Handbook of national regulations concerning the export of cultural property

Prepared for Unesco by

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Reader in International Law
and Jurisprudence
University of Sydney

and

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

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in Australia (1980).
This handbook has been prepared in response to the need expressed for a quick reference guide on rules governing the export of cultural property. It is designed to provide indications to customs officials, museum curators, art and antique dealers and private collectors of works of art, antiques and archaeological objects, as well as others concerned with the movement and acquisition of cultural property, on the objects which are subject to export control under national laws and on the type of export control exercised at the national level, in order to enlist their help in stemming the illicit international movement of cultural property.

Thefts of works of art and antiques are on the increase and archaeological sites throughout the world continue to be plundered. Nations have passed laws to protect their cultural heritage but most of the looted objects travel abroad where these laws are ineffective. The cooperation of all those who deal in, acquire or handle in any other way cultural objects is therefore essential if theft, looting and smuggling is to be stopped.

Unesco's main concern in this field is to build up cooperation between countries and it adopted for this purpose in 1970 an international convention called the "Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property", to which, as at 30 June 1988, 65 States are parties. To encourage wider cooperation between members of the international community for the protection of the cultural heritage of nations, Unesco seeks to circulate as widely as possible information on protective action taken by countries, including the protection given by law to the cultural heritage. By drawing attention to the value attached by a country to those objects which form its cultural heritage, it is hoped to contribute towards developing awareness of the value of the cultural heritage of other peoples and the realization of the need to protect it, and of the contribution all those who are in any way concerned with the movement or acquisition of cultural property can make to help protect it against the threats created by theft, clandestine excavations and illicit export.
This handbook contains only summaries of the provisions of national laws and regulations concerning the export of cultural properties which are by no means exhaustive. For further information, the full legislative text should be consulted. Unesco, as well as the authors have extensive collections of national laws and regulations, often in English translation, and would be ready to provide copies of available texts.
DISCLAIMER

The information included in this booklet is considered to be reliable at the date of publication but is not guaranteed accurate and neither Unesco nor the authors are liable for any damage to any person acting on it. Persons undertaking legal obligations in relation to cultural property subject to export control should at all times consult the full text of the relevant legislation, and, where necessary, legal experts of that country on the interpretation of the legislation and case-law which is relevant.
INTRODUCTION

How to use this Handbook

This Handbook is designed as a quick reference to export laws relating to cultural property around the world and is part of Unesco's continuing effort to publicize the legal protection of cultural property by countries seeking to preserve the cultural heritage from clandestine excavation, theft and despoliation. Because the aim of the Handbook is simplicity, technical legal language has been avoided as far as possible. This often means paraphrasing, interpreting or abbreviating subtle legal formulations and users are therefore warned that the original text must be consulted if legal liability will ensue for decisions taken in respect of foreign export laws.

The Handbook refers to legislation in our hands at 31 December 1987. Legislative action is rapidly proceeding in this area, and with the difficulties sometimes experienced in obtaining legislation, there may be some relevant laws not included and some included which have now been superseded. The annotation "Legislation not available" does not therefore necessarily mean that no legislation on the topic exists in the country concerned. In some cases where this annotation is used, we do hold some legislation on cultural property, but it either does not mention export, or is incomplete. In others, no information has been received. Where we have information that a new law is being drafted or is before Parliament, we have used the old law unless we had information that the law was actually in force at 31 December 1987.

At times we have used legislation which predates the independence of a State or significant revolutionary changes. In these cases we have either been informed that the legislation is still in force, or have not been informed that it is either repealed or superseded. Where a revolutionary government wishes to pass new laws it usually does not wish its cultural heritage to be unprotected while it does so, and it may be some years, there being many other urgent problems to attend to, before it can draft new cultural legislation. In such cases, therefore, it is wise to assume that the pre-existing laws continue to apply until the new government has expressly legislated on the topic.

It should also be noted that in a number of States of federal composition, cultural matters are the responsibility of component states of the federation, while treaty-making and export laws are the responsibility of the central government. The law on transfer of property may also be a matter for the regional governments. This leads to a complex mix of local and central law which cannot be accurately described in this summary. Federal States included in this handbook are Australia, Canada, Czechoslovakia, Federal Republic of Germany, India, Malaysia, the United States, the U.S.S.R. and Yugoslavia.

Sources of Legislation

The export legislation of 45 countries has been published by Unesco in its two-volume Compendium of legislative texts: The protection of movable cultural property. These volumes, published in English and French, contain extracts of the legislation and include provisions relevant to export, trade and transfer of ownership. Since 1985 Unesco has published, as a series of booklets, the full cultural heritage legislation of 16 other countries. These sources are the first recourse for those needing more detailed information. Nonetheless, it should be recalled that some of these texts both in the Compendium and the booklets are in translation, and lawyers in the jurisdiction
concerned should be consulted where important issues depend on the interpretation of a provision. The summary of legislation of the other countries included in the Handbook has been made from our own collection of texts. Where these have been translated, they do not in most cases have the official approval of the government concerned and should be used only as a guide.

Occasionally there are variations in the translations e.g. the Unesco Compendium translates the French terms "classification" and "classifie" as "scheduling" and "scheduled", whereas we have retained the word "classification" which seems to us to be a procedure distinct from that described in the English term "scheduling".

Legal Terms

In many cases we have paraphrased sections to avoid words which may not be generally familiar to non-lawyers. Some still remain for which an explanation might be desirable.

When ownership of an object is said to be "indefeasible" (or "imprescriptible") it means that no-one else can acquire the title to it, either by a term in possession of it, or by gift or by acquiring rights over it in some other way, e.g. as security for a loan or for the payment of work done on the object concerned. Such a provision often applies to State-owned property and it means that, even where a third party comes into possession of the property not knowing that the title is vested in the State, he cannot impinge on the State's ownership.

When an object is described as "inalienable" this means that no-one has the right to transfer ownership of it to another person, even though the transferor appears to have authority to do so. Some State owned property is entrusted to museums for safe-keeping but described as inalienable. In such a case the Director of the Museum has no authority to sell it and the purchaser would not acquire ownership of it.

"Bequest" or "devise" are transfers of ownership by will on the death of an owner.

"Void" and "null and void" mean that the transaction thus described has no legal validity and does not affect the legal status of the object concerned. "Voidable" means that a transaction is considered valid until action is taken to have it declared void, e.g. by a court.

The Need for Export Control

When a country decides to actively protect its cultural heritage, one of its first concerns is to prevent the loss of knowledge and damage caused by uncontrolled exploitation of important cultural sites. While there are many steps which a government can take to do so, such as the licensing and supervision of qualified excavators and provision for proper conservation of objects recovered, some sites are so remote, difficult of access or exposed that policing becomes difficult, especially for countries with limited resources and long frontiers, while the profits obtained in the international art market create an incentive to international traders and impoverished local populations to break the law. Unesco has already commissioned a study on National Control of Illicit Traffic in Cultural Property (Prott & O'Keefe, 1983, CLT-83/WS/16) which sets out some of these difficulties.
Similar problems arise for countries seeking to assemble, within their own jurisdictions, representative collections of their best cultural achievements as evidenced by objects of scientific, artistic, historic, pre-historic, archaeological and ethnographic interest. Some provision for the Government to be notified of impending export of important cultural property is essential if a government is to exercise rights of pre-emption or expropriation to prevent the loss of significant items which are needed for the national collection, particularly in countries whose cultural resources have been already seriously depleted during colonial times or otherwise.

Finally the amount of theft of cultural objects has reached alarming proportions and only a small percentage (about 12% according to INTERPOL's figures) is ever recovered. Export control is intended by many States to impede the flow of stolen goods as well as those which have been clandestinely excavated or which are required for the building up of a national collection.

National Practice on Export Control

We have mentioned in this study all the States which are members of Unesco or are party to international arrangements on traffic in cultural property. This means that there are entries on 162 States in this Handbook. Those omitted are a few small Pacific, Caribbean or other States which are not members of Unesco and not yet participating in any international arrangements.

As can be seen from a study of this Handbook, almost every country in the world has some kind of control over the export of cultural property. Only countries whose economies are so strong that they can afford to buy anything on the open market can disregard this means of safeguarding the cultural heritage. Such countries are few in number, and this situation may change. Some countries, in times of economic prosperity, have amassed great collections which, in time of economic adversity, they seek to protect from dispersal.

The degree of control exercised varies considerably. In some countries it amounts to a total prohibition, though in almost every case, temporary export for exhibition is allowed and other exceptions, such as those for international exchanges, or for restoration and research are permitted, though sometimes under stringent conditions. Other States use export control purely as a means of being informed about what objects are likely to leave the country, so that rights of pre-emption, or expropriation or prohibition of export can be implemented or conditions imposed. Penalties for attempted unlawful export most often include confiscation of the object, and fines are also common, though they vary considerably in severity. Some jurisdictions also impose imprisonment.

There is also great variety in the definition of cultural property subject to export control. Some countries apply it only to archaeological objects; others also to objects of artistic, historic or ethnographic interest. Some definitions are very detailed; these we have sometimes abbreviated or paraphrased for brevity and clarity.
International Agreements

Whatever measures a State takes to control export, it is inevitable that some objects will evade the control and find their way out of the country. For many years efforts have been made to achieve international co-operation in the recognition and enforcement of foreign export laws. Unesco's Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954 covered cultural material displaced in time of war or its immediate aftermath and the Protocol related specifically to the return of cultural property so displaced. At 31 December 1987 there were 75 parties to the Convention and 63 to the Protocol. The Unesco Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 applies in time of peace and war. At 31 December 1987 there were 61 parties to this Convention. The San Salvador Convention (Convention on the Protection of the Archaeological, Historical, and Artistic Heritage of the American Nations 1976) has entered into force for Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama and Peru. In the American region there are also a number of bilateral agreements of importance; those between the United States and Mexico, the United States and Peru, and the United States and Guatemala are of particular importance.

The Council of Europe has been equally concerned with the protection of movable cultural property and two European Conventions have provisions on this topic. They are the European Convention on the Protection of the Archaeological Heritage 1969 (in force for 17 States) and the European Convention on Offences Relating to Cultural Property 1985 (not yet in force).

In 1986, at Plovdiv in Bulgaria, the socialist group of countries concluded the Agreement between the Socialist States on Cooperation and Mutual Aid Concerning the Means of Detention and Return of Cultural Property, Illicitly Transported Across State Borders. This was to come into force three months after ratification by three States. As at 28 August 1987, it had been ratified by Bulgaria, the German Democratic Republic and the U.S.S.R.

It is important to note that international agreements are binding legal instruments which impose obligations on States. A change of government does not affect that obligation which cannot be avoided unless the treaty allows denunciation and the new government takes that step. A Unesco Convention continues to bind parties to it even if they leave that Organisation; non-members may be parties to, and are then bound by, the Convention.

In listing the applicability of these Conventions we have referred to the date of entry into force for the country concerned, rather than the date of signature, accession or ratification, following our aim to make this Handbook as easy for non-lawyers to use as possible. We have referred to the Conventions in abbreviated form in the text: the 1970 Convention first in order because it applies both in peace and in war and is the most general; then the 1954 Convention which has the largest number of State parties. Full references to all international instruments are given at p. 238.
Increasing participation in these Conventions makes a knowledge of foreign export laws a necessity. A first such guide was published by ICOM in 1975 (Burnham, B. Handbook of National Legislation). Since then many changes have taken place and more information has come to hand. This Handbook should serve as a useful tool to increase knowledge of export regulations around the world.

LVP
PJO'K
Sydney

15 March 1988
ABBREVIATIONS

European Archaeological Convention 1969
  European Convention on the Protection of the
  Archaeological Heritage 1969

San Salvador Convention 1976
  Convention on the Protection of the
  Archaeological, Historical, and Artistic Heritage
  of the American Nations 1976

Unesco Convention 1954
  Convention for the Protection of Cultural Property
  in the Event of Armed Conflict 1954

Unesco Convention 1970
  Convention on the Means of Prohibiting and Preventing
  the Illicit Import, Export and Transfer of Ownership
  of Cultural Property 1970

Plovdiv Agreement 1986
  Agreement Between the Socialist States on Cooperation
  and Mutual Aid concerning the Means of Detention and
  Return of Cultural Property, Illicitly Transported
  across State Borders, 1986

References to publications where the text of these treaties may be found are set out at p. 238.

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A.T.S.  Australian Treaty Series
E.T.S.  European Treaty Series (Council of Europe, Strasbourg)
T.I.A.S.  Treaties and other International Acts Series (United States of America)
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AFGHANISTAN


1. Cultural property subject to export control
   Antiquities (Art. 59), which includes all artistic relics and monuments erected before the reign of Emperor Ahmad Shah Baba (1748 A.D) in Afghanistan, whether movable or immovable, whether of archaeological, historical, artistic or ethnographic value. Articles of historic or prehistoric significance, coins, manuscripts, missives, documents and rare photographs are included as well as slabs of stone on which painted or etched pictures or figures appear (Art. 1).

2. Type of export control
   Prohibition except with the written permission of the Director-General of Museums and Preservation of Antiquities in Afghanistan (Art. 59).

3. Transfer of ownership
   The State has a right of pre-emption over goods for which an export permit is being sought (Art. 61).

   Sale and purchase is permitted of antiquities which have been registered under the Act and are possessed by individuals; trade in unregistered antiquities is prohibited (Art. 63).

   Anyone wishing to sell any antiquity in his possession must first notify the Directorate-General of Museums and Preservation of Antiquities (Art. 75).

   The State has a right of pre-emption over antiquities. If the State does not purchase and the object is transferred to another, the authorities must be notified of the name, designation and address of the person (Art. 68) who must register these objects in his own name (Art. 69).

4. Penalties and sanctions
   Antiquities being exported from Afghanistan without permission will be confiscated from their exporters (including diplomats and consuls) (Art. 94).

   For trading in an unregistered antiquity, the penalty is a fine amounting to the value of the article (Art. 95).

   For sale of an antiquity without permission, the penalty is a fine equalling the value of that article (Art. 98).

5. International instruments
   At 31 December 1987, Afghanistan was not a party to any international instruments concerning unlawfully exported cultural property.
ALBANIA

Decree-Law No. 4874 of the Praesidium of the People's Assembly of 23 September 1971 concerning the protection of cultural and historic monuments and rare natural objects.


Regulations concerning the Protection of Cultural Monuments, Resolution No. 130 of the Council of Ministers of 9 April 1955.

Texts of these laws are published in German translation in Hingst, H. and Lipowschek, A. Europäische Denkmalschutzgesetze (Wachholtz, Neumunster, 1975) I-i6.

1. Cultural property subject to export control
Monuments of cultural value or objects under the protection of the State (Decree-Law, Art. 6). Monuments under the protection of the State are all cultural monuments of scientific, historic or cultural significance on the territory of Albania (Resolution 130, Art. 1). This includes architectural monuments, artistic monuments (significant works of painting and sculpture, graphic and decorative art objects as well as sculptures), archaeological monuments (movables and immovables), and historic monuments (Resolution, Art. 2). Such objects are listed in a register kept by the University of Tirana (Resolution, Art. 3).

2. Type of export control
Prohibition. An exception may be made for exhibitions, scientific collections or exchanges on the proposal of the appropriate institution and with the agreement of the Minister for Education and Culture (Decree-Law, Art. 6).

3. Transfer of ownership
Cultural monuments are the property of the people and under the protection of the State (Resolution 130, Art. 1).

Monuments of cultural value which are personal property may only be transferred with the knowledge and supervision of the appropriate institution which is responsible for their registration (1972 Regulations, Art. 32).

4. Penalties and sanctions
Not specified.

5. International instruments
ALGERIA

Ordinance No. 67-281 of 20 December 1967 concerning excavations and the protection of historic and natural sites and monuments.

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 45.

Decree No. 69-82 of 13 June 1969 concerning the export of objects of national interest for history, art and archaeology.

1. Cultural property subject to export control

Objects of prehistoric or archaeological interest from archaeological excavations or fortuitous discovery (Decree, Art. 1) including prehistoric or historic remains of architecture, sculpture, painting, engravings, mosaics, ceramics, glassware, coins, medals, and objects salvaged from shipwrecks (Art. 1).

Antique art objects or craft work (Decree, Art. 2).

Old manuscripts and archival material (Art. 3).

Included in cultural property subject to export control is every classified object (Ordinance, Art. 4). Sites, monuments and movable objects may be classified where they are of national interest for history, art or archaeology (Art. 3). The classification is effected by decree (Arts. 30, 60). Lists of classified sites and objects are annexed to the legislation.

Sites or objects may be placed on a supplementary inventory for up to ten years with the same effects as classification (Ordinance, Arts. 49, 72, 109). Registration on the Supplementary Inventory is also effected by decree (Art. 108).

2. Type of export control

Prohibition regarding objects of prehistoric or archaeological interest without Minister's authorization (Decree, Art. 1). Antique art objects and craft work require prior authorization from the regional commission on works of art and historic documents (Art. 2). Old manuscripts and archival materials require prior authorization from the regional commission on works of art and historic documents (Art. 3).

Export of classified objects is prohibited. Authorization may be given for temporary export of archaeological materials for analysis, but they must be returned to the Ministry of Information and Culture within 12 months (Ordinance, Art. 4 and Order of 17 May 1980 on authorizations for archaeological research).

3. Transfer of ownership

Movable and immovable goods of national interest from the point of view of history, art or archaeology in the domain of the State, of departments, communes or public institutions are the property of the State and are inalienable. Ownership cannot be acquired by possession (Ordinance, Art. 1).
Classified sites and objects of clear national interest from the point of view of history, art or archaeology situated in immovables belonging to individuals are the property of the State, although the enjoyment of them may be left to the individual possessors. They are inalienable and ownership cannot be acquired by possession (Ordinance, Art. 3).

All objects discovered in the course of excavations, or by chance, are the property of the State, whatever the legal status of the immovable when the discovery is made (Ordinance, Art. 13).

Objects discovered in previous excavations and still kept on national territory are also the property of the State (Ordinance, Art. 13 and Order of 17 May 1980 on authorizations for archaeological research).

4. **Penalties and sanctions**
Penalties for breach of Decree provisions are according to the Algerian Customs Code without affecting the penalty provisions of the Ordinance (Decree, Art. 7).

Seizure and confiscation to the State of any object which it has been attempted to export (Ordinance, Art. 4).

Fine of between DA 500 and 10,000 for export of any object classified or registered on the supplementary inventory. Penalty increases to imprisonment of between one and six months for repeated offences (Ordinance, Art. 122).

5. **International instruments**
ANGOLA

Decree No. 80/76 of the 3rd September 1976 determining the form of conservation and protection of the Angolan People's Historical and Cultural Heritage.

1. Cultural property subject to export control
Anything forming part of the Historical and Cultural Estate of the Angolan People (Art. 1). The legislation refers to historic monuments (archaeological and palaeontological collections which have been classified; buildings, sites, objects with a special character, statues, bridges, other constructions which have been classified; pieces of Angolan or foreign popular art or handcraft over 50 years old, or less if they are related to Angola's recent history; all types of written documents (newspapers, legislation, letters, contracts, reports, studies and tests, information, credentials, guides, proceedings, minutes) prepared before 11 November 1975 as long as they are not in use; graphic or photographic documents prepared before 1940; dress or ornamental pieces, uniforms, religious vestments, furniture, objects in current use etc produced before 1940; arms or parts of arms related to military use, hunting or parades, not currently in use and manufactured before 1940; war trophies of all types and periods; remains or isolated parts of any machines in use before 1885; books and general bibliographical works printed before 1885 and those related to Angola printed before 1940; flags, guidons, shields, official symbols, embossing seals, rubber stamps relating to the period before independence and to puppet parties and foreign invaders of all periods} (Art. 2).

The legislation also refers to monuments of cultural value (national or foreign works of popular art or handcraft removed from their natural environment and classified; items of decorative art removed from the ownership of their creator and classified; items of "quality handcraft" removed from the ownership of their creator and classified; romance manuscripts, poems, stories, essays etc prepared before the date of National Independence (1975) and not published for policy or substantive reasons and ornithological, entomological, mammalogical and, generally, zoological and botanical items and collections, as well as oceanographical, geological and technological) (Art. 3).

Philatelic, numismatic and other objects and collections not mentioned are not covered by the Decree (Art. 2).

