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CULTURE



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Convention

on the Means of Prohibiting and Preventing the Illicit Import,
Export and Transfer of Ownership of Cultural Property

Adopted Paris, 14 November 1970

[The United Kingdom instrument of acceptance was deposited on 1 August 2002 and the
Convention entered into force for the United Kingdom on 1 November 2002]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 2003*

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CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 12 October to 14 November 1970, at its sixteenth session,

RECALLING the importance of the provisions contained in the Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference at its fourteenth session,

CONSIDERING that the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilisation of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations,

CONSIDERING that cultural property constitutes one of the basic elements of civilization and national culture, and that its true value can be appreciated only in relation to the fullest possible information regarding its origin, history and traditional setting.

CONSIDERING that it is incumbent upon every State to protect the cultural property existing within its territory against the dangers of theft, clandestine excavation and illicit export,

CONSIDERING that; to avert these dangers, it is essential for every State to become increasingly alive to the moral obligations to respect its own cultural heritage and that of all nations,

CONSIDERING that, as cultural institutions, museums, libraries and archives should ensure that their collections are built up in accordance with universally recognised moral principles,

CONSIDERING that the illicit import, export and transfer of ownership of cultural property is an obstacle to that understanding between nations which it is part of Unesco's mission to promote by recommending to interested States, international conventions to this end,

CONSIDERING that the protection of cultural heritage can be effective only if organised both nationally and internationally among States working in close co-operation,

CONSIDERING that the Unesco General Conference adopted a Recommendation to this effect in 1964,

HAVING before it further proposals on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property, a question which is on the agenda for the session as item 19,

Having decided, at its fifteenth session, that this question should be made the subject of an international convention,

Adopts this Convention on the fourteenth day of November 1970.

ARTICLE 1

For the purposes of this Convention, the term "cultural property" means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:

- (a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;

- (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;
- (c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;
- (d) elements of artistic or historical monuments or archaeological sites which have been dismembered;
- (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;
- (f) objects of ethnological interest;
- (g) property of artistic interest, such as:
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);
 - (ii) original works of statuary art and sculpture in any material;
 - (iii) original engravings, prints and lithographs;
 - (iv) original artistic assemblages and montages in any material;
- (h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary etc) singly or in collections;
- (i) postage, revenue and similar stamps, singly or in collections;
- (j) archives, including sound, photographic and cinematographic archives;
- (k) articles of furniture more than one hundred years old and old musical instruments.

ARTICLE 2

1. The States Parties to this Convention recognise that the illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the countries of origin of such property and that international co-operation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting therefrom.

2. To this end, the States Parties undertake to oppose such practices with the means at their disposal, and particularly by removing their causes, putting a stop to current practices, and by helping to make the necessary reparations.

ARTICLE 3

The import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under this Convention by the States Parties thereto, shall be illicit.

ARTICLE 4

The States Parties to this Convention recognise that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State:

- (a) Cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory;
- (b) cultural property found within the national territory;
- (c) cultural property acquired by archaeological, ethnological or natural science missions, with the consent of the competent authorities of the country of origin of such property;

- (d) cultural property which has been the subject of a freely agreed exchange;
- (e) cultural property received as a gift or purchased legally with the consent of the competent authorities of the country of origin of such property.

ARTICLE 5

To ensure the protection of their cultural property against illicit import, export and transfer of ownership, the States Parties to this Convention undertake, as appropriate for each country, to set up within their territories one or more national services, where such services do not already exist, for the protection of the cultural heritage, with a qualified staff sufficient in number for the effective carrying out of the following functions:

- (a) Contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage and particularly prevention of the illicit import, export and transfer of ownership of important cultural property;
- (b) establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage;
- (c) promoting the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops . . .) required to ensure the preservation and presentation of cultural property;
- (d) organising the supervision of archaeological excavations, ensuring the preservation “in situ” of certain cultural property, and protecting certain areas reserved for future archaeological research;
- (e) establishing, for the benefit of those concerned (curators, collectors, antique dealers, etc.) rules in conformity with the ethical principles set forth in this Convention; and taking steps to ensure the observance of those rules;
- (f) taking educational measures to stimulate and develop respect for the cultural heritage of all States, and spreading knowledge of the provisions of this Convention;
- (g) seeing that appropriate publicity is given to the disappearance of any items of cultural property.

