND ITS CHAIRMAN PROF PIERRE LALIVE WHO HAS ALSO PROVIDED THE PREFACE TO THIS
 VOLUME UNDER THE AUSPICES OF THE INSTITUTE A QUESTIONNAIRE WAS FORMULATED AND CIRCULATED
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CHAMBER OF COMMERCE REPORTERS FROM THIRTEEN COUNTRIES RESPONDED TO THE QUESTIONNAIRE ON THE BASIS OF THESE NATIONAL REPORTS GENERAL REPORTS WERE PREPARED AND PRESENTED AT THE SYMPOSIUM PART ONE OF THIS VOLUME INCLUDES QUESTIONNAIRE COVERING TOPICS 1 5 GENERAL INFORMATION ON A NUMBER OF COUNTRIES TAKEN FROM THE NATIONAL REPORTS PART TWO IS DIVIDED INTO FIVE SECTIONS CORRESPONDING WITH THE FIVE TOPICS ADDRESSED IN THE QUESTIONNAIRE TOPIC 1 FREEDOM OF MUSEUMS TO SELL TRADE OR OTHERWISE DISPOSE OF OBJECTS OF ART IN THEIR COLLECTION TOPIC 2 FREEDOM OF COLLECTORS TO SELL OR GIVE AWAY ALL OR PART OF THEIR COLLECTIONS TOPIC 3 RIGHTS OF ARTISTS AND THEIR HEIRS TOPIC 4 AUCTION SALES AND CONDITIONS TOPIC 5 INTERNATIONAL TEMPORARY EXHIBITIONS AND INSURANCE FOLLOWED BY CONCLUDING REMARKS BY PROF JOHN H MERRYMAN

GEORGES ABI SAAB BEGAN HIS WRITING AND TEACHING AT A TIME WHEN THE PROCESS OF DECOLONIZATION AND THEREAFTER THE QUEST FOR EMANCIPATION BEGAN TO MAKE ITS FAR REACHING IMPACT ON THE INTERNATIONAL SCENE PRODUCING SIGNIFICANT CHANGES IN THE INTERNATIONAL ENVIRONMENT BOTH QUANTITATIVELY IN INCREASING THE NUMBER OF NATION STATES AND QUALITATIVELY IN CHANGING PATTERNS OF INTERESTS AND CLAIMS THIS WAS BOUND TO RESULT IN NEW PRESSURES ON THE INTERNATIONAL LEGAL SYSTEM ITSELF AND IN A QUESTIONING OF THE TRADITIONAL EUROCENTRIC CONTENT OF INTERNATIONAL LAW IN HIS WORK AND TEACHING PROFESSOR ABI SAAB VIEWED THE DYNAMICS OF INTERNATIONAL LAW AS A FUNCTION OF TWO DRIVING FORCES THE EMERGENCE OF THE THIRD WORLD AND THE SENSE OF INJUSTICE IN HIS VIEW THE FIRST DRIVING FORCE THE EMERGENCE OF THE THIRD WORLD RAISED THE PROBLEM OF EXCLUSION EXCLUSION FROM PARTICIPATION IN THE ELABORATION OF INTERNATIONAL LAW AND THE DECISION MAKING PROCESS AND EXCLUSION AS BENEFICIARIES OF THE RESULTING RULES OF INTERNATIONAL LAW AT THE SAME TIME THIS NEW FORCE INTRODUCED DIVERSITY INTO THE INTERNATIONAL SCENE REFLECTING THE RICHNESS OF THE INTERNATIONAL COMMUNITY IN ITS DIFFERENT FACETS THIS PROCESS REMAINS RELEVANT TODAY REFLECTING THE CONTEMPORARY PROBLEM OF EXCLUSION OF NEW ACTORS AS WELL AS THEIR QUEST FOR PARTICIPATION THE SECOND DRIVING FORCE THE SENSE OF INJUSTICE POSED A TELEOLOGICAL PROBLEM FOR HIM THAT OF DEFINING COMMUNITY VALUES IN ORDER THAT THEY CAPTURE THE DIFFERENT FACETS OF JUSTICE WHETHER FORMAL OR DISTRIBUTIVE SO LONG AS THERE IS NO EFFECTIVE ORGANIC STRUCTURE INTERNATIONAL LAW IN HIS VIEW WILL CONTINUE TO REMAIN EFFECTIVENESS ORIENTED REFLECTING RATHER THAN IMPACTING ON THE STRUCTURES OF POWER NEVERTHELESS IT IS UNDENIABLE THAT THERE IS AN ON GOING PROCESS OF DEVELOPMENT OF COMMUNITY VALUES AND INTERESTS AS GEORGES ABI SAAB WROTE WITH REFERENCE TO INTERNATIONAL CRIMES LAW LIKE ALL SOCIAL PHENOMENA IS A CONTINUOUS UNFOLDING A CONTINUOUS PROCESS OF ELABORATION HE HAS ALSO CONSIDERED THAT THE DYNAMICS OF THE INTERNATIONAL LEGAL PROCESS ITSELF CAN BE CAPTURED FROM THE PERSPECTIVE OF INTERNATIONAL ORGANIZATIONS AS VEHICLES FOR CHANGE IN THE INTERNATIONAL SYSTEM FROM HIS EARLY WRITINGS GEORGES ABI SAAB APPROACHED THE UNITED NATIONS CHARTER AS A BLUEPRINT BOTH NORMATIVE AND INSTITUTIONAL FOR A CERTAIN TYPE OF INTERNATIONAL SOCIETY INTERNATIONAL INSTITUTIONS WITH ALL THEIR IMPERFECTIONS CONTINUE FOR HIM TO BE THE MEANS OF REALIZATION OF THE LAW OF COOPERATION WHICH LIES AT THE HEART OF HIS CONCEPT OF THE INTERNATIONAL SYSTEM THE THEMES SELECTED FOR THIS VOLUME IN HONOUR OF PROFESSOR GEORGES ABI SAAB ARE INTENDED TO REFLECT HIS UNIQUE AND PIONEERING CONTRIBUTION TO THE FIELD OF INTERNATIONAL LAW THE CONTRIBUTORS ARE DRAWN FROM WHAT HE HAS ALWAYS CONSIDERED TO BE HIS LARGE FAMILY OF FORMER STUDENTS IN HIS FORTY YEARS OF TEACHING GEORGES ABI SAAB HAS ACTED AS MENTOR TO GENERATIONS OF STUDENTS FROM ALL OVER THE WORLD WHO HAVE BENEFITED FROM HIS VISION INSIGHTS ORIGINALITY AND CREATIVE AND STIMULATING USE OF LANGUAGE THE CONTRIBUTORS ALSO INCLUDE COLLEAGUES AND FRIENDS WHO SHARE A SIMILAR VISION OF THE INTERNATIONAL LEGAL SYSTEM