2. Type of export control
Prohibition, unless authorization has been given by the Museological Services (Art. 7).
3. Transfer of ownership
Persons holding valuable pieces cannot transfer them without authorization from the Museological Services (Art. 7).

Historic monuments are held by museums; any other possession of them is prohibited without special authority from the Ministry for Education and Culture (Art. 9).

Objects of cultural value, once inventoried and classified, may be attached to a museum or granted authority for private holding (Art. 10).

4. Penalties and sanctions
Not specified.

Failure to obey directives of the Museological Services may result in immediate confiscation (Art. 11).

5. International Instruments
At 31 December 1987, Angola was not a party to any international instruments concerning unlawfully exported cultural property.
ANTIGUA and BARBUDA

Legislation not available.

International instruments
At 31 December 1987, Antigua and Barbuda was not a party to any international instruments concerning unlawfully exported cultural property.
ARGENTINA

Act 9080 on Archaeological and Palaeontological Ruins and Deposits.

Decree of 29 December 1921, Regulations to the Act 9080.

1. Cultural property subject to export control
Remains of fossils, anthropological or archaeological objects (Decree, Art. 19).

2. Type of export control
Prohibition of export without the consent of the "Seccion de Yacimientos" (Section of Deposits) (Decree, Art. 19) which comprises representatives of the National Museum of Buenos Aires, the Museum of the University of La Plata and the Ethnographic Museum of the Faculty of Philosophy and Literature (Decree, Art. 3).

Only objects, which according to a report of the Director of the National Museum of Natural History and of the Director of the Ethnographic Museum of the Faculty of Philosophy and Literature are duplicates may be exported (Act, Art. 5).

3. Transfer of ownership
Fossils or archaeological or anthropological objects found during construction of public works become the property of the Section of Deposits. The Section has the right to incorporate into its collection, upon prior payment of just compensation, remains of fossils, anthropological or archaeological objects which have been submitted for consent to export (Decree, Art. 17).

4. Penalties and sanctions
Attempted clandestine export to be penalized by confiscation (Decree, Art. 20).

Violations to be punished, according to their seriousness, with a fine of $100 to $1,000, or imprisonment of one to six months (Decree, Art. 21).

5. International instruments
AUSTRALIA

Customs Act 1901 as amended

Customs (Prohibited Exports) Regulations

Customs (Prohibited Imports) Regulations

Protection of Movable Cultural Heritage Act 1986 (not yet in force; to come into force on a date to be proclaimed, expected in mid 1988).

1. Cultural property subject to export control

Documents recording transactions between Australian aborigines and early settlers and explorers in Australia; Archaeological and anthropological material relating to Australian Aboriginals or persons of South-East Asian or Pacific origin (non-Europeans) who were in Australia before 1906; Fossil material or geological specimens; Coins made before 1901, tokens made or issued in Australia before 1901 for use instead of coins and facsimiles, representations or dummies of such coins or tokens; Contemporary records or accounts (including books, diaries, newspapers, maps, sketches, paintings, photographs, manuscripts and other documents) of events or occurrences connected with the discovery, early settlement or early exploration of Australia; Human biological material of Australian Aboriginals or persons of South-East Asian or Pacific origin who were in Australia before 1906 (All these are specified in the Second Schedule to the Customs (Prohibited Exports) Regulations)

Aircraft, whether assembled or dismantled (Fifth Schedule to the Customs (Prohibited Exports) Regulations).

Medals and other decorations awarded for gallantry, valour, achievement or other distinguished service, whether of a civil or military nature, to a person who resided in Australia where the medal or decoration is not owned by the person to whom it was awarded; Original citations for such medals and decorations not owned by the person to whom they were awarded and associated insignia not owned by the person to whom the award was made; Records of the coastwatchers of Australia; Flags used by the armed forces of Australia at Gallipoli in 1915 (All these are included in the Twelfth Schedule to the Customs (Prohibited Export) Regulations).

On entry into force of the Protection of Movable Cultural Heritage Act 1986 it is expected that these schedules to the Customs Regulations will be repealed, being replaced by Regulations under the new act. These Regulations will include a detailed National Cultural Heritage Control List of objects subject to export control. It is expected to include all the objects listed above as well as some others.
since, under the new legislation, the Control List may make subject to export licensing objects that are of importance to Australia for ethnological, archaeological, historical, literary, artistic, scientific or technological reasons if they are objects recovered from the soil, inland waters, territorial sea or continental shelf of Australia, objects relating to the aborigines or Torres Strait Islands, ethnographic objects, military objects, objects of decorative art or fine art or scientific or technological interest, books, records, documents, photography, graphic, film or television material or sound recordings. Objects within these categories which will require a licence will be described more precisely within the Control List.

2. **Type of export control**

Objects currently described in the Customs (Prohibited Exports) Regulations require the consent of the specified Minister before they can be legally exported. (Second, Fifth and Twelfth Schedules).

Under the new legislation a permit will be required for objects subject to export control. A permit will not be granted for certain types of object (ss.8,9).

3. **Transfer of ownership**

There are no provisions relating to the transfer of ownership but a National Cultural Heritage Fund is being established (s.25).

4. **Penalties and sanctions**

For export or attempted export, forfeiture of object (Customs Act, s.229; Protection of Movable Cultural Heritage Act s.9(1),(2)).

Fine of up to three times the value of the goods or not less than $50,000 (Customs Act, ss.233(IIA)(b) and 233AB(2)).

Fine of up to $100,000 or imprisonment of up to five years or both. A corporation may be fined up to $200,000 (Protection of Movable Cultural Heritage Act, s.9(2)).

5. **International arrangements**


Australia has announced its intention of adhering to the Unesco Convention 1970. This will take place when the 1986 Act comes into force.

Australia, by informal arrangement with Papua-New Guinea, has prohibited imports, since 1975, of cultural material from that country unless accompanied by a certificate from the Papua New Guinea Public Museum and Art Gallery (Customs (Prohibited Imports) Regulations, Regulation 4(2), Third Schedule Item No. 9A).
AUSTRIA

Law on the Prohibition of Export of Objects of Historical, Artistic or other Cultural Significance of 18 April 1985 (Cultural Goods Export Prohibition Law).

Regulations: Cultural goods whose retention within the country is not required in the public interest BGBl. 323/1986

Regulations: Detailed provisions concerning the procedure governing the export of cultural goods BGBl. 324/1986

Decree concerning authorizations for sale by public auction of 23 December 1921.

I. Cultural property subject to export control

Objects of historical, artistic or other cultural value except those whose retention within the country is not required in the public interest (Cultural Goods Export Prohibition Law, Art. 1) and excluding works of living artists or artists who have been dead for less than 20 years (Law, Arts. 2(1)). The Minister for Education and Research has issued a Regulation under Art. 2(2) of the Law, establishing that retention of the following cultural goods within the country is not required. These are set out in the following groups:

I. Pictures: certain groups under Aus.$40,000, others under Aus.$15,000 and Aus.$10,000 (detailed descriptions in Regulations)

II. Engravings, woodcuts and similar from 17th up to and including the 20th century: under Aus.$10,000

III. Plastic arts in wood, stone, metal, terracotta, plaster, china, ceramic, paper mache or ivory of the 19th and 20th centuries: by persons who were born, worked or did work or died in Austria and have a particular connection with Austrian history or culture (described in detail in Regulations) - under Aus.$40,000; by such persons not having that particular connection with Austrian history or culture - under Aus.$15,000

IV. Numismatic objects: since 1918, unlimited; before 1919, not including gold, under a value of Aus.$5,000; after 1848 and being of gold, under a value of Aus.$12,000

V. Timepieces: not older than 50 years, inventor or maker unknown, unlimited; other peasant timepieces since 1850, under a value of Aus.$15,000; other timepieces of 19th and 20th centuries under a value of Aus.$30,000
VI. Furniture (other than peasant furniture): less than 50 years old when designer unknown, unlimited; other chairs, items of furniture and lighting of 19th and 20th centuries, under a value of Aus.$10,000; other furniture of 19th and 20th centuries under a value of Aus.$30,000

VII. Utensils and tools: less than 50 years old, unlimited; other from 19th and 20th centuries, under a value of Aus.$15,000

VIII. Peasant furniture and utensils: after 1945, unlimited; furniture before 1956, under a value of Aus.$15,000; other before 1956, under a value of Aus.$2,000

IX. Jewellery: not older than 50 years where designer not known, unlimited; other peasant jewellery since 1830 under a value of Aus.$10,000; other jewellery of 19th and 20th centuries, under a value of Aus.$20,000 or 50,000 depending on purity of metal

X. Toys: less than 50 years old where designer unknown, unlimited; other from 19th and 20th centuries, under a value of Aus.$10,000

XI. Weapons: after 1918, unlimited; from 19th and 20th centuries up to 1919 under a value of Aus.$30,000

XII. Textiles: of any type not older than 50 years when designer not known, unlimited; other oriental carpets of 19th and 20th centuries, under a value of Aus.$120,000; other textiles of 19th and 20th centuries under a value of Aus.$15,000

XIII. Musical instruments: less than 50 years old, unlimited; from 19th and 20th centuries, under a value of Aus.$15,000

XIV. Photographic, film, video and sound recordings: some unlimited, some limited by value (full details in Regulations)

XV. Books, musical scores and maps: some unlimited, some limited by value (full details in Regulations)

XVI. Documents: values under Aus.$1,000 or Aus.$5,000 depending on degree of connection with Austria (consult Regulations)

XVII. Globes: after 1918, unlimited; from 18th to and including 20th century (before 1919), under a value of Aus.$20,000; from 16th and 17th centuries under a value of Aus.$10,000

XVIII. Philatelic objects: after 1919, unlimited; Austria-Hungary, under a value of Aus.$25,000; other under a value of Aus.$40,000.

The determination that certain categories of goods are not required for retention in the country is valid only for goods which fall clearly within the provisions of the Regulations (Regulations 323, Art. 5).
2. **Type of export control**
Licence required except where the object comes within the Regulations (Law, Art. 3).

The Federal Monuments Board may grant a licence where it determines that retention within the country is not required in the public interest (Law, Art. 3). It may grant a licence, even where retention of the item is so required, on proof of indigence of the owner, and subject to certain safeguards as to prior offers (Law, Art. 3(2)).

3. **Transfer of ownership**
Auctioning of objects of artistic or historical value or collector's items is subject to authorization which may be granted with or without the right to dispose of the objects in question. The extent of the rights is expressly stipulated in the authorization order (Decree, Art. 1).

Restrictions on the right to dispose of objects of historical, artistic or cultural value were introduced in the Federal Law of 5 December 1918 (Prohibition of Export Law) but the provisions relating to transfers of ownership were repealed by the Federal Law of 25 September 1923 (Monument Protection Law).

4. **Penalties and sanctions**
For deliberate violation of the export prohibition, the penalty is imprisonment for up to 6 months or a fine of up to 360 daily units. In the case of aggravating circumstances, both penalties may be imposed (Law, Art. 12(1)). In some circumstances a wrongdoer may be ordered by a court to compensate for the replacement or creation of a cultural object of equal value (Law, Art. 12(2)).

5. **International instruments**

BAHAMAS

Legislation not available.

International Instruments
At 31 December 1987, the Bahamas was not a party to any international instruments concerning unlawfully exported cultural property.
BAHRAIN

Bahrain Antiquities Ordinance 1970.

Extracts from the text are published in Unesco’s Compendium of legislative texts The protection of movable cultural property Vol. II, 15.

1. Cultural property subject to export control
Antiquities. An antiquity is defined to mean any object whether movable or immovable which has been constructed, shaped, inscribed, erected, excavated or otherwise produced or modified by human agency before 1780 AD together with any part added or reconstructed at a later date; human and animal remains dating before AD 600; and any object movable or immovable, declared to be an antiquity by the Rais (Minister of Information or his deputy) (s.2).

2. Type of export control
Prohibition of export without a licence (s.19). The Rais may prohibit the exportation of any antiquity whose retention in Bahrain he considers necessary in the public interest (s.20).

3. Transfer of ownership
Any person in Bahrain who wishes to dispose of an antiquity in his possession must offer it first to the Rais who will within one month either acquire it or grant the owner a permit to dispose of it subject to export control. If the antiquity is purchased by a private person residing in Bahrain, the Rais is to be informed (s.21).

4. Penalties and sanctions
For failure to comply with the export provisions, the penalty is imprisonment for up to six months or a fine of up to BD 100/- or both (s.24(b)).

For failure to comply with the provisions on sale, the penalty is imprisonment for up to one month or a fine not exceeding BD. 25/- or both (s.24(a)).

In either case the court may order that the antiquity concerned be forfeited (s.25(a)).

5. International instruments
At 31 December 1987, Bahrain was not a party to any international instruments concerning unlawfully exported cultural property.
BANGLADESH


National Archives Ordinance 1983.

1. Cultural property subject to export control
   Antiquities. An antiquity is defined to mean any ancient (more than 100 years old) product of human activity, movable or immovable, illustrative of art, architecture, craft, custom, literature, morals, politics, religion, warfare, science or any aspect of civilisation or culture; any ancient object or site of historical, ethnographical, anthropological, military or scientific interest; or any other object declared by the Government to be an antiquity (Act, s.2).

   Public records, documents, manuscripts or any other printed matter over 75 years old and of historical or cultural or literary value (Ordinance, s.15).

2. Type of export control
   Prohibition of export of antiquities, except where authorized by licence (Act, s.22).
   Prohibition of export, except where written permission given by the Director of National Archives. He may refuse permission if he considers that a record, document or manuscript is of such historical, cultural or literary value that its export will not be in the national interest (Ordinance, s.15).

3. Transfer of ownership
   Dealing in antiquities is forbidden, except where authorized by licence issued by the Director of Archaeology (s.21).

   Government has a right of pre-emption over antiquities offered for sale (s.9).

4. Penalties and sanctions
   Export without a licence is punishable under the Customs Act (s.22). Unlawful dealing in antiquities is punishable by imprisonment for up to six months, a fine, or both (s.21).

   For a breach of the archives legislation the penalty is imprisonment for up to 15 days or a fine of up to 500 taka or both (Ordinance, s.21).

5. International instruments
BARBADOS

The Miscellaneous Controls Act Cap. 329

The Miscellaneous Controls (Exports Restriction) (Amendment) Regulation, 1981

1. Cultural property subject to export control
   Furniture and furnishings excluding commercial modern furniture or furnishings
   (Schedule to the 1981 Regulation)

2. Type of export control
   Type of restriction not specified

3. Transfer of ownership
   No specific provision

4. Penalties and sanctions
   Not specified

5. International Instruments
   At 31 December 1987, Barbados was not a party to any international instruments
   concerning unlawfully exported cultural property.
BELGIUM

Act of 5 September 1931 on the conservation of monuments and sites.

Act of 16 May 1960 on movable objects which represent a national interest in respect of culture. (Before this Act can be implemented, regulations are required specifying the particular objects covered. These regulations have not been made).

Extracts from the text are published in Unesco’s Compendium of legislative texts The protection of movable cultural property Vol. I, 72.

1. Cultural property subject to export control
   Classified objects. Movable objects belonging to the State, to the provinces, communes and public establishments whose preservation is in the national interest for artistic reasons may be classified (1931 Act, Art. 17).

2. Type of export control
   Export control is not specified but restrictions on alienation (1931 Act, Arts. 18, 20) and State rights of pre-emption (Art. 19) may affect transfers of cultural property.

3. Transfer of ownership
   Classified objects may not be disposed of without special authorization. The order authorizing disposal may reserve a right of pre-emption in favour of the public collections. No authority or public institution in possession of a scheduled object may dispose of it, even temporarily, without the approval of the Royal Commission for Monuments and Sites (1931 Act, Art. 19).

4. Penalties and sanctions
   Any disposal contrary to Art. 18 is null and void. Action for nullity of the transfer and recovery of the object is not barred by lapse of time (1931 Act, Art. 20).

   A person disposing of or acquiring a classified object contrary to the Act is liable to a fine of between 1,000 and 10,000 francs as well as to certain sanctions in the Penal Code (1931 Act, Arts. 21, 22). There may also be actions for damages and an order for restoration to the former condition (Art. 23).

5. International instruments

BELIZE

Ancient Monuments and Antiquities Ordinance 1971 (Gazetted 31 December 1971).

Text printed by Unesco CLT-85/WS 20.

1. Cultural property subject to export control
Ancient monuments, which is defined to mean any structures or buildings erected by man or any natural feature transformed or worked by man or the remains of any part of these, whether on land or in any river, stream or watercourse or under the territorial waters and which has been in existence for at least 100 years (s.2).

Antiquities, which is defined to mean any articles manufactured or worked by man, whether of stone, pottery, wood, metal, glass or any other substance, or any part of them where the manufacture or workmanship belongs to the Mayan or other American civilisation and they are at least 150 years old; or belongs to another civilization but were first discovered in the country at least 150 years ago (s.2).

2. Type of export control
No export without a licence from the Minister (s.25).

3. Transfer of ownership
All ancient monuments and antiquities are the property of the State, including those in private ownership before the date of the Act (s.4).

No person may possess or have in his custody or control any ancient monument or antiquity without a licence from the Minister (s.5). The licence may not be transferred (s.11(1)) nor may possession of the item (s.11(2)).

Any person who takes possession of any ancient monument or antiquity must register this with the Minister (s.6(2)).

Sale and trade in ancient monuments and antiquities are subject to licence (s.25).

4. Penalties and sanctions
For contravention of the export provisions, as well as those relating to trade, sale and transfer of possession or of a licence, the penalty is a fine of up to $10,000 or imprisonment for up to five years or both (s.37).

For failure to register, the penalty is a fine of up to $1,000 or imprisonment for 12 months or both, as well as forfeiture of the ancient antiquity or monument to the Crown (s.6).

5. International arrangements
Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Belize.
Decree No. 35/PR/MENJS concerning the protection of cultural property, 1 June 1968.

1. **Cultural property subject to export control**
Classified objects. Objects may be classified where they are of pre-historical, historical, ethnological, artistic or archaeological interest (Arts. 32, 1).

Objects not yet classified which have been obtained by purchase, discovery or excavation and are of prehistorical, historical, ethnological, artistic or archaeological interest (Art. 33).

2. **Type of export control**
Prohibition of export of classified objects. Permission may be granted by the Minister in exceptional cases, on the advice of the Director of the Institute of Applied Research of Benin, if the objects are duplicates or are objects or groups of objects which the Institute may renounce without inconvenience because of their similarity to others in their possession (Art. 32).

Objects not yet classified may not be exported without the authority of the Director of the Institute for Applied Research of Benin (Art. 33).

Export provisions do not apply to non-classified objects sold by the tourism service (Art. 36).

Temporary export may be approved on grounds given by a scientific institution and after financial guarantees have been arranged (Art. 38).

The Institute may release, exchange or return to custody for the benefit of foreign museums, objects which are not of interest for the national collections (Art. 37).

3. **Transfer of ownership**
A person transferring a classified object must notify the purchaser that it is classified. The effects of classification apply to the object irrespective of ownership, and rights over it cannot be acquired by lapse of time (Art. 5).

Transfer of a classified object must be notified to the authorities (Art. 5).

Classified movable objects belonging to the State are inalienable. Those belonging to a Department, commune or public institution cannot be alienated without Government authorization, and then only to a public body or institution of public utility (Art. 13).

The owners or possessors of classified movable objects must present them to the local authorities when required (Art. 13).
4. Penalties and sanctions
For transfer, acquisition, export or intended export of a classified object belonging to the State, or to departments, communes or institutions of public utility without authorization, the penalty is a fine of between 5,000 and 100,000 francs CFA and imprisonment for between six days and three months, or one of these. An action for damages may also lie (Art. 42).

For export or attempted export without authorization, the appropriate customs penalties apply and the objects concerned will be seized, confiscated and given to the Institute (Art. 45).

Transfer of an inalienable object is a nullity. Action for damages may lie against the parties concerned. A good faith purchaser or sub-purchaser may have an action for damages against the original seller. This provision applies to lost or stolen goods (Art. 14).

5. International instruments
At 31 December 1987, Benin was not a party to any international instruments concerning unlawfully exported cultural property.
BHUTAN

Legislation not available.

International instruments
At 31 December 1987, Bhutan was not a party to any international instruments concerning unlawfully exported cultural property.
BOLIVIA

Supreme Decree No. 05918 of 6 November 1961 concerning the protection of artistic, historic and archaeological treasures.