ARTICLE 6

The States Parties to this Convention undertake:

- (a) To introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorised. The certificate should accompany all items of cultural property exported in accordance with the regulations;
- (b) to prohibit the exportation of cultural property from their territory unless accompanied by the above-mentioned export certificate;
- (c) to publicise this prohibition by appropriate means, particularly among persons likely to export or import cultural property.

ARTICLE 7

The States Parties to this Convention undertake:

- (a) To take the necessary measures, consistent with national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned. Whenever possible, to inform a State of origin Party to this Convention of an offer of such cultural property illegally removed from that State after the entry into force of this Convention in both States;

- (b) (i) to prohibit the import of cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to this Convention after the entry into force of this Convention for the States concerned, provided that such property is documented as appertaining to the inventory of that institution;
- (ii) at the request of the State Party of origin, to take appropriate steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. Requests for recovery and return shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, the documentation and other evidence necessary to establish its claim for recovery and return. The Parties shall impose no customs duties or other charges upon cultural property returned pursuant to this Article. All expenses incident to the return and delivery of the cultural property shall be borne by the requesting Party.

ARTICLE 8

The States Parties to this Convention undertake to impose penalties or administrative sanctions on any person responsible for infringing the prohibitions referred to under Articles 6(b) and 7(b) above.

ARTICLE 9

Any State Party to this Convention whose cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials may call upon other States Parties who are affected. The States Parties to this Convention undertake, in these circumstances, to participate in a concerted international effort to determine and to carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific materials concerned. Pending agreement each State concerned shall take provisional measures to the extent feasible to prevent irremediable injury to the cultural heritage of the requesting State.

ARTICLE 10

The States Parties to this Convention undertake:

- (a) To restrict by education, information and vigilance, movement of cultural property illegally removed from any State Party to this Convention and, as appropriate for each country, oblige antique dealers, subject to penal or administrative sanctions, to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject;
- (b) to endeavour by educational means to create and develop in the public mind a realisation of the value of cultural property and the threat to the cultural heritage created by theft, clandestine excavations and illicit exports.

ARTICLE 11

The export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power shall be regarded as illicit.

ARTICLE 12

The States Parties to this Convention shall respect the cultural heritage within the territories for the international relations of which they are responsible, and shall take all appropriate measures to prohibit and prevent the illicit import, export and transfer of ownership of cultural property in such territories.

ARTICLE 13

The States Parties to this Convention also undertake, consistent with the laws of each State:

- (a) to prevent by all appropriate means transfers of ownership of cultural property likely to promote the illicit import or export of such property;
- (b) to ensure that their competent services co-operate in facilitating the earliest possible restitution of illicitly exported cultural property to its rightful owner;
- (c) to admit actions for recovery of lost or stolen items of cultural property brought by or on behalf of the rightful owners;
- (d) to recognise the indefeasible right of each State Party to this Convention to classify and declare certain cultural property as inalienable which should therefore *ipso facto* not be exported, and to facilitate recovery of such property by the State concerned in cases where it has been exported.

ARTICLE 14

In order to prevent illicit export and to meet the obligations arising from the implementation of this Convention, each State Party to the Convention should, as far as it is able, provide the national services responsible for the protection of its cultural heritage with an adequate budget and, if necessary, should set up a fund for this purpose.

ARTICLE 15

Nothing in this Convention shall prevent States Parties thereto from concluding special agreements among themselves or from continuing to implement agreements already concluded regarding the restitution of cultural property removed, whatever the reason, from its territory of origin, before the entry into force of this Convention for the States concerned.

ARTICLE 16

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

ARTICLE 17

1. The States Parties to this Convention may call on the technical assistance of the United Nations Educational, Scientific and Cultural Organization, particularly as regards:

- (a) information and education;
- (b) consultation and expert advice;
- (c) co-ordination and good offices.

2. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative conduct research and publish studies on matters relevant to the illicit movement of cultural property.

3. To this end, the United Nations Educational, Scientific and Cultural Organization may also call on the co-operation of any competent non-governmental organization.

4. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative, make proposals to States Parties to this Convention for its implementation.

5. At the request of at least two States Parties to this Convention which are engaged in a dispute over its implementation, Unesco may extend its good offices to reach a settlement between them.

ARTICLE 18

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

ARTICLE 19

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 20

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited to accede to it by the Executive Board of the Organization.

2. Accession shall be effective by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 21

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

ARTICLE 22

The States Parties to this Convention recognise that the Convention is applicable not only to their metropolitan territories but also to all territories for the international relations of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and Cultural Organization of the territories to which it is applied, the notification to take effect three months after the date of its receipt.

