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ภาคผนวก

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

(PARIS, 14 NOVEMBER 1970)

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 civilization 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 recognized 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 organized 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 interests;
- (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 interests;
- (g) property of artistic interests, such as:
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial desings and manufactured articles decorated by hand);
 - (ii) original works of statuary art and sculpture in any material;
 - (iii) original engravings, prints and lithographs; original artistic assemblages and montages in any material;
- (h) rare manuscripts and incunabula, old books, documents and publications of special interests (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 recognize 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 recognize 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 the 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 or 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 territories one or more national sevices, 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 cultrual 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 of the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops...) required to ensure the preservation and presentation of cultural property;
- (d) organizing the supervision of archaeological excavations, ensuring the preservation "in situ" of certain cultural property, and protecting certain areas researched for future archaeological research;
- (e) establishing, for the benefit of those concerned (curators, collectors, antiques 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 authorized. 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 publicize this prohibition by appropriate means, particularly among persons likely to export or import 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 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 changes 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 the Convention undertake to impose penalties or administrative sanctions on any person responsible for infringing the prohibitions referred to under articles 6 (b) and (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 any State Party to this Convention and, as appropriate for each

item of cultural property, names and addressed 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 realization 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 directy 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 illcit 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 recognize the indefeasible right to each State Party to this Convention to classify and delare certain cultural property as inalienable which should therefore ipso facto not be exported, and a 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 culturla 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 hereto 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 Sates 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 National 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.

- This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scienfitic and Cultural Organization in accordance with their respective Constitutional procedures.
- 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.
- Accession shall be effected 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 recognize 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.

- 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.
- The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations
 Educational, Scientific and Cultural Organization.
- The denunciation shall take effect tweleve 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.

- 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 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 cultural Organization, and certified true copies of which shall be delivered to all the Stated referred to in Articles 19 and 20 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its sixteenth session, which was in paris and declared close the fourteenth day of November 1970. The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its sixteenth session, which was in Paris and declared close the fourteenth day of November 1970.

IN FAITH WHEREOF we have appended our signatures this seventeenth day of November 1970.

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

(PARIS, 14 NOVEMBER 1970)

List of States Having deposited an instrument of ratification, acceptance or accession as at 31 December 1987

States	Date of Deposit of Ratification (R)	Date of Entry
	Acceptance (Ac)	Into Force
	or Accession (A)	
Algeria	24. 6.1974(R)	24. 9.1974
Argentina	11. 1.1973(R)	11. 4.1973
Bangladest	9.12.1987(R)	9. 3.1988
Bolivia	4.10.1976(R)	4. 1.1977
Brazil	16. 2.1973(R)	16. 5.1973
Bulgaria	15. 9.1971(R)	24. 4.1972
Burkina Faso	7. 4.1987(R)	7. 7.1987
Cameroon	24. 5.1972(R)	24. 8.1972
Canada	28. 3.1978(Ac)	28. 6.1978
Central African Republic	1. 2.1972(R)	1. 5.1972
Cuba	30. 1.1980(R)	30. 4.1980
Cyprus	19.10.1979(R)	19. 1.1980
Czechoslovakia	14. 2.1977(Ac)	14. 5.1977
Democratic Kampuchea	26. 9.1972(R)	26.12.1972
Democratic People's Republic of Korea	13. 5.1983(R)	13. 8.1983
Dominican Republic	7. 3.1973(R)	7. 6.1973
Ecuador	24. 3.1971(Ac)	24. 4.1972
Egypt	5. 4.1973(Ac)	5. 7.1973
El Salvador	20. 2.1978(R)	20. 5.1978
German Democratic Republic	16. 1.1974(Ac)	16. 4.1974
Greece	5. 6.1981(R)	5. 9.1981
Guatemala	14. 1.1985(R)	14. 4.1985
Guinea	18. 3.1979(R)	18. 6.1979
Honduras	19. 3.1979(R)	19. 6.1979
Hungary	23.10.1978(R)	23. 1.1979
India	24. 1.1977(R)	24. 4.1977
Iran	27. 1.1975(Ac)	27. 4.1975
Irag	12. 2.1973(Ac)	12. 5.1973
Italy	2.10.1978(R)	2. 1.1979
Jordan	15. 3.1974(R)	15. 6.1974
Kuwait	22. 6.1972(Ac)	22. 9.1972
Libyan Arab Jamahiriya	9. 1.1973(R)	9. 4.1973
Mali	6. 4.1987(R)	6. 7.1987

States	Date of Deposit of Ratification (R) Acceptance (Ac)	Date of Entry Into Force
	or Accession (A)	
Mauritania	27. 4.1977(R)	27. 7.1977
Mauritius	27. 2.1978(Ac)	27. 5.1978
Mexico	4.10.1972(Ac)	4. 1.1973
Nepal	23. 6.1976(R)	23. 9.1976
Nicaragua	19. 4.1977(R)	19. 7.1977
Niger	16.10.1972(R)	16. 1.1973
Nigeria	24. 1.1972(R)	24. 4.1972
Oman	2. 6.1978(Ac)	2. 9.1978
Pakistan	30. 4.1981(R)	30. 7.1981
Panama	13. 8.1973(Ac)	13.11.1973
Peru	24.10.1979(Ac)	24. 1.1980
Poland	31. 1.1974(R)	30. 4.1974
Portugal Portugal	9.12.1985(R)	9. 3.1986
Qatar	20. 4.1977(Ac)	20. 7.1977
Republic of Korea	14. 2.1983(Ac)	14. 5.1983
Saudi Arabia	8. 9.1976(Ac)	8.12.1976
Senegal Senegal	9.12.1984(R)	9. 3.1985
Spain	10. 1.1986(R)	10. 4.1986
Sri Lanka	7. 4.1981(Ac)	7. 7.1981
Syrian Arab Republic	21. 2.1975(Ac)	21. 5.1975
Tunisia	10. 3.1975(R)	10. 6.1975
Turkey	21. 4.1981(R)	21. 7.1981
United Republic of Tanzania	2. 8.1977(R)	2.11.1977
United States of America	2. 9.1983(Ac)	2.12.1983
Uruguay	9. 8.1977(R)	9.11.1977
Yugoslavia	3.10.1972(R)	3. 1.1973
Zaire	23. 9.1974(R)	23.12.1974
Zambia	21. 6.1985(R)	21. 9.1985

ประวัติผู้ เขียน

นายนิก สุนทรธัย เกิดเมื่อวันที่ 2 กันยายน พ.ศ. 2503 จบการศึกษาชั้นมัธยม ศึกษาตอนปลาย จากโรงเรียนเตรียมอุดมศึกษา ในแผนกศิลป (ฝรั่งเศส) และได้เข้าศึกษาต่อ ในคณะนิติศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย ได้รับพระราชทานปริญญานิติศาสตร์บัณฑิต เมื่อปี การศึกษา 2525 ปัจจุบันเป็นบุคลากร ในตำแหน่งเจ้าหน้าที่บริหารงานทั่วไป สังกัดศูนย์ ส่งเสริมวัฒนธรรม จุฬาลงกรณ์มหาวิทยาลัย