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 23.

1. Cultural property subject to export control

"National treasures" which comprise architecture (cities, urban and monumental ensembles, churches, convents, parish houses, private buildings (palaces and houses), public and private museums before 1900); paintings (murals, paintings on wood, canvas, metallic or glass laminates, engravings, drawings and prints); sculptures (free, in relief and altarpieces); minor arts (objects of gold and silver work, monumental silverwork (frontals, gradins, tabernacles, shrines, platings), silver objects (vases, lamps, lampstands and objects of sacred worship), jewels prior to 1900); furniture and furnishings prior to 1900; tapestries, fabrics and embroideries (ornaments of sacred worship) gowns and headdresses prior to 1900; porcelains, earthenware, glass ornaments, glass windows, alabaster and others; books (manuscripts (palimpsest, miniature codices), early printed books, old and rare musical scores and pieces) (Arts. 3, 1).

Historical documents and those bearing the signature of national authorities and of the Bolivian leaders; the presidential sashes, badges and medals of high dignitaries of state and other persons of importance who may have participated in an exceptional manner in the history of the country prior to the year 1900 (Art. 1).

Traces of human activity of artistic and scientific importance dating to the pre-Columbian era including sites, objects (statues, stelae, sculptural obelisk of any material, quality or significance, utensils of stone, wood, bone or shell), utilitarian or ceremonial potteries, fabrics, baskets, nets, tapestries, embroideries, feather costumes, gold and silver work (objects of gold, silver, copper, brass and other materials and precious or semi-precious stone) (Art. 1).

Works of foreign origin brought in less than three years before are excluded (Art. 2).

Works of contemporary art (paintings, sculptures, architectural designs, ceramics, engravings, and drawings) (Art. 19).

2. Type of export control

Export of national treasures for any reason is prohibited including those intended for religious worship and those privately owned (Art. 3).

Export of an object of art is subject to written authority from the Ministry of Education (Art. 19).
3. **Transfer of ownership**

Transfers of private property which has been registered with the Office of the National Director of Fine Arts are subject to a three months delay to allow for pre-emption by the authorities. Where the office of the National Director decides against acquisition, transfer may take place upon the prior written authority of that office (Art. 9).

4. **Penalties and sanctions**

Persons or bodies attempting to export an artistic, historical or archaeological object which belongs to the cultural patrimony of the Nation are liable to forfeiture of the object and a fine equal to the value of the object as well as the penalties provided by the Penal Code concerning offences against the property of the State (Art. 22).

5. **International arrangements**


Regulation of Importation of Pre Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Bolivia.
BOTSWANA


1. **Cultural property subject to export control**
   National monument, ancient monument, ancient working, relic or any part of these (s.17(1)).

   "Ancient monument" is defined to mean any building, ruin, remaining portion of a building or ruin, stone circle, grave, cave, rock shelter, midden, shell mound or other site or thing of a similar kind, erected, constructed or used before 1 June 1902 (s.2).

   "Ancient working" is defined to mean any shaft, cutting, tunnel or stope or any machinery appertaining thereto, which was made or used for mining purposes and in existence before 1 June 1902 (s.2).

   "Relic" is defined to mean any fossil; any drawing, painting or carving on stone or petroglyph executed in Botswana before 1 June 1902; any artefact, implement or ornament of archaeological, historical or scientific value made or used in Botswana before 1 June 1902; any anthropological or archaeological contents of any ancient monument or ancient working and any treasure trove discovered in Botswana (s.2).

   "National monument" means a monument, ancient working or relic which has been proclaimed a national monument (s.2).

2. **Type of export control**
   Prohibition of export except with written consent of Minister (s.17).

3. **Transfer of ownership**
   The Minister has an option to acquire any national monument, ancient monument, ancient working or relic, subject to compensation (s.11(2)).

4. **Penalties and sanctions**
   Export without consent is an offence carrying liability to a fine of R2000 and to imprisonment for two years. The court in addition may order a person convicted of an offence to pay compensation for the loss of an article or thing and may order the confiscation of the object (s.20(2)).

5. **International instruments**
   At 31 December 1987, Botswana was not a party to any international instruments concerning unlawfully exported cultural property.
BRAZIL

Decree-Law No. 25 of 30 November 1937 organizing the protection of the National Historical and Artistic Patrimony.

Law No. 3924 of 26 July 1961 concerning archaeological and pre-historic monuments.

Law No. 4845 prohibiting the export of Works of Art produced before the End of the Monarchial Period, 19 November, 1965.


1. Cultural property subject to export control
Movable or fixed objects whose conservation is in the public interest because of their connection with memorable events in the history of Brazil or because of exceptional archaeological, ethnographic, bibliographic or artistic value (Decree-Law No. 25, Art. 1) which have been registered (Art. 15). There are four Registers, covering objects belonging to archaeological, ethnological, American Indian studies and popular arts; objects of historic interest and works of historic art; fine arts (national or foreign) and applied arts (national or foreign) (Art. 4). Certain works of foreign origin are excluded (those belonging to diplomatic or consular bodies, decorating the vehicles of foreign undertakings, belonging to firms dealing in historic or artistic articles, brought in for exhibitions or imported by foreign firms to decorate their premises) (Art. 3).

Objects which are of archaeological, pre-historic, numismatic or artistic interest (Law No. 3924, Art. 20).

Traditional works of art and crafts produced in Brazil to the end of the period of the monarchy (1889). This covers paintings, designs, sculptures, engravings, fragments of architecture, carvings, images, gold work, furniture etc. (Law No. 4845, Art. 1). It also includes similar items originating in Portugal which became incorporated into Brazilian national life during the colonial and imperial regimes (Art. 2) and paintings, sculptures and graphic arts produced abroad during the colonial and imperial periods which represent Brazilian personalities or other persons related to the history of Brazil or to the countryside or customs of the country (Art. 4).

2. Type of export control
A registered object may not leave the country, except for a short period for cultural exchanges, without transfer of ownership and subject to the decision of the Consultative Council of the National Historic and Artistic Patrimony. (Decree-Law No. 25, Art. 14).

Traditional works of art and craft produced up to the end of the period of the monarchy (1889) are prohibited exports (Law No. 4845, Art. 1).

Some articles produced in Portugal and incorporated into national life, or produced abroad but relating to Brazilian personalities etc. may be allowed to leave the country in exceptional cases for cultural exchanges and temporary exhibitions. Permission must be obtained from the appropriate federal government authority which will stipulate the maximum period within which it must be returned (Law No. 4845, Art. 4).
3. **Transfer of ownership**
Transfer of ownership of a registered object must be notified to the Registry within 30 days (Decree-Law No. 25, Arts. 11, 22). The loss or theft of a registered object must likewise be notified (Art. 16). The Federal Government, the States and the Municipalities have rights of pre-emption. No legal sale may be made before notification to the parties which have rights of pre-emption (Art. 22).

4. **Penalties and sanctions**
An attempt to export a registered object without a decision of the Consultative Council of the National Historic and and Artistic Patrimony will result in seizure of the object and a fine of 50 per cent of the value of the object which will be retained until the fine is paid. For a second attempt the fine will be doubled. In addition, the penalties of the Penal Code for the crime of contraband will be applied (Decree-Law No. 25, Arts. 14, 15).

An attempt to export objects covered by Law No. 4845 will result in seizure of the object by the authorities for the use of a museum (Law No. 4845, Art. 5)

Failure to observe the provisions relating to export of objects covered by Law No. 3924 will result in summary seizure of the object and the person responsible may be liable under the Penal Code (Law No. 3924, Arts. 21, 29).

5. **International instruments**

BULGARIA


Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 76.

1. Cultural property subject to export control
Works which are the product of human activity providing evidence of material and spiritual culture of scientific, artistic or historical importance or which are associated with significant events in public, cultural or scientific life, such as immovables, monuments, sculptures, fountains, pictures, icons, wood-carvings, wall-paintings, mosaics, valuable manuscripts, rare books, weapons, ornaments, coins, tools, vessels and other objects, manuscripts and works of art which have been included in Museum collections (Art. 3). Cultural monuments, thus defined, are registered (Art. 12).

2. Type of export control
Export is forbidden. In exceptional cases, the export of items of movable cultural property may be authorized by the Chairman of the Art and Culture Committee (Art. 31).

3. Transfer of ownership
Cultural monuments (defined in Art. 3) are public property. They may be held by the State, by co-operatives, by public organizations and by private citizens (Art. 2).

Cultural monuments may only be bought from or sold to private citizens, public organizations, co-operatives and public authorities with the knowledge of the museum where they are registered (Art. 27).

All cultural monuments discovered during the course of excavations are the property of the State (Art. 16).

4. Penalties and sanctions
Fine of not more than 500 leva for failure to return a cultural monument within period prescribed in a temporary export permit (Art. 34).

5. International instruments


Plovdiv Agreement 1986 ratified as at 28 August 1987.
1. Cultural property subject to export control
Objects of old traditional art and craft, in particular masks, traditional adornments used in dance, statues, statuettes, dolls, doors, shutters, locks, carved posts of traditional type, traditional furniture such as stools, chairs, benches and headrests; utensils such as pots, bowls, spoons, scoops, old style trays; arms such as clubs, bows and arrows, lances, sabres, knives, guns, sceptres; old style textiles and leathers; musical instruments such as drums, flutes, horns, xylophones (balafons); ancient and modern traditional games and toys. All abovementioned objects whether originals or copies are controlled by the Office of the Artistic and Cultural Heritage (Decree Art. 1).

Classified objects, those proposed for classification or listed objects. Movable and immovable, publically or privately owned including natural monuments and sites, resorts or ancient workings, whose conservation or preservation is of historic, artistic, scientific, legendary or scenic interest (Ordinance, Art. 1, Art. 17). The list of classified items is published in the Journal Officiel (Art. 2).

Artistic objects, including those of recent origin (Ordinance, Art. 18).

2. Type of export control
The Office of the Artistic and Cultural Heritage may prevent the export of all objects considered genuine specimens of great cultural value, in which case the object will be seized and placed in the National Museum as a state-owned object. Some compensation may be agreed upon for the owner in good faith (Decree, Art. 3).

Export of objects limited to 5 per person unless the Minister of Culture otherwise authorizes (Decree, Art. 4). An export tax (the terms of which will be settled in a ministerial order) is levied on the export of each object and the proceeds are to be paid to the National Fund for the promotion of Culture (F.N.C.P.) (Decree, Art. 4).

Anyone wishing to export an object of traditional art or craftwork who has acquired the object from a private individual must produce the object and a receipt signed by the seller/donor (Decree, Art. 8). The intending exporter must also prove the legality of his possession, otherwise the object may be forfeited to the State and legal action may be taken against the person concerned (Art. 10).

Prohibition of export of classified and listed items. In exceptional cases export may be authorized for an exhibition organized by a foreign State by the Office of Artistic and Cultural Heritage (Ordinance, Art. 17).

3. Transfer of ownership
Acquisitions of objects of traditional art for purposes of commercial gain from persons who are not normally in trade must be followed by a declaration to the administrative authority of the local area where the transaction was made (Decree, Art. 5). The authority is empowered to issue a temporary act of acquisition signed and sealed, indicating the place of sale, the identity of seller and buyer, the type of object and its
commercial value (Decree, Art. 6). The object must then be shown to the Office of Artistic and Cultural Heritage where a certificate of origin and of acquisition will be issued in exchange for the payment of a tax (Decree, Art. 7). The certificate of origin does not guarantee authenticity (Decree, Art. 11).

The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Ordinance, Art. 5). Acquisitions made in breach of this law are null and void (Art. 5). A classified item belonging to a juridical entity whether public or private may not be transferred without express authorization of the Office of Sites and Monuments (Ordinance, Art. 6).

Transfer of movables detached from immovables which are classified, or proposed for classification or have been irregularly detached from a listed monument are null and void. Third parties are responsible, as are owners, for their reinstatement and cannot claim compensation from the State (Ordinance, Art. 11).

The State, on its own behalf or on behalf of a juridical entity in public or private law, has the right to retain any object in all cases - including where export was requested and permission obtained - provided a fair price be paid (Ordinance, Art. 19). The right must be exercised within 2 months of settling the price (Art. 19), and where the object is put up for public auction, the State has the right of pre-emption within 2 months (Art. 19).

4. Penalties and sanctions
Penalty for knowingly exporting or attempting to export art objects (including recently made craftwork), a fine of 50,000 to 100,000F CFA (Ordinance, Art. 30).

Penalty for exporting or attempting to export a classified object or an object proposed to be classified or listed, one to three months imprisonment or a fine of between 100,000F to 500,000F or both (Ordinance, Art. 31).

Penalty for alienating an object which is classified or proposed for classification without giving required notice, a fine of 50,000 to 100,000F (Ordinance, Art. 30).

Penalty for alienating or acquiring objects discovered in breach of the provisions on excavation, imprisonment for six to twelve months, fine of 5,000,000F which may be increased to twice the value of the object concerned, or both (Ordinance, Art. 34).

5. International instruments

BURMA

Antiquities Act 1957.

Antiquities Act 1962, Order No.1/86 of 15 July, 1986. A copy of this text is not available to us, but its content is described in the material marked * in the summary below taken from *Protection or Plunder? Safeguarding the Future of Our Cultural Heritage*, Proceedings of the Unesco Regional Seminar on the Protection of Movable Cultural Property, held in Brisbane, 2-5 December 1986.

1. **Cultural property subject to export control**

   **Antiquities (s.7).**

   An antiquity is any object of archaeological interest which means and includes any fossil remains of man or animal; any site, trace or ruin of an ancient den, habitation or working place, midden or sacred place; any ancient structure, erection, causeway, bridge, cairn, shrine, grave, tumulus, place of interment, excavation, well, water tank, artificial pool, monolith, group of stones, earth work, gateway moat or fortification and any remains of such; any object or implement believed to be used by early man or animal; any engraving, drawing, painting or inscription which is of ethnological or historical interest; any sculpture, carving, coin, amulet, epigraph, manuscript or any other article, object or thing of metal, stone, clay, wood, textile, leather, basket-ware or other material, which is illustrative of life in former times; any other object or thing declared by the President to be an antiquity (s.2).

   *National antiquities include every cultural object whether movable or immovable not less than 77 years old at the time of the enactment of the 1962 Act. Movable cultural property such as stone implements, inscriptions, sculptures, paintings, coins and manuscripts, in existence before the annexation of Upper Burma into the Commonwealth, are on a protected list.*

2. **Type of export control**

   **Prohibition without a permit from the President (s.7).**

   *The People's Councils and Executive Committees of Township People's Councils are empowered to prevent illegal export of antiquities. 'Non-Antiques' Certificates are issued by the Archaeology Department for the export of Burmese handicrafts.*

3. **Transfer of ownership**

   **Antiquities in danger of being removed may be compulsorily purchased by the Government at market value (s.6).**

   *The transfer of antiquities must be reported to the Archaeology Department through the relevant People's Councils.*
4. **Penalties and sanctions**

Export, or attempted export, without a permit is punishable by imprisonment for a term up to six months, or a fine, or both (s.7). The antiquity in question is liable to confiscation.

5. **International instruments**

BURUNDI

Decree of 16 August 1939, on protection of sites, monuments and indigenous art.

1. Cultural property subject to export control
Classified movables. Sites and objects of indigenous manufacture (whether whole or in part) which are of historic, prehistoric, archaeological, ethnographical or artistic interest including drawings, paintings, sculptures, statues, utensils, fabrics, engravings, tools relating to indigenous occupations of archaeological, artistic or educational interest (Arts. 13, 1).

2. Type of export control
Prohibition. In exceptional cases the Minister of Internal Affairs on the advice of the Classification Commission may give permission (Art. 15).

3. Transfer of ownership
A person transferring a classified object must notify the transferee that it is classified. The transfer must be notified to the authorities (Art. 14).

Classified objects belonging to indigenes can only be transferred with the approval of the Minister for Internal Affairs (Art. 18).

4. Penalties and sanctions
The penalty for unlawful transfer, acquisition, export or attempted export is imprisonment for up to two months and a fine of up to 5,000 francs or one of these (Art. 23).

The penalty for a sale in breach of Art. 18 is confiscation.

5. International instruments
At 31 December 1987, Burundi was not a party to any international instruments concerning unlawfully exported cultural property.
BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC


Extracts from the first text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 279 and the law is described in this Handbook under U.S.S.R. Extracts from the second text mentioned above are in the same Unesco publication Vol. II, 40.

1. Cultural property subject to export control

Historic and cultural property (1976 All-Union Law, Art. 28).

Historic and cultural monuments (1978 Law, Art. 41). These are described as buildings, historic sites and objects connected with historic events in the life of the people and with the development of society and the State and material works and works of the intellect which have a historical, scientific or artistic value or are of cultural value in any other respect (Art. 5).

"Historic and cultural monuments" is defined to mean historic monuments (buildings, structures, historic sites and objects connected with major historic events in the life of the people, the development of society and the State etc. and the ways of life of peoples and of great men); archaeological monuments (stone sculptures, rock paintings and engravings, ancient objects); artistic monuments (works of monumental, plastic, decorative and applied art and other categories of art); documentary monuments (instruments and records of organs of the State authority and organs of the State government, other written and graphic documents; films, photographs and sound recordings and ancient and other manuscripts and archives, documents relating to folklore and music and rare editions). Other objects which are of historic, scientific or artistic value or of cultural value in any other respect may also be considered as historic or cultural monuments (Art. 6).

2. Type of export control

Prohibition (All-Union Law, Art. 28; 1978 Law, Art. 41). In exceptional cases permission may be granted (All-Union Law, Art. 28; 1978 Law, Art. 41).

"Export" means export beyond the territories of the USSR (1978 Law, Art. 41).

Temporary export is permissible for the fostering of international cultural exchange (All-Union Law, Art. 29; 1978 Law, Art. 42).

3. Transfer of ownership

Historic and cultural monuments are the property of the State, of the kolkhozes and other co-operative bodies and associations or of social organizations, or the personal property of private citizens (All-Union Law, Art. 4; 1978 Law, Art. 4).

Sale, donation, and other forms of transfer are permitted subject to the requirement of giving prior notice to the State bodies responsible for their protection. If monuments are
offered for sale, the State has a right of pre-emption (All-Union Law, Art. 4; 1978 Law, Art. 5).

4. **Penalties and sanctions**
For breaches of the legislation, rules and regulations protecting cultural property, penal, administrative or other sanctions apply (All-Union Law, Art. 31; 1978 Law, Art. 44).

5. **International instruments** *(1)*

Note: If an international convention to which the U.S.S.R and Byelorussian S.S.R are parties lays down rules for the protection and use of historic monuments other than those contained in the legislation of the U.S.S.R or Byelorussian S.S.R, the rules in the international convention are to be applied (All-Union Law, Art. 33; 1978 Law, Art. 48).

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*(1) Note of Unesco Secretariat: Unesco Convention 1970 in force since 28 July 1988*
CAMEROON

Federal Act No. 63-22 of 19 June 1963 arranging for the protection of monuments, objects and sites of historic or artistic interest.

1. Cultural property subject to export control
Objects whose conservation is of public interest on historic or artistic grounds and which are classified (Art. 24). A list of classified movable objects is kept by the Ministry of Education and may be communicated to any person who applies and shows cause for his interest in the list (Art. 25).

2. Type of export control
Export of classified objects is prohibited. Temporary export may be permitted (Art. 30).

3. Transfer of ownership
Classified objects are indefeasible (rights cannot be automatically acquired over them by lapse of time, possession, lien etc). Classified objects belonging to a public authority are inalienable. Ownership of such objects may only be transferred to public bodies (Art. 26).

The Minister of National Education must be notified of any plan to alienate an object in private hands and has a right of pre-emption (Art. 27). Classification and its legal effects apply to the object irrespective of any change of ownership (Art. 28).

Ownership acquired in violation of Arts. 26, 27 and 28 is null and void (Art. 29).

4. Penalties and sanctions
Offences against the provisions on export and transfer of ownership are punishable by a fine of between 12,000 and 4,800,000 francs (Art. 34).

5. International instruments

Cultural Property Export and Import Act 1974

Regulations Respecting the Export from Canada of Cultural Property (Cultural Property Export Regulations)

Canadian Cultural Property Export Control List 1986

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 55.