ARTICLE 23

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

ARTICLE 24

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 20, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 19 and 20, and of the notifications and denunciations provided for in Articles 22 and 23 respectively.

ARTICLE 25

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.
2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

ARTICLE 26

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris this seventeenth day of November 1970, in two authentic copies bearing the signature of the President of the sixteenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 19 and 20 as well as to the United Nations.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Albania	Ratification	13 Jun 2002	13 Sep 2002
Algeria	Ratification	24 Jun 1974	24 Sep 1974
Angola	Ratification	7 Nov 1991	7 Jan 1992
Argentina	Ratification	11 Jan 1973	11 Apr 1973
Armenia	Succession ¹	5 Sep 1993	
Australia	Acceptance	30 Oct 1989	30 Jan 1990
Azerbaijan	Ratification	25 Aug 1999	25 Nov 1999
Bahamas	Ratification	9 Oct 1997	9 Jan 1998
Bangladesh	Ratification	9 Dec 1987	9 Mar 1988
Barbados	Acceptance	10 Apr 2002	10 Jul 2002
Belarus	Ratification	28 Apr 1988	28 Jul 1988
Belize	Ratification	26 Jan 1990	26 Apr 1990
Bolivia	Ratification	4 Oct 1976	4 Jan 1977
Bosnia and Herzegovina	Succession ²	12 Jul 1993	
Brazil	Ratification	16 Feb 1973	16 May 1973
Bulgaria	Ratification ⁵	15 Sep 1971	24 Apr 1972
Burkina Faso	Ratification	7 Apr 1987	7 Jul 1987
Cambodia	Ratification	26 Sep 1972	26 Dec 1972
Cameroon	Ratification	24 May 1972	24 Aug 1972
Canada	Acceptance	28 Mar 1978	28 Jun 1978
Central African Republic	Ratification	1 Feb 1972	1 May 1972
China	Acceptance	28 Nov 1989	28 Feb 1990
Colombia	Accession	24 May 1988	24 Aug 1988
Costa Rica	Ratification	6 Mar 1996	6 Jun 1996
Cote D'Ivoire	Ratification	30 Oct 1990	30 Jan 1991
Croatia	Succession ²	6 Jul 1992	
Cuba	Ratification	30 Jan 1980	30 Apr 1980
Cyprus	Ratification	19 Oct 1979	19 Jan 1980
Czech Republic	Succession ³	26 Mar 1993	
Democratic Republic of Congo	Ratification	23 Sept 1974	23 Dec 1974
Dominican Republic	Ratification	7 Mar 1973	7 June 1973
Ecuador	Acceptance ⁵	24 Mar 1971	24 Apr 1972
Egypt	Acceptance	5 Apr 1973	5 Jul 1973
El Salvador	Ratification	2 Feb 1978	20 May 1978
Estonia	Ratification	27 Oct 1995	27 Jan 1996
Finland	Ratification	14 Jun 1999	14 Sept 1999
France	Ratification	7 Jan 1997	7 Apr 1997
Georgia	Succession ¹	4 Nov 1992	
Greece	Ratification	5 Jun 1981	5 Sept 1981
Grenada	Acceptance	10 Sept 1992	10 Dec 1992
Guatemala	Ratification	14 Jan 1985	14 Apr 1985
Guinea	Acceptance	18 Mar 1979	18 Jun 1979
Honduras	Ratification	19 Mar 1979	19 Jun 1979
Hungary	Ratification	23 Oct 1978	23 Jan 1979
India	Ratification	24 Jan 1977	24 Apr 1977
Iran	Acceptance	27 Jan 1975	27 Apr 1975
Iraq	Acceptance	12 Feb 1973	12 May 1973
Italy	Ratification	2 Oct 1978	2 Jan 1979
Jordan	Ratification	15 March 1974	16 Jun 1974
Korea Democratic People's Republic of	Ratification	13 May 1983	13 Aug 1983
Korea Republic of	Acceptance	14 Feb 1983	14 May 1983
Kuwait	Acceptance	22 Jun 1972	22 Sept 1972
Kyrgyzstan	Accession	3 July 1995	3 Oct 1995
Lebanon	Ratification	25 Aug 1992	25 Nov 1992
Libya	Ratification	9 Jan 1973	9 Apr 1973
Lithuania	Ratification	27 Jul 1998	27 Oct 1998
Macedonia The Fyr of	Succession ²	30 Apr 1997	
Madagascar	Ratification	21 Jun 1989	21 Sept 1989