ANYONE INVOLVED IN TRADE LAW KNOWS THE TIME CONSUMING NATURE OF OBTAINING PRIMARY SOURCE MATERIAL AND CONSULTING EACH OF THE MAIN TRADE LAWS NOW IN ITS FOURTH EDITION BASIC DOCUMENTS IN INTERNATIONAL TRADE LAW SOLVES THIS PROBLEM BY ASSEMBLING IN A SINGLE EASY TO

USE RESOURCE A VERY COMPREHENSIVE COLLECTION OF THE MOST IMPORTANT AND FREQUENTLY USED DOCUMENTS ON THE LAW OF INTERNATIONAL TRADE IN ADDITION TO ITS OBVIOUS PRACTICAL VALUE THIS WORK REVEALS MUCH ABOUT THE PROCESS OF HARMONIZATION IN INTERNATIONAL TRADE LAW AND THE OPERATION OF THE KEY INTERNATIONAL TRADE BODIES THIS MAKES THE BOOK A HELPFUL REFERENCE FOR INTERNATIONAL BUSINESS LAWYERS RESEARCHERS LEGISLATORS AND GOVERNMENT OFFICIALS IN THE FIELD SINCE THE SUCCESSFUL PUBLICATION OF THE PREVIOUS EDITIONS OF THE BOOK THE APPEARANCE OF NEW CONVENTIONS AND MODEL LAWS HAS CONSIDERABLY ENRICHED THE LAW OF INTERNATIONAL TRADE AND THE PRESENT EDITION CONTAINS A WEALTH OF NEW MATERIAL THE BOOK HAS BEEN SUBSTANTIALLY REVISED AND SEVERAL NEW INSTRUMENTS HAVE BEEN INCLUDED AMONG THE MOST SIGNIFICANTLY IMPORTANT IMPROVEMENTS TO THIS NEW EDITION ARE NEW CHAPTERS ADDED TO DIFFERENT PARTS OF THE BOOK A REDESIGNED AND THOROUGHLY REVISED PART 6 REFLECTING THE EXPANSION OF INTELLECTUAL PROPERTY RIGHTS UNDER THE FRAMEWORK OF TREATIES ADMINISTERED BY WORLD INTERNATIONAL PROPERTY ORGANIZATION AND BIBLIOGRAPHIES AND OTHER RESEARCH RESOURCES UPDATED AND ENLARGED TO INCLUDE AN EXTRAORDINARILY RICH COLLECTION OF BOOKS AND ARTICLES IN MANY TRADING LANGUAGES BESIDES ENGLISH INCLUDING FOR THE FIRST TIME MAJOR CHINESE WORKS IN THE INTERNATIONAL TRADE LAW FIELD AS THE LATE PROF CLIVE M SCHMITTHOFF COMMENTED ON THE FIRST EDITION THE BOOK IS NOT ONLY OF PRACTICAL USEFULNESS BUT HAS ALSO CONSIDERABLE JURISPRUDENTIAL VALUE AND REVEALS THE METHODOLOGY OF THE HARMONIZATION PROCESS IN THE AREA OF INTERNATIONAL TRADE LAW THE INTERNATIONAL BUSINESS LAWYER FIRST COMMENTED IN 1987 THAT THE BOOK CAN ONLY BE DESCRIBED AS A VADE MECUM FOR EVERY INTERNATIONAL BUSINESS LAWYER AN ASSESSMENT THAT NOW SEEMS MORE MERITED THAN EVER

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