1. Cultural property subject to export control

Objects listed in the Canadian Cultural Property Export Control List. This list covers

- objects of archaeological, mineralogical, pre-historical or historical interest recovered from the soil or waters of Canada

- objects of ethnographic art or ethnography relating to the aboriginal people of Canada of a value more than $2,000, relating to the aboriginal people of the United States, Greenland or the USSR east of 135 degrees east longitude of a value over $4000 or relating to an aboriginal of a territory of Africa south of the Sahara, Australasia, Melanesia, Polynesia, South and Central America or Micronesia of a value over $15,000

- military objects of a fair market value over $3,000

- objects of decorative art made in Canada and over 100 years old, or made outside Canada by a person normally resident within it of a value over $6,000, certain materials made outside Canada (Canadian pattern coins, trial strikes or medallions for Canada, work commissioned by a Canadian resident or on a Canadian subject or identified with a prominent person, institution or event in Canada) above a value of $8,000 and any other object made outside Canada above the value of $15,000

- objects of fine art made in or out of Canada by a resident of Canada worth more than $2,500 (drawings or prints) or $7,000 (paintings or sculptures) as well as those made out of Canada worth more than $5,000 (drawings or prints) or $10,000 (paintings or sculptures) commissioned by a Canadian resident or on a Canadian subject or identified with a prominent Canadian person, institution or event as well as other objects of fine art made out of Canada not covered by this description which are worth more than $7,000 (drawings or prints) or $15,000 (paintings or sculptures)
- scientific or technological objects (precise technical description in Control List) above a value of $3,000 (scientific instruments or machines made before 1901) or $8,000 (machines made after 1900) including those made outside Canada where they relate to history of science and technology in Canada above a value of $5,000 (scientific instruments or machines in use in Canada before 1901) or $10,000 (in use in Canada after 1900) as well as others made outside Canada where related to the history of science and development of technology of a value above $8,000 (scientific instruments or machines made prior to 1901) or $15,000 (machines made after 1900)

- books, records, documents, photographs and sound recordings above a value of $750 (textual material), $500 (cartographic and photographic material, objects of iconography and audio material). Higher limits apply to some types of objects in these classes - see Control List. Objects unrelated to the history and national life of Canada made outside Canada are subject to control if over $5,000 (graphic and textual material), over $25,000 (a collection of these), over $3,000 (design), $500 (photograph), $3,000 (collection of photographs)

Value is assessed by the fair market value in Canada. Objects less than 50 years old or made by a living person are not included.

2. Type of export control

Export permit on application of a resident of Canada. Permit will be granted by the Permit Officer if the object was imported into Canada less than 35 years before the date of application (s.6).

If the object is included in the Control List, a permit is to be granted unless
(a) the object is of outstanding significance by reason of
(i) its association with Canadian history or national life
(ii) its aesthetic qualities
(iii) its value in the study of the arts and sciences
and (b) the object is of such a degree of national importance that its loss to Canada would significantly diminish the national heritage.

(s.8)

Where a permit is refused, the applicant may appeal to the Canadian Cultural Property Export Review Board (s.15).

3. Transfer of ownership

Where Review Board upholds the refusal, a delay period may be established, during which the applicant, or an institution or public authority making an offer to purchase, may request the Review Board to determine the amount of a fair cash offer to purchase (ss.23, 24).

If no such request has been received, the permit will be issued after the expiry of the delay period (ss.24, 25).
Thus there is no prohibition on the transfer of ownership, although the legislation provides a period of delay to try to ensure that the object will be sold to a purchaser resident in Canada.

4. **Penalties and sanctions**
For export or attempted export: fine of up to $24,000, imprisonment for up to five years or both (ss.34, 39).

5. **International instruments**
CAPE VERDE

Legislation not available.

International instruments
At 31 December 1987, Cape Verde was not a party to any international instruments concerning unlawfully exported cultural property.
CENTRAL AFRICAN REPUBLIC

Statute No. 56-1106 of 3 November 1956 concerning the protection of natural monuments, sites and monuments of historical, scientific, artistic or scenic character, the classification of historical, scientific or ethnographic objects and the regulation of excavations.

1. Cultural property subject to export control
Classified objects, listed objects (Art. 31). Immovables, natural monuments or sites whose conservation or preservation is of historic, artistic, scientific or legendary or scenic interest may be classified and the list of classified items is published in the Journal Officiel (Arts. 31, 1).

Objects of historic or scientific interest in categories established by order of the authorities (Art. 31).

2. Type of export control
Prohibition of exports of classified and listed items. In exceptional cases export may be authorized by the Chief Officer (Art. 31).

Prohibition of export of objects of scientific or historic interest in listed categories, except where authorized by the Chief Officer (Art. 32).

3. Transfer of ownership
The authorities have a right to retain any objects whose export was requested. This right may be exercised within six months. The exporter has the right to fair compensation (Art. 32).

Every transfer of a classified item must be notified to the authorities within one month. The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Art. 5).

Classified movables belonging to the State may not be transferred. Classified movables belonging to communes or public institutions may be transferred only with the authorization of the Chief Officer of the Territory and in the conditions provided for by the law in force. The ownership of these objects may be transferred only to the State, to an institution of public law or a public utility (Art. 14). Acquisitions made in breach of this law are null and void. A bona fide purchaser or sub-purchaser may claim reimbursement of the price if the object is recovered from him. If it is recovered by the authorities, they will have an action against the vendor for the full amount of the indemnity. This article also applies to lost and stolen goods (Art. 15).

The State has a right of pre-emption over objects which are classified or proposed for classification (Art. 16).
4. Penalties and sanctions
For transfer, acquisition, removal, export of goods classified or proposed for classification, penalty is a fine of between 7,500 and 150,000 francs and imprisonment for between six days and three months or one of these two and an action for damages may also lie (Art. 44).

5. International instruments
CHAD

Law No. 14/60 for the protection of monuments and natural sites, sites and monuments of historic, archaeological, scientific, artistic or picturesque character, the classification of historical or ethnographical objects and the regulation of excavations.

1. Cultural property subject to export control
Classified objects. Goods may be classified where their conservation is in the public interest from the point of view of prehistory, archaeology, geology, art or science (Arts. 31, 3).

Immovable items which have been listed (Arts. 31, 1).

Objects in categories of prehistoric, archaeological, geological, historical or ethnographic interest specified by Decree (Art. 31).

2. Type of export control
Prohibition of export of classified or listed objects. Authorization may be given in exceptional cases by the Prime Minister (Art. 31).

Prohibition of export of objects in decreed categories without authorization of the Prime Minister.

3. Transfer of ownership
A person transferring a classified object must advise the purchaser that it is classified before the transfer takes place. The effects of classification apply irrespective of ownership (Art. 5).

Transfer of a classified object must be notified to the authorities within one month (Art. 5).

Classified movable goods belonging to the State are inalienable; those belonging to communes or public bodies cannot be disposed of except by authorization of the Prime Minister and to a public body or public utility (Art. 14).

The State has a right of pre-emption over listed and classified goods (immovables and natural sites and monuments may be listed) on public sale (Art. 16).

The government has a right to retain objects whose exportation is applied for on payment of an indemnity to the exporter. The right of retention may be exercised within a period of six months (Art. 32).

4. Penalties and sanctions
For transfer, acquisition, removal, export or attempted export of classified or listed objects, the penalty is a fine of between 10,000 and 500,000 francs CFA and imprisonment for six days to three months or by one of these. An action for damages may also apply and the court may order confiscation of the object for the benefit of the State (Art. 44).
For export or attempted export of objects in decreed categories, the penalty is a fine of at least double the value of the goods which will be seized and confiscated for the benefit of the State (Art. 44).

In the case of a second or later offence the wrongdoer is punished by imprisonment for between six days and three months (Art. 44).

5. **International instruments**

At 31 December 1987, Chad was not a party to any international instruments concerning unlawfully exported cultural property.
CHILE


Supreme Decree No. 52 of 13 January 1961 on the prohibition of the export of archaeological, ethnological and palaeontological fragments and objects.

Law No. 16,441 of 22 February 1966 creating the Department of Easter Island.

Law No. 17,236 of 12 November 1969 setting out provisions aimed at fostering the exercise, practice and dissemination of the arts and, in general, of the cultural and artistic heritage of the nation; and establishing the Museum of the Sea, amended by Decree-Law No. 1 of 5 May 1979.

Extracts from the texts are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 85.

1. Cultural property subject to export control

Historic monuments, which are defined to be places, ruins, buildings and objects owned by the government, by municipalities or by private persons which are designated as such by a Supreme Decree because of their character and historical and artistic importance or their antiquity (Law 17,288, Art. 9)

Parts of historic or artistic buildings or ruins or anthropological objects or fragments or natural formations which exist on or below the surface, the preservation of which is of scientific, historic or artistic interest; or of privately or publicly owned property, monuments, objects, fragments, pictures, books or documents which, on account of their historical or artistic value, should be kept in museums or archives or remain in a public place for commemorative purposes or on exhibition (Law 16,441, Art. 43).

Chilean or foreign works of art (Law 17,236, Art. 2).

Archaeological, ethnological and palaeontological fragments and objects and works of fine art (Supreme Decree No. 52).

2. Type of export control

Prohibition of export of historic monuments, except where authorized by a decree of the President of the Republic giving the justification therefore (Law 17,288, Art. 14; Law 16,441, Art. 43).

Export of Chilean and foreign works of art is subject to authorization of the Directorate of Libraries, Archives and Museums. If their removal is detrimental to the artistic heritage of the nation, it may determine procedures for guaranteeing their return and prescribing a time limit which may not exceed two years (Law 17,236, Art. 2). An exception applies for works going to foreign exhibitions (Art. 3).

Prohibition of export of archaeological, ethnological and palaeontological fragments and objects and works of fine art unless the Directorate of Libraries, Archives and Museums establishes that their export is not detrimental to the scientific, prehistoric or artistic heritage of the nation (Supreme Decree No. 52).
3. **Transfer of ownership**

Anthropo-archaeological places, ruins, deposits and pieces which exist on or beneath the national territory are archaeological monuments (including palaeontological fragments and the places where they are found) and owned by the State (Law 17,288, Art. 21).

The State has a right of pre-emption over a privately owned historic monument being offered for sale or auction. Auction houses must give the National Monuments Council not less than 30 days notice (Law 17,288, Art. 15).

4. **Penalties and sanctions**

Penalties as specified in the Penal Code (Law No. 17,288, Art. 38).

Public employees who contravene provisions of the law are subject to disciplinary measures, without prejudice to civil or penal sanctions to which they may also be liable (Art. 39).

Unintentional contraventions of the Act are punishable by a fine of between one and five minimum wages, without prejudice to other penalties which may be applicable (Art. 41).

5. **International Instruments**

At 31 December 1987, Chile was not a party to any international instruments concerning unlawfully exported cultural property.
CHINA


Provisional Regulation for the Prohibition of Export of valuable cultural relics and books, 24 May 1950.

1. Cultural property subject to export control
Documents and objects of revolutionary significance; remains or fossils of ancient animals or plants; remains and fossils of prehistoric man and objects used by prehistoric man; buildings, models of buildings and things attached to such buildings; paintings (works of art by artists of early times, ancient murals from palaces, temples and tombs, ancient embroidered paintings, woven-paintings, lacquered paintings etc. of high artistic value), sculptures (reliefs, carvings of high artistic value, statues for religious worship, fine ancient carvings of gold, stone, jade, bamboo, wood, bone, horn, tusk and china); inscriptions and carvings (inscriptions on bones or tortoise shells of the Shang Dynasty (16th to 11th century B.C.), imperial and official seals, tallies (issued by the ruler as credentials) and other ancient inscriptions and epigraphs on gold, stone, jade, bamboo, wood, brick, tile etc.; books (bamboo slips of ancient documents, books, files of high historical value, calligraphy by famous masters and rubbings from valuable carvings); coins (ancient shells, used as money), and coins of various stages (in the shape of swords, clothes, ingots, paper notes, etc.); vehicles and garments (wagons, chariots, sedan chairs, ships, saddles, headdresses, shoes, robes, ornaments, woven pieces etc. of historical value); tools and instruments (ancient tools, weapons, musical instruments, instruments for ritual and religious ceremonies, instruments and apparatus, furniture, utensils, stationery and instruments for recreation and amusement) (Regulation, Art. 2).

Copies and replicas of the above mentioned cultural relics and books and those cultural relics, antiques and books with no revolutionary significance or historical and cultural value may be exported (Regulation, Art. 4).

2. Type of export control
Prohibition except for purpose of exhibition which is subject to special licence (Law, Art. 28; Regulation, Art. 3).

3. Transfer of ownership
All undiscovered cultural relics are the property of the State (Law, Art. 4).

Cultural relics collected by individuals may be purchased by units appointed by cultural administrative departments. No other organization or individual can engage in the purchase or sale of cultural relics (Law, Art. 24). Sale of cultural relics owned by individuals to obtain profits and clandestine sale to foreigners is prohibited (Art. 25).

Sale of cultural relics collected by museums, libraries and other units owned by the State is prohibited. Transfer and exchange must be submitted to the cultural administration department for approval (Law, Art. 23).

4. Penalties and sanctions
The penalty for transporting important cultural relics for export is criminal prosecution (Law, Art. 31(2)). Sale to foreigners of cultural objects collected by individuals is subject
to the same penalty (Art. 31). The objects concerned will be confiscated (Regulation, Art. 9; Law, Art. 31(3)) and sale profits will be confiscated (Law, Art. 31(3)).

The penalty for purchase and sale of cultural relics without approval by the cultural administration department is a disciplinary warning or fine and confiscation of the illegal profits and the cultural relics (Law, Art. 31(2)).

5. International instruments
At 31 December 1987, China was not a party to any international instruments concerning unlawfully exported cultural property.
COLOMBIA

Act No. 163 of 1959 providing measures to defend and preserve the historic and cultural heritage and the public documents of the nation.

Decree No. 1060 of 1936 (Ministry of Foreign Affairs).

Act No. 444 by Decree of 1967.


Resolution No. 626-bis of 1973 of the Ministry of National Education, Colombian Institute of Culture.

1. Cultural property subject to export control
   Properties and objects related to magical-religious rites or being part of the material culture of the different indigenous groups in the country and any other object which the Colombian Institute of Anthropology considers of special cultural value from the context of anthropology, archaeology, ethnology, ethnography, and folklore of the different aboriginal inhabitants (Resolution, Art. 6).

   Monuments, pre-historic graves and other objects, made by man or otherwise, which are of special interest to the study of past civilizations and cultures, to history, arts or palaeontological research (1959 Act, Arts. 9, 1) and private records, books, manuscripts and autographic documents which are of interest to the study and verification of important historical facts, to science and Colombian literature (1959 Act, Art. 32).

   Botanical, zoological, mineral or palaeontological samples, archaeological, artistic, natural or historic samples (1936 Decree, Arts. 6, 7).

2. Type of export control
   Prohibition as to goods covered by the Resolution (Art. 6).

   Prohibition of goods covered by the 1959 Act except with a licence (Art. 9).

   Export of botanical, zoological, mineral or palaeontological samples prohibited unless a duplicate is within the control of the government or a museum. Other samples may not be exported without a licence (1936 Decree, Arts. 6, 7).

   Temporary export for exhibition may be allowed (1967 Decree, Art. 46).

3. Transfer of ownership
   The State has a right of pre-emption over private records, books, manuscripts and autographic documents which are of interest to the study and verification of important historical facts, to science and Colombian literature. The State may however declare them to be of public use and proceed to expropriation (1959 Act, Art. 32).

   It is an offence to alienate, acquire or pledge relics, paintings or sculptures or historic or artistic implements found in archaeological sites, public buildings, museums, monasteries, temples or consistorial houses without the permission of the competent authority (Police National Code, Art. 50).
4. Penalties and sanctions
For clandestine export of monuments, records, documents and other objects covered by
the 1959 Act, the penalty is confiscation in addition to a fine calculated by reference to
the artistic or historic value of the object concerned (1959 Act, Art. 29).

For alienation, acquisition or pledge of objects covered by the Police National Code, the
penalty is a fine of between 1,000 and 20,000 pesos and confiscation of the object
(Police National Code, Art. 50).

5. International arrangements (1)
At 31 December 1987, Colombia was not a party to any international instruments
concerning unlawfully exported cultural property.

Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or
Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Colombia.

(1) Note of Unesco Secretariat: Unesco Convention 1970 in force
since 24 August 1988
COMOROS

Statute No. 56-1106 of 3 November 1956 concerning the protection of natural monuments, sites and monuments of historical, scientific, artistic or scenic character, the classification of historical, scientific or ethnographic objects and the regulation of excavations.

1. Cultural property subject to export control
Classified objects, listed objects (Art. 31). Immovables, natural monuments or sites whose conservation or preservation is of historic, artistic, scientific or legendary or scenic interest may be classified and the list of classified items is published in the Journal Officiel (Arts. 31, 1).

Objects of historic or scientific interest in categories established by order of the authorities (Art. 31).

2. Type of export control
Prohibition of exports of classified and listed items. In exceptional cases export may be authorized by the Chief Officer (Art. 31).

Prohibition of export of objects of scientific or historic interest in listed categories, except where authorized by the Chief Officer (Art. 32).

3. Transfer of ownership
The authorities have a right to retain any objects whose export was requested. This right may be exercised within six months. The exporter has the right to fair compensation (Art. 32).

Every transfer of a classified item must be notified to the authorities within one month. The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Art. 5).

Classified movables belonging to the State may not be transferred. Classified movables belonging to communes or public institutions may be transferred only with the authorization of the Chief Officer of the Territory and in the conditions provided for by the law in force. The ownership of these objects may be transferred only to the State, to an institution of public law or a public utility (Art. 14). Acquisitions made in breach of this law are null and void. A bona fide purchaser or sub-purchaser may claim reimbursement of the price if the object is recovered from him. If it is recovered by the authorities, they will have an action against the vendor for the full amount of the indemnity. This article also applies to lost and stolen goods (Art. 15).

The State has a right of pre-emption over objects which are classified or proposed for classification (Art. 16).
4. **Penalties and sanctions**
For transfer, acquisition, removal, export of goods classified or proposed for classification, penalty is a fine of between 7,500 and 150,000 francs and imprisonment for between six days and three months or one of these two and an action for damages may also lie (Art. 44).

5. **International instruments**
At 31 December 1987, the Comoros was not a party to any international instruments concerning unlawfully exported cultural property.
CONGO

Statute No. 56-1106 of 3 November 1956 concerning the protection of natural monuments, sites and monuments of historical, scientific, artistic or scenic character, the classification of historical, scientific or ethnographic objects and the regulation of excavations.

1. Cultural property subject to export control

Classified objects, listed objects (Art. 31). Immovables, natural monuments or sites whose conservation or preservation is of historic, artistic, scientific or legendary or scenic interest may be classified and the list of classified items is published in the Journal Officiel (Arts. 31, 1).

Objects of historic or scientific interest in categories established by order of the authorities (Art. 31).

2. Type of export control

Prohibition of export of classified and listed items. In exceptional cases export may be authorized by the Chief Officer (Art. 31).

Prohibition of export of objects of scientific or historic interest in listed categories, except where authorized by the Chief Officer (Art. 32).

3. Transfer of ownership

The authorities have a right to retain any objects whose export was requested. This right may be exercised within six months. The exporter has the right to fair compensation (Art. 32).

Every transfer of a classified item must be notified to the authorities within one month. The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Art. 5).

Classified movables belonging to the State may not be transferred. Classified movables belonging to communes or public institutions may be transferred only with the authorization of the Chief Officer of the Territory and on the conditions provided for by the law in force. The ownership of these objects may be transferred only to the State, to an institution of public law or a public utility (Art. 14). Acquisitions made in breach of this law are null and void. A bona fide purchaser or sub-purchaser may claim reimbursement of the price if the object is recovered from him. If it is recovered by the authorities, they will have an action against the vendor for the full amount of the indemnity. This article also applies to lost and stolen goods (Art. 15).

The State has a right of pre-emption over objects which are classified or proposed for classification (Art. 16).
4. **Penalties and sanctions**
For transfer, acquisition, removal, export of goods classified or proposed for classification, penalty is a fine of between 7,500 and 150,000 francs and imprisonment for between six days and three months or one of these two and action for damages may also lie (Art. 44).