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Mali	Ratification	6 Apr 1987	6 Jul 1987
Mauritania	Ratification	27 Apr 1977	27 Jul 1977
Mauritius	Acceptance	27 Feb 1978	27 May 1978
Mexico	Acceptance	4 Oct 1972	4 Jan 1973
Mongolia	Acceptance	23 May 1991	23 Aug 1991
Nepal	Ratification	23 Jun 1976	23 Sept 1976
Nicaragua	Ratification	19 Apr 1977	19 Jul 1977
Niger	Ratification	16 Oct 1972	16 Jan 1973
Nigeria	Ratification	24 Jan 1972	24 Apr 1972
Oman	Acceptance	2 Jun 1978	2 Sept 1978
Pakistan	Ratification	30 Apr 1981	30 Jul 1981
Panama	Acceptance	13 Aug 1973	13 Nov 1973
Peru	Acceptance	24 Oct 1979	24 Jan 1980
Poland	Ratification	31 Jan 1974	30 Apr 1974
Portugal	Ratification	9 Dec 1985	9 Mar 1986
Qatar	Acceptance	20 Apr 1977	20 Jul 1977
Romania	Ratification	6 Dec 1993	6 Mar 1994
Russian Federation	Ratification ⁴	28 Apr 1988	28 Jul 1988
Rwanda	Ratification	25 Sept 2001	25 Dec 2001
Saudi Arabia	Acceptance	8 Sept 1976	8 Dec 1976
Senegal	Ratification	9 Dec 1984	9 Mar 1985
Slovakia	Succession ³	31 Mar 1993	
Slovenia	Succession ²	5 Nov 1992	
Spain	Ratification	10 Jan 1986	10 Apr 1986
Sri Lanka	Acceptance	7 Apr 1981	7 Jul 1981
Syria	Acceptance	21 Feb 1975	21 May 1975
Tajikistan	Succession ¹	28 Aug 1992	
Tanzania	Ratification	2 Aug 1977	2 Nov 1977
Tunisia	Acceptance	10 Mar 1975	10 Jun 1975
Turkey	Ratification	21 Apr 1981	21 Jul 1981
Ukraine	Ratification	28 Apr 1988	28 Jul 1988
United Kingdom	Acceptance	31 Jul 2002	1 Nov 2002
	Declaration ⁶	1 Aug 2002	
United States of America	Acceptance	2 Sept 1983	2 Dec 1983
Uruguay	Ratification	9 Aug 1977	9 Nov 1977
Uzbekistan	Ratification	15 Mar 1996	15 Jun 1996
Yugoslavia	Ratification	3 Oct 1972	
Yugoslavia, Federal Republic of	Succession	11 Sept 2001	27 Apr 1992
Zambia	Ratification	21 Jun 1985	21 Sept 1985

Notes

1. This State lodged a notification of succession at the mentioned date, by which it stated that it was bound by the Convention that the USSR ratified on 28 April 1988.
2. This State lodged a notification of succession at the mentioned date, by which it stated that it was bound by the Convention which the Socialist Federal Republic of Yugoslavia ratified on 3 October 1972.
3. This State lodged a notification of succession at the mentioned date, by which it stated that it was bound by the Convention which Czechoslovakia accepted on 14 February 1977.
4. The instrument of ratification was deposited by the USSR on 28 April 1988. The Director-General has been informed that the Russian Federation would continue the participation of the USSR in UNESCO conventions.
5. In conformity with the procedure set forth in the Convention, this agreement entered into force, for the first three States, three months after the deposit of ratification by the third State, Nigeria.
6. "(a) the United Kingdom interprets the term "cultural property" as confined to those objects listed in the Annex to Council Regulation (EEC) No 3911/1992 of 9 December 1992, as amended, on the export of cultural goods and in the Annex to Council Directive 1993/7/EEC of 15 March 1993, as amended, on the return of cultural objects unlawfully removed from the territory of a Member State;

- (b) As between EC member states, the United Kingdom shall apply the relevant EC legislation to the extent that that legislation covers matters to which the Convention applies; and
- (c) the United Kingdom interprets Article 7(b)(ii) to the effect that it may continue to apply its existing rules on limitation to claims made under this Article for the recovery and return of cultural objects.” [original: English]

For current information about this Convention see the UNESCO internet site at http://www.unesco.org/culture/laws/1970/html__eng/page3.shtml

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