5. **International instruments**
At 31 December 1987, Congo was not a party to any international instruments concerning unlawfully exported cultural property.
COSTA RICA

Law No. 6703 on the protection of the cultural heritage of 19th January 1982. (Note: Sections 3, 5, 7, 9 and 17 have been ruled contrary to the Costa Rican constitution and as a result no penalty may be imposed in action taken thereunder. All the other provisions remain in force. Amended legislation is being drafted).

1. Cultural property subject to export control
Archaeological objects (Art. 8). The National Archaeological Heritage is constituted by movables or immovables which are the product of the indigenous cultures prior to or contemporary with the establishment of Hispanic culture in the national territory as well as by the human remains, flora and fauna related to those cultures (Art. 1).

2. Type of export control
Prohibition. The only entity allowed to export archaeological objects is the National Museum with the prior authorization of the National Archaeological Commission (Art. 8).

3. Transfer of ownership
Private individuals and private or state institutions are prohibited from trading and exporting archaeological objects (Art. 8).

All archaeological objects discovered after the date of entry into force of the Act (19 January 1982) as well as those possessed by private persons after entry into force of the prior Act (6 October 1938) are the property of the State (Art. 3). Present collectors and private holders may be given custody of the archaeological objects (Art. 5) but they have a duty to register them (Art. 17) (see Note above on invalidity of these provisions).

A movable archaeological object may be transferred within the country provided prior notice is made to the Public Registry of the National Archaeological Commission (Art. 14).

4. Penalties and sanctions
For unlawful export, the penalty is imprisonment for one to four years without commutation (Art. 27).

In awarding sentences under this Act, account is to be taken of the education, customs and conduct of the accused, his financial position and the motives and circumstances which inspired the crime (Art. 30).

On proof of intent to take archaeological objects out of the country, the objects are confiscated and the guilty person sentenced to from one to three years imprisonment.

5. International arrangements

Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Costa Rica.
COTE d'IVOIRE

Law No. 87-806 of 28 July 1987 concerning the protection of the cultural heritage.

1. Cultural property subject to export control
Immovables, whether by nature or by intention, including archaeological and historic sites, architectural works and monuments individually or in a group; movables including old artistic objects, craftwork, objects used in customs and rituals, and all prehistoric or historic remains of cultural interest, folkloric works, literature and art transmitted from generation to generation which are a part of the traditional ivoirian culture (Arts. 1 & 2). Classified objects (Art. 55).

2. Type of export control
Prohibition of export of classified movables. In exceptional cases, export may be authorised for a limited time on condition of object's return (Art. 58).

The export of art objects and antiques anywhere is subject to an authorising certificate of export. The State may exercise the right of acquisition subject to conditions set out by decree (Art. 59). This authorization is not required in the case of modern art or contemporary craft work (Art. 59).

Right to photograph all objects requested for export reserved by State in the interests of iconographic records for museums and scientific research (Art. 60).

3. Transfer of ownership
Objects part of national collections are inalienable (Art. 48). The authorities enjoy a right to claim back objects without a time restraint or obligation to indemnify the possessor in good faith (Art. 48).

The State has a right of pre-emption over all classified rights. Transfers for consideration and donations of all or part of a classified private collection must be made in accordance with the conditions set out by decree of the Council of Ministers requiring an accompanying authorisation (Art. 50). The State enjoys a right of pre-emption for 3 months (Art. 51).
4. Penalties and sanctions
For export or attempted export of classified objects penalties amount to a category 3 offence.

Customs code applies also (Art. 61).

5. International instruments
CUBA

Cultural Heritage Protection Law, No. 1 of 4 August 1977.


Regulations for the Enforcement of the National and Local Monuments Law, Decree No. 55 of 29 November 1979.

Regulations for the Enforcement of the Cultural Heritage Protection Law, Decree No. 118 of 23 September 1983.

First three texts printed by Unesco CLT 85/WS 26.

1. Cultural property subject to export control
Property which comprises the Cultural Heritage of the Nation, on account of its special relevance to archaeology, pre-history, history, literature, art, science or culture in general (Law No. 1, Art. 1). The Ministry of Culture specifies and declares which property forms part of the Cultural Heritage of the Nation (Art. 2) by keeping a National Register which records details making it possible to identify the property, the place where it is situated, the person (individual or corporate) who has legal rights to it and the reason why the property is of cultural interest (Law No. 1, Art. 3).

National or local monuments so declared by the National Monuments Commission (Law No. 2, Art. 1). These are listed on the National and Local Monuments Register kept by the Commissioner (Decree No. 55, Arts. 32 and 33) and officially published (Decree No. 55, Art. 35).

Property of museal significance (Decree No. 118, Art. 50)

2. Type of export control
Property not to be removed from the national territory except with the express authorization of the Ministry of Culture and for the period of time set by it (Law No. 1, Art. 8; Decree No. 118, Art. 51).

Export of a declared national or local monument absolutely forbidden unless an express authorization is issued by the National Monuments Commission (Law No. 2, Art. 17). A certificate is issued to that effect (Decree No. 55, Art. 72).

3. Transfer of ownership
Control or possession of property covered by Law No. 1 must be subject to prior authorization by the Ministry of Culture (Law No. 1, Art. 9) according to procedures set out in Decree No. 118, Art. 43. The State has a preferential right to purchase property for which an authorization of transfer is sought (Arts. 9, 10).
4. **Penalties and sanctions**
Removal or attempted removal from the territory of material protected under Law No. 1 is treated as the crime of smuggling and punished according to criminal law. The property is confiscated in all cases (Law No. 1, Art. 12).

Failure to present to the customs officials a certificate stating that property which is listed in the National and Local Monuments Register is approved for export and the period during which it may remain outside the territory will result in the property being liable to seizure by the customs authorities, who will then place it at the disposal of the National Monuments Commission (Decree No. 55, Art. 73).

5. **International instruments**

CYPRUS


Text printed by Unesco CLT-85/WS 22.

1. **Cultural property subject to export control**
   
   "Antiquities" which is defined to include any object, whether movable or immovable property, which is a work of architecture, sculpture, graphic art, painting and any art whatsoever, produced, sculptured, inscribed or painted or generally made in Cyprus before 1850. In the case of works of ecclesiastical or folk art of the highest archaeological, artistic or historic importance, the year 1900 is used instead of 1850 (s.2).

2. **Type of export control**

   Export of antiquities is only allowed with a licence obtained from the Director of Antiquities (s.27).

3. **Transfer of ownership**

   All undiscovered antiquities (from 1935) are the property of the Government (s.3). A finder must notify the authorities, who may decide to acquire it on payment of a gratuity (s.5).

4. **Penalties and sanctions**

   Export, attempted export or assisting export without a licence may be punished by up to three years imprisonment, a fine and forfeiture of the antiquity (s.27).

5. **International instruments**

CZECHOSLOVAKIA

Law of 17 April 1958 (No. 22/1958 Czechoslovak Republic) on cultural monuments (applicable to the Czech region).

Law of 29 August (No 7/1958 Slovak National Council) on cultural monuments (applicable to Slovakia).

Extracts from the first of these texts are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. I, 110. The second is virtually identical.

1. **Cultural property subject to export control**
Items of cultural property ("monuments") which document the historical development of society, its art, technology, science and other areas of human activity and life or relate to outstanding personalities or to historical or cultural events (Art. 2).

2. **Type of export control**
Such items may only be exported with the permission of the Ministry of Education and Culture after an investigation has shown that their cultural and political importance is not such as to warrant their retention in Czechoslovakia (Art. 14(1)).

Monuments which constitute the most important elements of the cultural riches of the nation are designated as national cultural monuments and may only be exported with the permission of the Government. Permission is only granted in very exceptional cases where an important State interest is involved (Art. (14)2).

3. **Transfer of ownership**
No specific provisions.

4. **Penalties and sanctions**
Not specified.

5. **International instruments**

DEMOCRATIC KAMPUCHEA

Text relating to the classification, preservation and protection of historic monuments (Journal Officiel 1925, 1422).

1. Cultural property subject to export control
   Classified objects or objects which are part of classified monuments. Objects may be classified when their preservation is in the public interest from the point of view of pre-history, history or art (Arts. 21, 15).

   Artworks, statues, sculptures, engravings on stone, wood or metal of Cambodian origin and dating before the 19th century and not classified (Art. 22).

2. Type of export control
   Export of classified objects or parts of classified monuments is forbidden (Art. 21).

   Non-classified objects subject to export control require a certificate of non-classification from the Director of Arts (Art. 22).

3. Transfer of ownership
   Transfer requires the approval of the government (Art. 19).

   Archaeological finds are the property of the State (Art. 30).

   The government has a right of pre-emption over works of art offered at public sales (Art. 24).

4. Penalties and sanctions
   Not stated.

5. International instruments
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Legislation not available.

International instruments

Plovdiv Agreement 1986 signed as at 28 August 1986.
DEMOCRATIC YEMEN

Antiquities and Museums Law 1970.

1. Cultural property subject to export control
Movable antiquities (s.17).

A "movable antiquity" means the antiquity detached from soil and building which can easily be transported from one place to another; such as sculptures, coins, pictures, inscriptions and manuscripts and all other objects illustrating aspects of sciences, arts, crafts, literatures and traditions.

An "antiquity" is any movable or immovable property erected, made, inscribed or written by human agency more than 200 years ago or, if less than 200 years old, so declared by resolution of the Minister of Culture and Guidance because public interest renders its preservation necessary on account of its historical or artistic value (s.2).

2. Type of export control
Prohibition (s.17).

3. Transfer of ownership
All antiquities discovered in the Republic are State Common Property. No individual can dispose of, or claim ownership to, such antiquities (s.3).

Trafficking in movable antiquities is prohibited (s.16).

Persons in possession of movable antiquities had to register them after the Act came into force (s.19). The Government has a right of pre-emption on sale of the antiquity (s.21).

4. Penalties and sanctions
Smuggling or attempting to smuggle antiquities outside the Republic is punishable by imprisonment for a period of between three months and two years or a fine of between 100 and 500 dinar or both (s.42). The antiquities involved are to be confiscated (s.41).

5. International instruments
DENMARK

Act No. 331 of 4 June 1986 on protection of cultural resources in Denmark.

1. Cultural property subject to export control
Cultural property made before 1660.
Cultural property worth more than 100,000 kroner and more than 100 years old.
Photographs worth more than 30,000 kroner.

In certain circumstances, the Minister for Cultural Affairs may decide, on the recommendation of the Cultural Resources Committee, that an item of cultural property not otherwise covered should be included.

Coins and medals are not included (Art. 2).

2. Type of export control
Prohibition without a permit (Art. 3). Export permits are granted by the Cultural Resources Committee (Art. 5). Only the owner of the cultural property may apply for a permit (Art. 3). If the Committee does not make a decision within three months, the permit can be regarded as having been granted, unless a request for access to the property has not been complied with (Art. 6). The permit expires at the end of five years (Art. 9).

An export permit must be granted if the owner proves (a) the object was made outside Denmark and imported within the last 100 years or (b) that he is emigrating and wishes to export the object as part of his personal effects (Art. 7).

3. Transfer of ownership
Any transfer of ownership of cultural property covered by the Act must be reported to the Cultural Resources Committee (Art. 4).

If a request for an export licence is refused, the State is obliged to offer to buy the property at market value (Art. 11).

4. Penalties and sanctions
Export without a permit is punishable by a fine (Art. 13).

5. International instruments
DOMINICA

Legislation not available.

International Instruments
At 31 December 1987, Dominica was not a party to any international instruments concerning unlawfully exported cultural property.
DOMINICAN REPUBLIC

Act 318 of 14 June 1968 on the cultural patrimony of the Nation. (1)

Act 564 of 27 September 1973 for the protection and preservation of national, ethnological and archaeological objects. (1)

1. Cultural property subject to export control

The cultural patrimony of the Nation. It consists of the monumental patrimony and the artistic patrimony, comprising groups of movable properties and objects which are because of their artistic or historic significance of undoubted value and are or may be destined to form part of a collection of a public museum (Arts. 1, 2 and 3). It also includes the documentary patrimony (written testimonials from the historical past which require adequate preservation and classification in archives and in establishments that are accessible to palaeographers and researchers (Art. 4)) as well as the folkloric patrimony, consisting of diverse material manifestations typical of the Dominican tradition and especially of popular art and handicraft (Act 318, Art. 5).

Archaeological properties, movable or immovable, described as products of the mind of those races which inhabited the island before its discovery as well as human remains, flora and fauna associated with those cultures (Act 564, Art. 1).

2. Type of export control

Export is prohibited, whether goods are publicly or privately owned. Permission may be given for a temporary export for the purposes of exhibition, classification or study purposes by the Director of Fine Arts (Act 318, Art. 10). Archaeological properties may not be exported, moved, exhibited or reproduced without special authorization requested through the Museum of Dominican Man (Act 564, Art. 3)

3. Transfer of ownership

Transfer of ownership or possession of items of the cultural patrimony must be notified to the authorities within 90 days (Act 318, Art. 9).

All archaeological properties are inalienable property of the Dominican State and ownership cannot be acquired by possession (Act 564, Art. 2).

4. Penalties and sanctions

Any breach of Act 318 is penalized by imprisonment for between six months to two years and a fine of between $200 R.D. to $2,000 R.D. (Act 318, Art. 15).

Any step towards export (of archaeological properties) is penalized with six months to one year imprisonment or a fine of between 1,000 and 4,000 pesos (Act 564, Art. 10(c)).

5. International arrangements


Unesco Convention 1954 in force since 5 April 1960.

Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from the Dominican Republic.

(1) Note of Unesco Secretariat : Texts printed by Unesco CC-88/WS.3
ECUADOR


Texts printed by Unesco CLT-85/WS 23.

1. Cultural property subject to export control
The cultural heritage of the State which is defined to include, besides archaeological and architectural immovables, ceramics, metal, stone or other objects belonging to prehispanic and colonial times, archaeological deposits and traces of flora and fauna and human remains related to those periods, paintings, sculptures, carvings, gold and silver objects, ceramics etc of the same period, old manuscripts and incunabula, rare editions of books, maps and other important documents, objects and documents belonging or related to the precursors and founding fathers of national independence or to persons of special eminence in the history of Ecuador, coins, bank notes, insignias, medals and any other objects made within the country or abroad at any time during its history, which might be of national numismatic interest, seals, stamps and other objects of philatelic interest, ethnographic objects that have scientific, historical or artistic value, cultural property produced by prize winning contemporary artists, works of nature enhanced by man and any property not included in the list which has been declared part of the cultural heritage by the Cultural Heritage Institute (Art. 7).

2. Type of export control
Export is forbidden. The Governing Board of the Cultural Heritage Institute may permit a temporary removal from the territory for exhibition or other cultural dissemination after the preparation of a technical report by the Institute (Art. 23).

The Diplomatic Immunities, Privileges and Exemptions Act specifies that diplomats and non-Ecuadorian employees of missions are subject to the Cultural Heritage Act. Diplomatic baggage may be inspected where there is good reason to believe an infringement has occurred (Arts. 31, 32).

3. Transfer of ownership
The State is the owner of all archaeological property not discovered at the date of entry into force (1979) (Art. 9).

Any transfer of ownership of objects belonging to the cultural heritage is subject to the authorization of the Cultural Heritage Institute and the location of the objects is not to be changed without the permission of the Institute (Art. 12).

The Institute regulates trade within the country. It may declare unauthorized transfers null and void (Art. 12).

Diplomatic officials, attaches and non-Ecuadorian employees of a mission are not to acquire Ecuadorian archaeological or colonial art objects that are basic to the history of the country (Dip. Immunities, Privileges & Exemptions Act, Art. 31).
4. **Penalties and sanctions**
Attempts to export to be punished under Regulations. Where the property is in fact taken out of the country the property is to be seized and the persons responsible will be punished by up to two years imprisonment and by any other penalties laid down in the Regulations (Art. 23).

Infringements of the provisions of the Cultural Heritage Act by diplomats is sufficient reason for the infringer to be declared persona non grata and for the objects in question to be seized (Diplomatic Immunities, Privileges and Exemptions Act, Art. 31).

5. **International arrangements**


Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Ecuador.
EGYPT

Law No. 117 of 1983 putting into force the Law on the Protection of Antiquities.

Text printed by Unesco CLT-85/WS 27.

1. Cultural property subject to export control
"Antiquities" which is defined to mean any movable or immovable property which is a product of any of the various civilizations or any of the arts, sciences, literatures and religions of the successive historical periods extending from prehistoric times to a point one hundred years ago and that has archaeological or historical value or significance as a relic of one of the various civilizations established in Egypt or related to it. It also includes human and animal remains from such periods (Art. 1).

Any movable or immovable property of historical, scientific, religious, artistic or literary value may be deemed to be an antiquity although its date of origin is outside those specified in Art. 1. Such property will be registered (Art. 2).

2. Type of export control
No antiquity is to be taken outside the country (Art. 9).

The Egyptian Antiquities Organization may exchange movable antiquities of which there are several specimens with foreign countries, museums and scientific institutes where the President of the country takes a decision to that effect (Art. 10). Antiquities may, on the decision of the President, be exhibited abroad for limited periods (Art. 10).

3. Transfer of ownership
All antiquities, with the exception of religious endowments (waqfs), are deemed public property (Art. 6). The possession of antiquities is prohibited from the date of entry into force of this law, except for those antiquities whose ownership or possession was established before the coming into force of this law (Art. 8).

All trade in antiquities is prohibited from the date of entry into force of this law (Art. 7).

Transfer of possession or ownership requires written approval of the Egyptian Antiquities Organization (Art. 9).

Movable antiquities found by chance are deemed to be public property (Art. 24). All antiquities discovered by foreign archaeological excavation teams are deemed to be public property (Art. 35). The Egyptian Antiquities Organization may decide to donate some of the movable antiquities to the mission (Art. 35) but this donation will be subject to conditions prohibiting commercial transactions in respect of the donated antiquities inside or outside the country.
4. **Penalties and sanctions**

Penalty for unlawful export or attempted export of an antiquity is a fine of between 5,000 pounds and 15,000 pounds. The antiquity is confiscated, as well as any equipment, tools, machinery and vehicles used in the commission of the offence (Art. 41). Further penalties may apply under the Penal Code or other laws (Art. 40).

5. **International instruments**


EL SALVADOR

Constitution: Title I "The State and Its Form of Government", Chapter III, Culture.

Penal Code, Chapter III, Crimes Against Special Properties.

1. Cultural property subject to export control
   Not specified.

2. Type of export control
   No specific provisions.

3. Transfer of ownership
   The artistic, historic and archaeological wealth of the country forms part of the cultural
   treasure of El Salvador, which shall remain under the custody of the State and shall be
   subject to special laws for its preservation (Constitution, Art. 203).

4. Penalties and sanctions
   Engaging in illegal or clandestine traffic in antiquities and objects which should be
   considered as belonging to the artistic, historic or archaeological reserve of the Republic
   is punishable by imprisonment for six months to three years (Penal Code, Art. 261).

5. International arrangements


   Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or
   Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from El Salvador.

   Objects from the Cara Sucia region of El Salvador cannot be imported into the United
   States unless accompanied by an export certificate issued by the Government of El
   Salvador. (The United States has established, under the 1983 Cultural Property
   Implementation Act (19 U.S.C. 2610), a method by which restrictions on imports would
   be imposed at the request of countries whose cultural heritage was under severe threat
   from pillage. El Salvador made such a request on 13 March 1987 relating to Hispanic
   objects from the Cara Sucia Archaeological Region in southwestern El Salvador. The
   Cultural Property Advisory Committee set up under the Act unanimously recommend
   the imposition of emergency United States import restrictions on archaeological material
   from the Cara Sucia region and these were imposed on 11 September 1987).
EQUATORIAL GUINEA

Legislation not available.

International instruments
At 31 December 1987, Equatorial Guinea was not a party to any international instruments concerning unlawfully exported cultural property.
ETHIOPIA

Antiquities Proclamation No. 229 of 1966.

Export of Antiquities Regulations 1969.

1. Cultural property subject to export control
Any "antiquity", which is defined to mean any product of human activity, or any object of historical or archaeological interest, having its origin prior to 1850 E.C. (Regulations, Art. 3).

2. Type of export control
Prohibition, except with special authorization (Regulations, Arts. 4, 7).

3. Transfer of ownership
Transfer and surrender of antiquities to the State may be required.

4. Penalties and sanctions
In accordance with the Penal Code.

5. International instruments
At 31 December 1987, Ethiopia was not a party to any international instruments concerning unlawfully exported cultural property.
FIJI

Preservation of Objects of Archaeological and Palaeontological Interest Act 1940.

Customs Act 1968.

Customs (Prohibited Exports) Order.

1. Cultural property subject to export control
Monuments and objects of archaeological or palaeontological interest. An "object of archaeological or palaeontological interest" includes, besides a number of specified immovables, any rock, rock drawing, painting, sculpture, inscription, monolith or any remains of these, fossil remains of man or animals or plants or any object, or remains of it, which is of archaeological, anthropological, ethnological, prehistoric or historic interest (1940 Act, s.2).

Whale's teeth, breast plates of pearl and ivory and ivory necklaces (Schedule Item 3); all Fijian weapons made for war as distinct from those made for the souvenir trade, including clubs, throwing clubs, spears, bows, arrows and slings; forks of bone, ivory or wood made for the eating of human flesh, as distinct from modern replicas thereof made for the souvenir trade; all artefacts made from whaletooth including breast plates, pendants, necklaces, food hangers and human and animal figures; all stone adzes and pounders; all wooden or stone carvings of human or animal figures, as distinct from modern replicas made for the souvenir trade (Order, Second Schedule, Item 10).

2. Type of export control
Prohibition of export of objects of archaeological or palaeontological interest without a permit from the Board of Trustees of the Fiji Museum (1940 Act, s.19(1)). The Board may issue the permit subject to such terms and conditions as it sees fit or refuse one without reason (s.19(2)).

Prohibition of export of items listed in Schedule 2, Item 3 without written permission of the Permanent Secretary for Fijian Affairs and Rural Development, and of items in Schedule 2, Item 10 without a licence from the Permanent Secretary for Urban Development and Housing.

3. Transfer of ownership
The Minister has power to acquire a monument if it is in danger of being destroyed, damaged or falling into decay. A "monument" includes any object of archaeological or palaeontological interest which the Minister has declared to be a monument (1940 Act, ss.11, 2, 6).
4. **Penalties and sanctions**

For contravention of the export provisions of the Act the penalty is a fine of up to $200, or imprisonment for up to six months or both (s.17).

For contravention of the Customs (Prohibited Exports) Order, the penalties of the Customs Act apply. These include forfeiture of the goods and of vessels, containers etc used in the handling of the goods (Customs Act, ss.197, 198) and a fine of up to $400 or three times the value of the goods, whichever is the greater (s.206). These provisions apply also to aiding and abetting and attempted offences (ss.211, 212). Persons are also liable for misstatements, false documents or incorrect statements (s.207).

5. **International instruments**

At 31 December 1987, Fiji was not a party to any international instruments concerning unlawfully exported cultural property.


1. **Cultural property subject to export control**
   Works of art, products of industrial art and handicraft more than 50 years old; items relating to natural history and prominent persons, valuable manuscripts and collections of scientific value regardless of their age; and other items of general cultural and historical value more than 50 years old (1978 Act, Art. 2). The Ministry of Education has, as authorized by Art. 1 of the Act, resolved that this category includes buildings of cultural and historical value and their parts; movable parts of buildings, documents and drawings pertaining to them, movable and fixed furniture including accessories and textiles, household utensils including those used for meals, cooking, washing and ironing and receptacles, tools and machinery including those used for agriculture, hunting, building and for working with textiles, equipment for weighing and measuring and for indicating times, musical instruments and scores, clothing and textiles, toilet articles, weapons and equipment, means of transportation, toys and games, objects of art, ornaments, jewellery, ecclesiastical objects, miniature boats or machinery or buildings, religious objects, coins and medals, orders, awards, insignia and markings of rank, seals, postage stamps printed in Finland before 1860, documents and manuscripts, photographs and photographic equipment, films and sound tapes, printed matter, maps and drawings and archaeological materials (Ministerial Resolution. Some of the above categories are much more specifically defined in that Resolution.)

Cultural property of foreign origin is not included unless it has been in Finland for a minimum of 50 years in the last 70 years (1978 Act, Art. 3).

2. **Type of export control**
   Prohibition of export, except where a permit has been issued (1978 Act, Art. 3). An export permit will not be granted if it is important that the item be kept in the country from an artistic, scientific, historical or other point of view related to cultural history. Nevertheless, a permit may be granted even in these cases if there are other special reasons or important personal reasons of the owner (Art. 4).

   An export permit will be granted if the item is part of the movable property of an emigrant, if a person resident abroad has obtained the item by succession or if the person to whom the permit is granted undertakes to bring the item back into the country within a specified period (1978 Act, Art. 4).

3. **Transfer of ownership**
   Movable items in a church or other public building, or belonging to such a building, which are connected with ancient traditions or skills and which are not private property, such as old paintings, pieces of sculpture, or other works of art, valuables, coats of arms, robes, armour, banners, weapons, poorboxes, or other such items cannot be transferred
before notifying the National Board of Antiquities and Historical Monuments which has a right of pre-emption (1963 Act, Art. 19).

A coin, weapon, tool, ornament or vessel or transport equipment etc more than 100 years old which is found and whose owner is not known must be handed to the National Board which has a right of pre-emption (1963 Act, Arts. 16, 17).

4. **Penalties and sanctions**

For unlawful export or attempted unlawful export, the penalties for smuggling apply according to the Penal Code. The object concerned is forfeited (unless this is unreasonable in relation to the minimal nature of the offence) or the value of the object or other economic advantage of the crime is forfeited to the State (1978 Act, Art. 9).

For concealment, transfer, failure to report, acquisition or export of archaeological remains contrary to the provisions of the Act, the penalty is a fine, unless a more severe penalty is prescribed in other legislation (1963 Act, Art. 25).

5. **International instruments**

At 31 December 1987, Finland was not a party to any international instruments concerning unlawfully exported cultural property.
FRANCE

Law of 31 December 1913 on historic monuments, amended and completed by various legislative instruments (Laws, Decrees, Ordinances) as set out in full in the Unesco Compendium referred to below. For purposes of regulation of exports the Law of 23 June 1941 (as amended by Decree No. 58-1063 of 7 November 1958) and the Decree of 30 November 1944 fixing the conditions for the importation, exportation and reexportation of goods are relevant. Notices to Exporters of 27 February 1949, 24 November 1964 and 30 October 1975 made pursuant to the 1944 Decree are also relevant.

Decree No. 68-786 of 29 August 1968 concerning the regulation of the business of traders in movable objects (amended by Decree No. 70-788 of 27 August 1970).

Decree No. 81-255 of 3 March 1981 on the repression of fraudulent dealings in works of art and collectors' pieces.

Extracts from these and a number of other texts concerned with the protection of cultural property are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. I, 121.

1. **Cultural property subject to export control**
   Classified objects. Any object may be classified (whether movable or attached to immovable property) if its preservation is of national historic, artistic, scientific or technical interest (1913 Law, Arts. 21, 14). Up-to-date copies of the list of classified objects are kept at the Ministry of Cultural Affairs and at the prefecture of each Department (1913 Law, Art. 17).

   Objects of national importance for historical or artistic reasons. This applies to items of furniture made before 1830, works of painters, engravers, draughtsmen, sculptors and decorators made before 1900 and to objects resulting from excavations carried out in France or Algeria (1941 Law, Art. 1).

2. **Type of export control**
   Prohibition of export of classified objects (1913 Law, Art. 21).

   Export of objects of national importance for historical or artistic reasons is subject to authorization. The State has a right of pre-emption for six months over the objects which it is proposed to export (1941 Law, Arts. 1, 2).

3. **Transfer of ownership**
   Classified objects belonging to the State may not be transferred; those belonging to departments, communes, public institutions or public utilities may only be disposed of with the authorization of the Minister for Cultural Affairs and to the State, a public body or a public utility (1913 Law, Art. 18).

   A private person disposing of a classified object must notify the purchaser of the classification and the Minister of the transfer within 30 days (1913 Law, Art. 19).
Classified objects cannot be acquired by prescription and the effects of classification continue irrespective of the person in possession or control of the object (1913 Law, Arts. 18, 19).

The State has a right of pre-emption in respect of any public sale of works of art (1913 Law, Art. 37).

Antique dealers must be registered and keep records of every person from whom they buy goods (1968 Decree, Arts. 1, 2).

Persons carrying on the business of selling works of art or collector's items may be required, at the purchaser's request, to supply a copy of the record of the public sale stating the details published about the nature, composition, origin and age of the items sold (1981 Decree, Art. 1).

4. Penalties and sanctions
For violation of export controls in force, the penalty is a fine of less than twice the value of the objects and the objects will be confiscated. For repetition of the offence, an additional penalty of imprisonment for between six days and three months. Article 463 of the Penal Code also applies (1941 Law, Art. 4).

A person who disposes of, knowingly acquires or exports a scheduled movable object is liable to a fine of between 300 and 30,000 francs and to imprisonment for between six days and three months, or to one of these penalties. An action for damages may also apply (1913 Law, Art. 31).

Acquisition of a classified object belonging to the State, or other public body (which has not received authorization) is null and void (Art. 20).

5. International instruments


France has announced its intention of accepting the Unesco Convention 1970. Law No. 83-347 of the 28 April 1983 gave approval to French ratification of the Convention but implementing legislation has not been passed and therefore the Convention is not yet in force.
GABON

Statute No. 56-1106 of 3 November 1956 concerning the protection of natural monuments, sites and monuments of historical, scientific, artistic or scenic character, the classification of historical, scientific or ethnographic objects and the regulation of excavations.

1. Cultural property subject to export control
   Classified objects, listed objects (Art. 31). Immovables, natural monuments or sites whose conservation or preservation is of historic, artistic, scientific or legendary or scenic interest may be classified and the list of classified items is published in the Journal Officiel (Arts. 31, 1).

   Objects of historic or scientific interest in categories established by order of the authorities (Art. 31).

2. Type of export control
   Prohibition of exports of classified and listed items. In exceptional cases export may be authorized by the Chief Officer (Art. 31).

   Prohibition of export of objects of scientific or historic interest in listed categories, except where authorized by the Chief Officer (Art. 32).

3. Transfer of ownership
   The authorities have a right to retain any objects whose export was requested. This right may be exercised within six months. The exporter has the right to fair compensation (Art. 32).

   Every transfer of a classified item must be notified to the authorities within one month. The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Art. 5).

   Classified movables belonging to the State may not be transferred. Classified movables belonging to communes or public institutions may be transferred only with the authorization of the Chief Officer of the Territory and in the conditions provided for by the law in force. The ownership of these objects may be transferred only to the State, to an institution of public law or a public utility (Art. 14). Acquisitions made in breach of this law are null and void. A bona fide purchaser or sub-purchaser may claim reimbursement of the price if the object is recovered from him. If it is recovered by the authorities, they will have an action against the vendor for the full amount of the indemnity. This article also applies to lost and stolen goods (Art. 15).

   The State has a right of pre-emption over objects which are classified or proposed for classification (Art. 16).

4. Penalties and sanctions
   For transfer, acquisition, removal, export of goods classified or proposed for classification, penalty is a fine of between 7,500 and 150,000 francs and imprisonment for between six days and three months or one of these two and an action for damages may also lie (Art. 44).
5. **International instruments**

GAMBIA


Text printed by Unesco CLT-85/WS 33.

1. Cultural property subject to export control
Any national monument, monument or relic or any part of them (s.13(1)). Any ethnographical article or part of it (s.13(4)).

A "monument" means ancient monument or antiquity, any area of land containing objects of archaeological interest, old tree or old building and any other object (whether natural or constructed by man) of archaeological, ethnographical, historical or other scientific interest and a "national monument" is one which has been proclaimed as such by the Minister (s.2).

A "relic" means a fossil of any kind, any ancient drawing, engraving or painting on stone or petroglyph; any ancient implement, article or other artefact and any archaeological contents of any ancient monument or ancient working.

"Ethnographical article" means any remains of early settlement, or colonisation; any work of art or craftwork including any statue, modelled clay figure, figure cast or wrought in metal, carving, housepost, door, ancestral figure, religious mask, staff, drum, bowl, ornament, if such work of art or craftwork is of indigenous origin and was made or fashioned before 1937 or is of historic, artistic or scientific interest and is or has been used in the performance of any traditional African ceremony (s.2).

2. Type of export control
Prohibition, except with the written consent of the Monuments and Relics Commission (s.13(1),(3)).

3. Transfer of ownership
The Commission has an option to acquire any ancient monument, relic or ethnographical article which has been discovered. The discovery must be notified, and the Commission then has six months in which to exercise its option (s.11).

4. Penalties and sanctions
For unlawful export or false statement in an application for consent to export, the penalty is a fine of 400 dalasis. If the fine is not paid, the penalty is imprisonment for six months (s.13(6)).

5. International instruments
At 31 December 1987, Gambia was not a party to any international instruments concerning unlawfully exported cultural property.
GERMANY, DEMOCRATIC REPUBLIC OF

Decree of 2 April 1953 on the protection of the German heritage of works of art, scientific documents and materials.

Directive of 22 February 1965 on loans abroad of works of art from art museums and museums of folk art.

Extracts from the texts are published in Unesco’s Compendium of legislative texts The protection of movable cultural property Vol. I, 149.

1. Cultural property subject to export control
Works of art, which is defined to mean autographs, single editions and first editions of the works of writers, poets and composers of the G.D.R. and foreign countries, libraries bequeathed by major artists and books from such libraries; architectural drawings, scale-models of buildings and architectural documents; sculptures, paintings, drawings, engravings, woodcuts, etchings, or lithographs of artists of the G.D.R. or foreign countries; all other objects of artistic value, particularly Gobelins and other tapestries, carpets, embroidered works, lacework, fabrics and antique furniture as well as items of porcelain and other ceramic products, glassware, leather work, or objects made of stone, precious stones, metal, wood or ivory that are of artistic value; and musical instruments made by or under famous masters of the G.D.R. and other countries (Art. 2).

Scientific documents and materials, which is defined to mean single or first editions of works of scientists of the G.D.R. and other countries, medieval manuscripts, incunabula, more recent and contemporary manuscripts of scientific importance and all printed materials that are of interest to book collectors as well as libraries bequeathed by eminent scientists and books from these libraries (Art. 2).

Objects of exceptional historical value (Art. 2).

2. Type of export control
No export without licence (Art. 1). A licence will be refused if exportation of the objects is likely to impoverish the German national heritage or the German sciences. The licence may be granted on conditions (Art. 3).

An export licensing fee of between one and three per cent of the estimated value of the objects may be charged (Art. 5).

Prior authorization of the Ministry of Culture is required for loans of art objects or exhibitions from art museums or museums of folk art to museums or galleries situated abroad (Directive, Art. 1).

3. Transfer of ownership
Where the exportation of works of art, scientific materials or objects of exceptional historical value involves the disposal of them, the G.D.R. has a right of pre-emption for three months (Art. 4).
4. **Penalties and sanctions**
For illegal export, or attempted export without authorization, the penalty is imprisonment or a fine. In addition the object may be confiscated without any regard to the rights of third persons (Art. 6).

5. **International instruments**
Plovdiv Agreement 1986 ratified as at 28 August 1987.
GERMANY, FEDERAL REPUBLIC OF


The FDR is a federation and many legislative provisions concerning cultural property are in the legislation of the constituent states (Laender) of the federation. Export control is the responsibility of the Federal government, and only these provisions have been analysed here.

Extracts from the 1955 Federal Law are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 70.

1. Cultural property subject to export control
Works of art and other cultural property, including library material, whose removal would constitute a substantial loss to the German cultural heritage (Art. 1). (This does not apply to cultural property in public ownership or that owned by the churches (Arts. 18, 19). Such objects are registered (Art. 1)).

The Federal Minister of the Interior keeps a "Comprehensive list of nationally valuable cultural property" in which such property is listed, made up of lists of such objects registered in each Land (Art. 6).

Objects of cultural property for which the registration procedure has been initiated (Art. 4).

2. Type of export control
Export is subject to authorization. Authorization may be given subject to conditions, and will be denied if in a particular case the essential interests of the German cultural heritage outweigh all other considerations (Art. 1).

Prohibition of export for objects for which the registration procedure has been initiated (Art. 4).

3. Transfer of ownership
The owner and holder of registered cultural property is required to notify changes of possession (Art. 9).

Further provisions on transfer may be found in the legislation of the Laender.

4. Penalties and sanctions
For export or attempted export without authorization, the penalty is imprisonment and/or a fine of up to DM300,000 (Art. 16(1), (2)).

Confiscation of the object concerned may also be ordered (Art. 16(3)).

5. International instruments

GHANA


Extracts from the texts are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 77.

1. Cultural property subject to export control

Antiquities. An "antiquity" is defined to mean certain immovables as well as any work of art or craftwork, including any statue, modelled clay figure, figure, cast or wrought iron metal carving, housepost, door, ancestral figure, religious mask, staff, drum, bowl, ornament, utensil, weapon, armour, regalia, manuscript or document, if it is of indigenous origin, made before 1900 or if it is of historical artistic or scientific interest and is or was used in the performance of any traditional ceremony (Art. 30).

An "antiquity" also includes any object of archaeological interest, which is defined to mean any fossil remains of man or animals in association with man; any engraving, drawing, inscription, painting or inscription on rock or elsewhere; any stone or implement believed to have been used or produced by early man; or any antique tool or object of metal, wood, stone, clay, leather, textile, basketware or other material which is of archaeological interest, as well as certain immovables (Art. 30).

2. Type of export control

No export without a permit issued by the Ghana Museum and Monuments Board (Art. 1).

The Director may give a certificate that any object does not require an export permit if he considers that an object is not an antiquity within the meaning of this Decree (Art. 3(2)).

3. Transfer of ownership

Where the Director considers that an antiquity is likely or intended to be exported (lawfully or not) or where an export permit has been refused, the Director may require surrender of the antiquity and may pay the fair market price of the antiquity in Ghana (as assessed by the Board) (Art. 6).

The discovery of an antiquity must be notified by the finder and the owner and occupier of the land. Finder, owner and occupier may not alienate the antiquity until the Board is notified, nor within six months of notification without the written consent of the Board (Arts. 10(1),(2)).

Where an antiquity has not been so notified, the Board may prevent alienation for six months after the Board has notified the person concerned (Art. 10(3)).
4. **Penalties and sanctions**

For export or attempted export contrary to the Decree, the penalty is a fine of up to 200,000 New Cedis or imprisonment not exceeding 12 months or both (Art. 12(1)).

For sale or trading without a licence, for removal of any antiquity from its site and for making a false statement in support of any application, the same penalties apply (Art. 12(1)).

Where a person is convicted of attempted export, the court may order the antiquity forfeited.

Where a person is convicted of damage, destruction or removal of any antiquity, the court may order payment of its value (Art. 12(3)).

5. **International instruments**

GREECE

Act No. 5351 of 24 August 1932 with respect to antiquities. (1)

Act No. 1469 of 2 August 1950 concerning protection of buildings specially classified and of works of art after 1830. (1)

1. Cultural property subject to export control
Movable or immovable antiquities, defined as works of architecture, sculpture, writings and any other works such as buildings, monuments, vases, aqueducts, roads, walls, statues, idols, art, inlaid mosaics, pottery, weapons, jewellery and any other works of whatever material including precious stones and coins. It includes articles from the time of Christianity and from the Greek Middle Ages (Act 5351, Art. 2).

Creations having historical value produced after the year 1830 (Act 1469, Art. 5(l)).

2. Type of export control
Export of antiquities requires the permission of the Ministry of Education after a decision of the Archaeological Council and subject to payment of half the price of the antiquity. The State may forbid the exportation of the antiquity (Act 5351, Art. 19).

3. Transfer of ownership
All antiquities belong to the State (Act 5351, Art. 1).
They may be left in the possession of the holder if, in the opinion of the Archaeological Committee, they have little scientific or commercial worth (Act 5351, Art. 5).

Ownership of religious objects, ancient ecclesiastical heirlooms and ancient manuscripts is preserved in the monasteries (Act 4351, Art. 4).

No transfer may be made of an antiquity in a person's possession unless the transfer has been declared to the Inspector of Antiquities. Transfer without previous declaration is void (Act 5351, Art. 13).

4. Penalties and sanctions
For export or attempted export, imprisonment for between one month and five years and a fine of 2,000 drachmae. Where a person is found guilty and sentenced to more than two months imprisonment, he loses his rights to rewards for assisting in the detection of illegal exports for between one and five years (Act 4351, Arts. 20 and 21).

For assisting illegal export, imprisonment for between one month and two years (Act 5351, Art. 22).

(1) Note of Unesco Secretariat: Texts printed by Unesco CC-87/WS.5
Seized antiquities intended for export are confiscated on behalf of the State. Where the export has occurred and seizure is not possible, the person who is found guilty must pay the entire value of the exported antiquity (Act 5351, Art. 20).

5. **International instruments**
GRENADA

Legislation not available.

International Instruments
At 31 December 1987, Grenada was not a party to any international instruments concerning unlawfully exported cultural property.
GUATEMALA

Decree 425, 19 September 1947, on the protection and preservation of monuments, and archaeological, historic and type objects as amended 1966.

1. **Cultural property subject to export control**
   Monuments and archaeological, historic and artistic objects (Art. 4).

Archaeological monuments and objects are all structures, remains or vestiges belonging to aboriginal civilizations prior to the Spanish conquest. Historical monuments and objects cover all immovables or part thereof together with movables not covered by the description archaeological, which are directly linked to the political and social history of Central America. Artistic monuments and objects are those which, due to their origin as a product of man's quest, overwhelm and create prestige for Guatemalan national art, whether it be in the plastic arts, pictorials, written materials, architecture etc. (Art. 2).

2. **Type of export control**
   Prohibition. Monuments and objects may be temporarily exported for exhibition (Art. 4). Duplicate pieces found by an authorized excavator may be loaned to a foreign museum for a defined period of time and with the agreement of the Government. Archaeological samples may be temporarily exported for scientific study (Art. 9).

3. **Transfer of ownership**
   All archaeological, historical and artistic objects must be registered. All transfers of ownership must be notified (Art. 11). The Government may prevent such transfer if it considers that the interest of the State requires it (Art. 12).

4. **Penalties and sanctions**
   Export of monuments and archaeological, historic and artistic objects is punishable by six months detention to four years correctional imprisonment. The judge is to take into account the value of the object, the importance of its loss to the country and the profit from its export. In addition the object shall be forfeited and civil damages paid (Art. 21).

5. **International arrangements**
   Executive Agreement respecting cultural property, 22 August 1984, United States-Guatemala.
   Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Guatemala.
GUINEA-BISSAU

Legislation not available.

International instruments
At 31 December 1987, Guinea-Bissau was not a party to any international instruments concerning unlawfully exported cultural property.
GUINEA

Statute No. 56-1106 of 3 November 1956 concerning the protection of natural monuments, sites and monuments of historical, scientific, artistic or scenic character, the classification of historical, scientific or ethnographic objects and the regulation of excavations.

1. Cultural property subject to export control
   Classified objects, listed objects (Art. 31). Immovables, natural monuments or sites whose conservation or preservation is of historic, artistic, scientific or legendary or scenic interest may be classified and the list of classified items is published in the Journal Officiel (Arts. 31, 1).

   Objects of historic or scientific interest in categories established by order of the authorities (Art. 31).

2. Type of export control
   Prohibition of exports of classified and listed items. In exceptional cases export may be authorized by the Chief Officer (Art. 31).

   Prohibition of export of objects of scientific or historic interest in listed categories, except where authorized by the Chief Officer (Art. 32).

3. Transfer of ownership
   The authorities have a right to retain any objects whose export was requested. This right may be exercised within six months. The exporter has the right to fair compensation (Art. 32).

   Every transfer of a classified item must be notified to the authorities within one month. The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Art. 5).

   Classified movables belonging to the State may not be transferred. Classified movables belonging to communes or public institutions may be transferred only with the authorization of the Chief Officer of the Territory and in the conditions provided for by the law in force. The ownership of these objects may be transferred only to the State, to an institution of public law or a public utility (Art. 14). Acquisitions made in breach of this law are null and void. A bona fide purchaser or sub-purchaser may claim reimbursement of the price if the object is recovered from him. If it is recovered by the authorities, they will have an action against the vendor for the full amount of the indemnity. This article also applies to lost and stolen goods (Art. 15).

   The State has a right of pre-emption over objects which are classified or proposed for classification (Art. 16).
4. **Penalties and sanctions**
For transfer, acquisition, removal, export of goods classified or proposed for classification, penalty is a fine of between 7,500 and 150,000 francs and imprisonment for between six days and three months or one of these two and an action for damages may also lie (Art. 44).

5. **International Instruments**

GUYANA

National Trust Act 1972.

1. **Cultural property subject to export control**
   Any article whatever taken from a national monument (s.18(1)). A national monument is any building, structure, object or other work of man or of nature on or below or above the surface of the land or the floor of the sea which has been so declared (s.2) because it should be preserved in the public interest on account of the historic, architectural or archaeological interest attaching to it, or its national importance (s.15(1)).

2. **Type of export control**
   Prohibition, except with permission of the National Trust. Permission will not be granted unless there is a specimen of the object in a national museum in Guyana (s.18(2)).

3. **Transfer of ownership**
   Upon declaration as a national monument, the monument automatically becomes the property of the National Trust (s.15(2)).

4. **Penalties and sanctions**
   For export of an article in contravention of the Act, the penalty is a fine of $2,000 and confiscation of the article (s.18(2)).

5. **International instruments**
   At 31 December 1987, Guyana was not a party to any international instruments concerning unlawfully exported cultural property.
HAITI

Law of 23 April 1940. (1)

Decree-Law of 31 October 1941. (1)

1. Cultural property subject of export control
Classified objects (Art. 22). Movable objects (including objects which were originally immovable but have become movable) whose preservation is or will be in the public interest because of their archaeological, historic or artistic nature may be classified. The effects of classification continue to apply to items classified as immovables which have become movables (Art. 15).

2. Type of export control
Prohibition (Art. 22).

3. Transfer of ownership
Any person disposing of a classified object must notify the transferee of its classification and the transfer must be notified to the authorities within 15 days (Art. 19). Transfers of classified objects belonging to individuals are invalid unless authorized by the authorities (Art. 18).

Classified objects belonging to the State, to communes or other public bodies cannot be alienated (Art. 18).

Rights may not be acquired over classified objects, whether privately or publicly owned, by possession (Art. 18).

Loss or theft of a classified object must be reported to the authorities. The State has certain rights to assert ownership on its recovery, irrespective of the good or bad faith of the owner (Art. 21).

4. Penalties and sanctions
For illegal export, the penalty is a fine of between 200 and 2,000 gourdes, as well as a possible action for damages with interest for the benefit of the State (Art. 33).

For alienation, acquisition with knowledge of exportation of a classified movable object in breach of the law, the penalty is a fine of between 100 and 10,000 gourdes or imprisonment for between six days and three months, or both (Art. 34).

Transfers of classified objects in breach of the law are void; the State has right of ownership and may proceed against the contracting parties, who are jointly liable, for the recovery of the property. Where an unlawful transfer of public property has been agreed to, action may be taken against the officials responsible and the transferee for damages and interest. The transferee in these cases, and persons acquiring from the transferee, are presumed to be of bad faith and have no right to reimbursement of the purchase price (Art. 20).

5. International instruments
At 31 December 1987, Haiti was not a party to any international instruments concerning unlawfully exported cultural property.

(1) Note of Unesco Secretariat : Texts printed by Unesco CC-88/WS.4
HOLY SEE

Vatican State applies the law of Italy in matters concerning archaeology and the fine arts. Refer to the entry for Italy for details.

International instruments

1. Cultural property subject to export control
Movable and immovable property constituting the cultural heritage of the nation (Art. 2) comprised of monuments, sites, architectural works of great merit; movable property defined as engravings, paintings, sculpture, furniture, jewellery, coins, weapons, clothes, machines and tools or other objects of great value from the anthropological, historical and artistic point of view, manufactured before 1900; documentary and bibliographical collections, defined as manuscripts and printed documents, periodicals, incunabula, iconographs, seals, specialized libraries, books published in the country, medals, maps, charts, judicial and administrative records, civil and ecclesiastical archives, stamps, diplomas, tape recordings, records, microfilms, photographic negatives or photographs or any kind of judicial, ecclesiastical or administrative archives; and folklore, which includes popular arts, crafts and industry and the traditional cultures of native communities and of populations recognized as of colonial origin (Art. 5).

2. Type of export control
Export is prohibited. The only exception is where it is necessary to produce an item in an international court to defend national interests (Art. 28).

3. Transfer of ownership
The State has permanent, inalienable and absolute sovereignty over the property described as cultural heritage (Arts. 30, 5). Any person legally possessing any type of cultural property is considered to be its temporary owner and held responsible for its conservation and custody (Art. 9).

Cultural property cannot be the subject of donations, sales or purchases, nor can it be transferred on the death of the owner (Art. 16).

From the entry into force of this Law (8 August 1984) private individuals may not acquire items from the cultural heritage or constitute new collections from these items without prior authorization of the Honduran Institute of Anthropology and History (Art. 18).

4. Penalties and sanctions
For illegal export, six months to three years imprisonment and the objects illegally acquired may be confiscated (Art. 19).

For illegal acquisition and transfer of cultural property, six months to one year's imprisonment. For a repetition of the offence, six months to two years imprisonment (Art. 40).
For export of a replica or copy without the necessary authorization, six months to one year's imprisonment for an isolated offence, and six months to two years for repeated or successive offences (Art. 42).

5. **International arrangements**


Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Honduras.
HUngary

decree-law no. 9 of 1963 on the protection of museum objects (as amended by law
no. 6 of 1975).

decree no. 2 of 1965 on the implementation of
decree-law no. 9 of 1963.

decree no. 3 of 1977 on the removal and exhibiting abroad of objects of cultural value.

texts printed by unesco clt-85/ws 34.

1. Cultural property subject to export control
objects of cultural value. Such objects are deemed to be:
(a) a work of art (a product of fine and applied arts created with the aid of a
technical instrument or method - e.g. painting, sculpture, graphics, bas-relief,
plaque, carpet, wall hanging, piece of furniture, ceramics and examples of the
gold and silversmith's craft, ethnographic, folkloric and numismatic objects of
historical value, archaeological and historical remains and tangible evidence or
documents of the history of science and technology);
(b) old printed matter (i.e. any book, journal, newspaper or periodical, map
engraving, poster, book-like manuscript, produced before 1957 by means of
printing or copying, as well as copies thereof however produced) (1977 decree,
art. 1).

the legislation also has provisions relating to the export and disposal of objects which
are "museum objects", "protected objects" and "protected collections".

"museum objects" relates to all material of outstanding merit, written or other, and other
items of outstanding importance in the fields of archaeology, history, natural sciences,
literature, fine arts, applied arts, music, dramatic art, ethnography, industrial history,
economics, technology, history of science, or from an economic, social or cultural point
of view (1965 decree, art. 1).

"protected objects" are museum objects designated by the minister of culture (1963
decree-law, art. 10, 11).

"protected collections" are assemblages of museum objects which have been designated
by the minister of culture (1963 decree-law, arts. 10, 11).

2. Type of export control
prohibition of export except with a licence (1977 decree, art. 2).

export licences will not be granted for objects of cultural value which are of historical
significance, belong to a protected collection or have been declared protected objects
where their removal abroad would be prejudicial to the interests of the hungarian
people's republic (art. 3(1)). in exceptional circumstances the minister of culture may
exempt such objects from the general prohibition (art. 3(2)).
Application fees are charged for export licences at the rate of two percent of the value of a work of art (but not less than 50 FT), five percent of the value of old printed matter (but not less than 20 FT) (Art. 6(1),(2)).

If the export is for an exhibition abroad, there is no licence fee if the exhibition is organized in co-operation with a public authority and FT10 per item if it is organized by a private person (Art. 6(3)).

Objects bought and paid for in convertible foreign currency in specially designated shops may be taken abroad by the foreign buyer on the strength of the receipted original invoice (Art. 8).

Exhibition abroad of objects of cultural value is subject to the prior consent of the Minister of Culture and subject to licence. The licensing authority may prescribe the mandatory return of the objects of cultural value (Art. 9). Normal foreign exchange regulations also apply (Art. 10).

Further provisions apply to the export of archive material (Art. 11).

Protected objects and collections cannot be taken out of the country without permission from the Minister of Culture, who will also determine the permitted duration of such a stay abroad (1965 Decree, Art. 28).

Protected objects or collections, as well as individual items from a protected collection may only be taken abroad with the consent of the Minister of Culture (1963 Decree-Law, Art. 13(2)).

3. Transfer of ownership
A change in ownership of protected objects or protected collections may take place only with the authorization of the Minister of Culture and subject to conditions laid down by him. In the case of a transfer of ownership for value, the State has the right of pre-emption (1963 Decree-Law, Art. 13(1)).

Buried objects or artefacts buried or recovered from the ground, lakes or river beds, or anywhere else are the property of the State (1963 Decree-Law, Art. 17(1)).

All persons acquiring ownership of previously unreported museum objects must report them within 30 days of acquisition (1965 Decree, Art. 3).

4. Penalties and sanctions
Not specified.

5. International instruments


Plovdiv Agreement 1986 signed as at 28 August 1987.
ICELAND

Law on National Antiquities No. 52 of 19 May 1969.

1. Cultural property subject to export control
Objects over 100 years old, whether publicly or privately owned. Where there is doubt about the age of the object, it is determined by the National Antiquary (Art. 19).

Objects less than 100 years old where of significance (Art. 19).

2. Type of export control
Prohibition except where authorized by National Antiquary (Art. 19).

3. Transfer of ownership
Ancient relics found in the ground belong to the State (Art. 17).

4. Penalties and sanctions
Fine (amount unspecified). More severe penalties may apply under the Penal Code (Art. 46).

5. International instruments
European Archaeological Convention signed on 6th May 1969, but not yet in force.
INDIA

The Ancient Monuments and Archaeological Sites and Remains Act (No. 24 of 1958) as amended by the Antiquities and Art Treasures Act 1972 (referred to below as AM and ASR Act).


Notification of 2 July 1976 concerning the Antiquities and Art Treasures Act.

Notification of 1 December 1976 concerning the Antiquities and Art Treasures Act.

Extracts from the texts are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 164.

I. Cultural property subject to export control
"Antiquity" which is defined to include

I (i) any coin, sculpture, painting, epigraph or other work of art or craftsmanship;
(ii) any article, object or thing detached from a building or cave;
(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals, politics in bygone ages;
(iv) any article, object or thing of historical interest;
(v) any article, object or thing declared by the Central Government, by notification in the Official Gazette, to be an antiquity for the purposes of the Act, in existence for not less than 100 years; and

II any manuscript, record or other document which is of scientific, historical, literary or aesthetic value and in existence for not less than 75 years.

"Art treasure" which is defined to mean any human work of art, not being an antiquity, declared by the Government by notification in the Official Gazette, to be an art treasure for the purposes of this Act having regard to its artistic or aesthetic value. No such declaration will be made as long as the author of the work of art is alive (s.2). The Central Government has declared paintings (including drawings, sketches, diagrams etc) and objects of plastic art by Rabindranath Tagore, Amrita Sher-Gil, Jamini Roy and Nandalal Bose to be "art treasures" (Notification 1 December 1976).

In case of doubt as to whether an object is an antiquity or an art treasure, the final decision rests with the Archaeological Survey of India (s.24).

This definition of "antiquity" under the A and AT Act is subject to the provisions on export of s.3 of the A and AT Act. However The AM and ASR Act includes provisions on movement which would, therefore, be relevant to export, and these provisions apply to antiquities as defined under that Act. It provides that "antiquity" includes:
(i) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

(ii) any article, object or thing detached from a building or cave,

(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,

(iv) any article, object or thing of historical interest, and

(v) any article, object or thing declared by the Central Government to be an antiquity for the purposes of this Act.

which has been in existence for not less than 100 years (AM and ASR Act, s.2).

2. Type of export control
Export is prohibited. Only the Central Government or an authority or agency authorized by it may export. Export in such cases is subject to terms and conditions (A and AT Act, s.3).

The Central Government may, by notification in the Official Gazette, direct that certain antiquities or class of antiquities shall not be moved except with the written permission of the Director-General (AM and ASR Act, s.25)

3. Transfer of ownership
The Central Government may by notification in the Official Gazette, require certain antiquities to be registered (A and AT Act, s.14). Transfer of ownership, control or possession of a registered antiquity must be notified (s.17).

The Central Government requires registration of (i) sculptures in stone, terracotta, metals, ivory and bone (ii) paintings (including miniatures and tankas) in all media, that is to say, paper, wood, cloth, skin, silk etc. (iii) manuscripts containing paintings, illustrations or illuminations (Notification of 2 July 1976).

Antiquities may only be sold by a licensed person (A and AT Act, s.5). This provision applies to "antiquities" as defined in the A and AT Act excluding ancient and historical records unless they have been declared to be of national importance.

4. Penalties and sanctions
For export or attempted export the penalty is imprisonment for between six months and three years and a fine. Confiscation and other penalties may also apply under the Customs Act (A and AT Act, ss.4, 25).

Contravention of any provisions of the Act by a licensed person may result in revocation of the licence (A and AT Act, s.11(b)).

5. International instruments

INDONESIA

Indonesian Antiquities Act, Decree No. 238 of 13 June 1931.

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 90.

Bill on Cultural Property (Undang-Undang Benda Cagar Budaya) being prepared for submission to legislature.

1. Cultural property subject to export control
Objects registered, provisionally or definitively in the Public Central Register of Monuments. "Monuments" is defined to mean any immovable or movable property, or parts or groups of property or the remains thereof, which is substantially more than 50 years old or belongs to a style which is at least 50 years old and which is considered to be of great importance from the point of view of prehistory, history or art and objects considered to be of great importance from the point of view of palaeontology (Arts. 6, 1).

Objects dating from pre-Islamic times whether or not they have been registered (Art. 6).

2. Type of export control
No export without permission of the Director for the Protection and Development of the Historical and Archaeological Heritage (Art. 6).

3. Transfer of ownership
Fourteen days notice of intended transfer of a monument to be given to the Director. All changes concerning the possession or ownership of a monument are to be recorded in the Public Central Register of Monuments (Art. 7).

4. Penalties and sanctions
For breach of the export provisions or of the provisions relating to transfer, the penalty is imprisonment for up to three months or a fine of up to 500 guilders (Art. 12).

5. International instruments

Unesco Convention 1970 has been submitted for ratification.
IRAN, ISLAMIC REPUBLIC OF

Law of 3 November 1930 on the preservation of the antiquities of Persia. (1)

Art. 127-bis of the Penal Code. (1)

Regulations concerning the Import and Export of Cultural Property, 1 November 1975. (1)

1. Cultural property subject to export control

Iranian antiquities which have been registered or, when they are examined in the course of an application for an export permit, are required to be registered as national heritage because of their significance (Regulations, Art. 15). Iranian antiquities are defined as artistic works, movable and immovable, which predate the end of the Zand Dynasty (1779) (Law, Art. 1).

Other cultural property, comprising foreign antiquities, cultural works (rare manuscripts and incunabula, books, documents and old published material of special interest from an historical, artistic, scientific, or literary point of view, either individually or in collections; phonographic, cinematographic, photographic and other archives of cultural interest; objects relating to history including the history of science and technology, military and social history, as well as the lives of leaders, thinkers, scholars and artists and events of national importance and social interest; collections and rare zoological, botanical, mineral, palaeontological, ethnological specimens and all objects and materials presenting archaeological and anthropological interest; collectible objects and all cultural works more than one hundred years old) and artistic heritage (pictures, paintings and drawings made entirely by hand on any kind of support and in any material; creations of statuary art and sculptures in any material; lithographs, engravings and prints done wholly by hand, by lithographic procedures or engravings and bearing a seal, signature or number affixed by the artist himself); parts of such objects; collectibles and all artistic works more than 100 years old (Regulations, Arts. 4, 5).

2. Type of export control

Prohibition of export of Iranian antiquities (Law, Art. 17; Regulations, Art. 15).

Export of cultural goods is subject to approval of the Ministry for Culture and the Arts. Where approval is given a tax of 5 per cent of the value of the object is due (Regulations, Art. 18).

3. Transfer of ownership

The government has a right of pre-emption over registered objects for which an export permit is sought (Law, Art. 18).

Dealers in antiquities must be licensed (Law, Art. 17).

(1) Note of Unesco Secretariat : Texts printed by Unesco CC-88/WS-5
4. Penalties and sanctions
For unlawful export, the penalty is imprisonment for three months (Penal Code, Art. 127-bis (4)). An attempt is deemed to be unlawful export (Art. 127-bis (4)).

For trading without a licence, the penalty is imprisonment for between two and six months (Penal Code, Art. 127-bis (7)).

For sale of a registered antiquity, knowing that is registered, contrary to the law, the penalty is imprisonment for between three and six months (Penal Code, Art. 127-bis (8)).

5. International instruments

IRAQ

Antiquities Law No. 59 of 1936 as amended by No. 120 of 1974 and No. 164 of 1975.

Law No. 40 of 1926 prohibiting traffic in antiquities (see Note at end).

Extracts from the texts are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 99.

1. Cultural property subject to export control
Antiquities (Art. 26). These are movable and immovable possessions which were erected, made, produced, sculptured, written, drawn or photographed by man, if they are 200 years old or more. Movable and immovable possessions less than 200 years old may be declared by the Minister to be antiquities if the public interest requires their protection due to their historical, national, religious or artistic character (Art. 1).

2. Type of export control
Taking any antiquity outside Iraq is prohibited. The Directorate General of Antiquities may do so for scientific studies, exchange and exhibitions (Art. 26).

3. Transfer of ownership
Possession of antiquities and trade in them is prohibited (Preamble to the Law and Art. 16(1)). Antiquities in various religious institutions and ancient manuscripts are not affected (Art. 16(2)). Possession of these had to be registered after the Law came into force. Transferral of possession should be to an Iraqi, resident of Iraq, who undertakes to fulfil all the obligations of the previous possessor. Approval of the Directorate General of Antiquities should be obtained in advance (Art. 16).

4. Penalties and sanctions
Export, attempted export or help therein is punishable by imprisonment for a period not exceeding five years, confiscation of the antiquities as well as all other antiquities in the person's possession even if they are registered (Art. 60(1)).

5. International instruments


Note: Law No. 40 of 1926 empowers the Government to confiscate archaeological objects brought into Iraq without authorization of the government of the country from which they came and to return them in those cases where an agreement for reciprocal action in this field has been concluded between the governments of the two countries (Art. 2).
IRELAND


Documents and Pictures (Regulation of Export) Act 1945.

Texts printed by Unesco CLT-85/WS 24.

1. Cultural property subject to export control
National monuments. "National monument" means a monument or the remains of a monument the preservation of which is a matter of national importance by reason of its historical, architectural, traditional, artistic or archaeological interest. "Monument" means building, structure or erection whether above or below the ground and whether fixed to the ground or not and any cave, stone, or other natural product which has been artificially carved, sculptured or worked upon or which (where it does not form part of the ground) appears to have been purposely put or arranged in position and any prehistoric or ancient tomb, grave or burial deposit, but does not include any building currently habitually used for ecclesiastical purposes (s.2).

Archaeological objects. An archaeological object means any object (manufactured, partly manufactured or unmanufactured) which by reason of its archaeological interest or its association with any Irish historical event or person has a value substantially greater than its intrinsic (including artistic) value and includes ancient human and animal remains. It does not include treasure trove unless the rights of the State have been waived. It also includes any object declared by the Minister of Education to be an archaeological object for the purposes of the export provision (ss.24, 2).

Documents over 100 years old (other than documents wholly in print); paintings; documents declared by the Minister to be subject to export control. "Document" excludes any writing, drawing, map, chart, plan, photograph or film (Documents and Pictures (Regulation of Export) Act 1945 ss.1, 2).

2. Type of export control
Prohibition of sale for exportation and of export of national monuments (s.14(1)(c)).

Prohibition of export, attempt to export or sell for export any archaeological object without a licence issued by the Minister for Education (s.24(1)). The Minister has a discretion to issue the licence, which may be subject to such conditions as he thinks proper (s.24(2)).

Prohibition of export of documents and paintings unless a licence has been issued (s.3). The Minister may request that photographic copies be made before the licence is issued (s.4).

3. Transfer of ownership
Sale for export is covered in the provisions on export of national monuments and archaeological objects (ss.14(1)(c); 24(2)).
4. **Penalties and sanctions**
For illegal export, attempted export or sale for export, the penalty is 50 pounds or imprisonment for up to six months or both (ss.14(4), 24(3)).

5. **International instruments**
At 31 December 1987, Ireland was not a party to any international instruments concerning unlawfully exported cultural property.
ISRAEL

Antiquities Law 5738-1978.

1. Cultural property subject to export control
Antiquities, which is defined to include any object, whether detached or fixed, made before 1700 and anything added to it which forms an integral part of it, as well as any object made by man in or after 1700 which has been declared to be an antiquity by the Minister, and zoological or botanical remains from before 1300 (s.1).

2. Type of export control
No antiquity may be exported from Israel without the written approval of the Director of Antiquities or, in the case of an antiquity of national value, without the written approval of the Minister (s.22).

3. Transfer of ownership
Any antiquity found in Israel after the coming into force of this law (1978) is the property of the State. A person who claims that an antiquity was found before that date has the burden of proving it (s.2).

A person may deal in antiquities only if he is in possession of a licence from the Director of Antiquities and in accordance with the conditions of the licence (s.15).

The Director of Antiquities has a right of pre-emption over antiquities of national value (s.19) and over antiquities of special scientific importance (s.24). The Director also has a right of pre-emption or transfer over antiquities which an owner or museum director wishes to dispose of (s.26(a)).

4. Penalties and sanctions
For illegal export, the penalty is imprisonment for six months or a fine of 30,000 pounds (s.37(e)).

For dealing in antiquities without a licence or in breach of its conditions, the penalty is a term of imprisonment for two years and a fine of 100,000 pounds (s.37(c)).

5. International instruments
ITALY

Law of 1 June 1939 XVI, No. 1089 concerning the protection of objects of artistic and historic interest.

1. Cultural property subject to export control
Objects of artistic, historical, archaeological or ethnographical interest except works of living authors or works less than 50 years old (Art. 1).

2. Type of export control
No object of significance described in Article 1 to be exported if its export endangers the national heritage (Art. 35). No object described in Article 1 to be exported without a licence (Art. 36). Temporary export permits may be granted (Art. 41).

3. Transfer of ownership
Objects owned by the State are inalienable (Art. 23). Objects owned by private corporations and institutes may be transferred on the authorization of the Minister for National Education (Art. 26).

Collections declared to be of exceptional historic interest may not be divided without the authorization of the Minister for National Education (Art. 5) nor transferred except with his authorization (Arts. 27, 34).

Objects discovered during archaeological excavations (Art. 47) or by chance (Art. 49) belong to the State.

Objects owned by private persons but declared to be of exceptional interest (Art. 3) must have all transfers of ownership reported (including succession as well as mortgages and other transactions burdening the title) to the Minister for National Education (Art. 30). The Minister has a right of pre-emption (Art. 31).

4. Penalties and sanctions
Transfers, covenants and legal contracts not complying with the prohibitions of this law or not observing the prescribed conditions and formalities are void (Art. 61).

Unlawful export or attempted export of protected objects is punishable by a fine of 300,000 to 4,500,000 lire. The objects are liable to confiscation as contraband (Art. 66).

Where the object cannot be traced or is exported out of the country and cannot be recovered, the wrongdoer is to compensate the State by a monetary amount equivalent to the value of the object (Arts. 66, 64).

Appropriation of an object discovered by chance or during an authorized excavation or works is punishable under Articles 624 and 625 of the Penal Code (Art. 67).
5. **International instruments**


JAMAICA


1. Cultural property subject to export control
National monuments or protected national heritage (s.17).

A "national monument" is any building, structure, object or other work of man or of nature or any part or remains thereof (s.2) so declared by the Jamaica National Heritage Trust on the grounds that its preservation is a matter of public interest for historic, architectural, traditional, artistic, aesthetic, scientific or archaeological reasons (s.12).

"Protected national heritage" includes any object not designated by the Trust to be a national monument but designated as protected national heritage (ss.2, 13).

2. Type of export control
Prohibition (s.17).

3. Transfer of ownership
When declaration of a national monument or designation of protected national heritage causes the owner to suffer financial loss, compensation may be payable (s.14).

4. Penalties and sanctions
Removal of any national monument or protected national heritage to a place outside of Jamaica, or causing of the removal, is an offence punishable by a fine up to $40,000 or imprisonment for up to two years, or to both. The offender may be ordered to pay for the cost of replacement of any monument; in default being liable to further imprisonment with hard labour for up to 12 months (s.17).

5. International instruments
At 31 December 1987, Jamaica was not a party to any international instruments concerning unlawfully exported cultural property.
JAPAN


Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 112.

1. Cultural property subject to export control
Any important cultural property (Art. 44).
"Cultural properties" are defined to include buildings, pictures, sculptures, applied arts, calligraphic works, classical books, ancient documents, and other tangible cultural products which possess a high historical and/or artistic value in and for this country, archaeological specimens and other historical materials of high scientific value ("tangible cultural properties"); and clothes, implements, houses and other objects used in customary occupations, religious faiths, festivals, folk entertainments etc. ("folk-cultural properties") (Art. 2).

Certain tangible cultural properties may be designated as important cultural properties by the Minister (Art. 27) and certain folk-cultural properties as important folk-cultural properties (Art. 56-10).

2. Type of export control
Prohibition of export, except where the Commissioner of the Agency of Cultural Affairs has given permission on grounds of special necessity for international cultural exchange or from other considerations (Art. 44).

Proposals to export folk-cultural property must be reported to the Agency for Cultural Affairs 20 days in advance and in writing. The Commissioner may give directions where he deems it necessary for the protection of important folk-cultural property (Art. 56-13).

3. Transfer of ownership
When the ownership of an important cultural property has changed, the new owner must report in writing the change to the Commissioner. Changes of custody must also be reported and changes of name, title or address of the owner or custodian. The certificate of designation must be handed to the new owner or returned for amendment (Art. 32).

The State has a right of pre-emption over important cultural property. The Commissioner has 30 days after notification in which to exercise this right (Art. 46).
4. **Penalties and sanctions**

For export without permission, the penalty is imprisonment, with or without hard labour, for up to five years or a fine of up to 500,000 yen (Art. 106).

For failure to respect provisions as to pre-emption, the penalty is a non-criminal fine of up to 50,000 yen (Art. 110(2)).

For failure to hand a certificate of designation to a new owner, or to return it for amendment, the penalty is a non-criminal fine of up to 30,000 yen (Art. 111(1),(2)).

5. **International instruments**

At 31 December 1987, Japan was not a party to any international instruments concerning unlawfully exported cultural property.
JORDAN

Provisional Law No. 12 of 1976, cited as the Antiquities Law.

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 149.

1. Cultural property subject to export control
Antiquities, which is defined to mean any item of movable or immovable property made or produced, painted, engraved, built, discovered or altered by man before A.D. 1700, including caves, sculptures, coins, pottery, manuscripts and other kinds of articles which provide evidence about the origins and development of the sciences, arts, industries, religions and traditions of past civilizations, or any part added to such property or rebuilt after this date. It also includes such property of a date later than 1700 which is designated as an antiquity by the Minister in the Gazette (Arts. 24, 2).

2. Type of export control
Export is subject to the authorization of the Department of Antiquities. Sale and export is subject to approval by the Minister (Art. 24).

3. Transfer of ownership
The State is the exclusive owner of movable antiquities. No person can come to own such antiquities by any means whatsoever (Art. 5(l)).

Trade in antiquities is prohibited (Art. 23).

4. Penalties and sanctions
For trafficking in antiquities the penalty is imprisonment for between one and three years and a fine of 200 dinars (Art. 27).

For furnishing false information in order to obtain any authorization under the law, and for illegal export, concealment or smuggling, the penalty is imprisonment for between two months and two years or a fine of between 30 and 200 dinars (Art. 28(g),(i)).

Any antiquity respecting which an offence has been committed shall be confiscated (Art. 29(a),(i)).

5. International instruments

KENYA

Antiquities and Monuments Act 1983.

Text printed by Unesco CLT-85/WS 29.

1. **Cultural property subject to export control**
   Monuments, parts of monuments and antiquities (s.30).
   A "monument" is defined to mean an immovable structure built before 1895 unless it has been specifically excluded from inclusion under this Act by declaration of the Minister published in the Gazette (s.2).

   An "antiquity" is defined to mean any movable object other than a book or document made in or imported into Kenya before the year 1895 or any human, faunal or floral remains of similar minimum age which may exist in Kenya (s.2).

2. **Type of export control**
   Export is prohibited unless removal has been authorized by exploration licence or export permit (s.30(1)). The Minister may issue an export permit subject to conditions, or may refuse it without giving any reasons (s.30(4)). Where an export permit is refused, for an object of historical interest, the owner may require the Minister to acquire it by compulsory purchase (s.31(1)). An object of historical interest is an antiquity which came into existence in or since 1800 (s.2).

3. **Transfer of ownership**
   All antiquities under the ground or on land protected as a monument or national park at the commencement of this legislation (21 January 1983) and objects of archaeological or palaeontological interest first discovered in Kenya after that date are the property of the Government unless the Government disclaims ownership in writing (s.24) (objects of archaeological or palaeontological interest are antiquities which were in existence before 1800, s.2).

   Sale or other transfer of ownership of a protected object is forbidden without a permit from the Minister (s.27(1)). A protected object is a door or door-frame carved in an African or Oriental style before the year 1946 or any other object declared by the Minister to be a protected object (s.2).

   Purchase or exchange of an antiquity is forbidden unless the person purchasing or taking in exchange has been licensed by the Minister to deal in antiquities (s.27(2),(3)).

   The restrictions on sale, purchase and exchange of protected objects and antiquities do not apply to the acquisition by the Government or the National Museum Board of such objects by way of sale, exchange, gift, bequest or loan (s.27(4)).
4. Penalties and sanctions
For removal of a monument, part of a monument, an antiquity or a protected object from Kenya contrary to the relevant export provisions, for failure to comply with the conditions of an export certificate or for obtaining an export certificate on the basis of false information, the penalty is a fine of up to 10,000 shillings, or imprisonment for up to six months or both (s.33).

5. International instruments
At 31 December 1987, Kenya was not a party to any international instruments concerning unlawfully exported cultural property.
KUWAIT


Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 158.

1. Cultural property subject to export control
Antiquities, which are defined as anything made, produced or built by man 40 calendar years ago (Arts. 3, 38).

2. Type of export control
Prohibition of export without a licence from the Ministry of Information. A licence will not be granted unless the Ministry has established that the export of the antiquity will not impoverish the Kuwaiti cultural heritage and that similar antiquities are held in Kuwaiti museums (Art. 38).

Kuwaiti antiquities may be allowed to be sent temporarily to Arab and foreign countries to disseminate information on the civilization of the country and for international exhibitions and events (Art. 34).

3. Transfer of ownership
Individuals may acquire and keep movable antiquities provided they present them to the Ministry of Information for recording and the issue of appropriate official documents (Art. 20).

The ownership of recorded movable antiquities may be transferred. Anyone wishing to sell a movable antiquity must present it to the Ministry of Information which has a right of pre-emption (Art. 20).

Movable antiquities not recorded by their possessors within three years of the promulgation of this law are subject to confiscation (Art. 19).

No one may trade in antiquities without a licence issued by the Ministry of Information (Art. 36).

All finds made by archaeological expeditions belong to Kuwait (Art. 33).

4. Penalties and sanctions
For trading in antiquities without a licence, and for export or assisting export of antiquities without an export licence, the penalty is imprisonment for between one month and one year and a fine of between 500 and 1,000 rupees, or either of these penalties (Art. 43).

5. International instruments


1. Cultural property subject to export control
New books, old books, magazines, journals, photographs, propaganda; ornamental pictures, sculptures in wood, stone, clay or ivory, engravings, ceramics and castings; badges and embroidered flags; basket work and embroidery; musical instruments made locally and cassettes of Lao songs and music approved by the Ministry of Culture (Art. 2).

Antiquities in stone, bronze, iron, wood, household articles, industrial articles, ancient weaponry relating to battles several centuries old or weaponry of great value belonging to the period of the war of National Liberation; books, documents, old manuscripts in any script but having historic, linguistic, literary, scientific or technological significance; personal effects of famous persons from the past as well as of the period of the war of National Liberation; old musical works presently rare or new works no longer being composed; sacrificial or religious objects including pagodas, bronze objects used by tribal groups in ritual functions (Art. 2).

2. Type of export control
Permission for first group is required from the Ministry of Culture (Art. 2).
Any trade or commerce in second group is forbidden (Art. 2).

3. Transfer of ownership
Any trade in the first group of objects is subject to permission (Art. 2).
Any trade in the second group is forbidden (Art. 2).

4. Penalties and sanctions
Not specified.

5. International instruments
At 31 December 1987, the Lao PDR was not a party to any international instruments concerning unlawfully exported cultural property.
LEBANON

Regulations on Antiquities, Order No. 166LR of 7 November 1933 prescribing regulations on antiquities.

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. I, 188.

1. **Cultural property subject to export control**
   Antiquities which is defined to mean any product of human activity, dating from before 1700 (1107 of the Hegira) irrespective of the civilization to which it belongs (Art. 1).

   In the event of a dispute, the question whether an object is or is not an antiquity is settled by the Director of the Antiquities Service (Art. 3).

2. **Type of export control**
   Export prohibited except with a licence granted by the Director of the Antiquities Service (Art. 97). Licences are granted as a matter of course for antiquities being disposed of or exchanged by a national museum, for antiquities assigned to an excavation team at the end of an authorized dig, and antiquities imported from abroad (Art. 98).

3. **Transfer of ownership**
   The State has the right to acquire movable antiquities. The finder must notify the discovery within 24 hours and if the State does not exercise its right, it shall notify the finder. From the date of receipt of notification the finder becomes the owner of the object and the notification (its formal requirements are described in Art. 13) is conclusive evidence of ownership (Art. 13).

   The rights of the State in movable antiquities are not subject to prescription (ownership acquired by others because of possession over a period of time) (Art. 6).

   Movable antiquities may be classified and the effects of classification apply to the object, irrespective of its ownership (Art. 42(3)).

   The State has a right of pre-emption over registered movable antiquities (Art. 44). Transfers made in contravention of this article (i.e. notification to the State and lapse of two months for State to exercise right) are null and void (Art. 44).

   Where the right of pre-emption is not exercised, details of the purchaser must be notified by the vendor within eight days (Art. 44).

   Movable antiquities may not be sold by auction unless the sale is ordered by a court or it is necessary to auction property forming part of an estate (Art. 76).

   The State may dispose of movable antiquities not of interest for its own collections. They must first be declassified (Art. 77).

   Private individuals may dispose of antiquities where they are finders holding a notification (see Art. 13 discussed above); persons who had a legitimate title to or were
bona fide possessors of antiquities at the date of this legislation (1933); and antiques since imported and recorded by the customs service (Art. 78).

Trade in antiquities is controlled; an annual authorization is required (Arts. 79-81). A register of acquisitions and sales must be kept (Art. 88).

4. Penalties and sanctions
For export or attempted export without a licence, the penalty is between 50 pounds and 500 pounds and the antiquities will be confiscated. If the objects are not recovered, damages may be claimed (Art. 107).

For failure to respect the State's right to pre-emption by advance notification of sale, the transaction is null and void (Art. 44).

For failure to notify State of purchaser’s particulars when the State does not exercise its right to pre-emption, the vendor is liable to a fine of between 50 pounds and 500 pounds (Art. 44).

For breach of any provisions of the legislation, a dealer may lose his authorization (Art. 87).

The owners of businesses where illicit trade in antiquities has been carried on are civilly liable for the debts of their agents, employees or servants for fines and costs (Art. 93).

Unauthorized and attempted sales by individuals, and trade in antiquities without an authorization, and possession of antiquities by a dealer in antiquities at a place other than that specified in the authorization are acts of illicit trade and penalized by a fine of between 50 pounds and 500 pounds. The antiquities concerned are confiscated (Art. 96).

5. International instruments
LESOTHO


Texts printed by Unesco CLT-85/WS 30.

1. Cultural property subject to export control

"Antiques" which are objects proclaimed as antiques by the Minister under s.8 of the Act. The Minister may proclaim as an antique any movable object of aesthetic, historical, archaeological or scientific value or interest, the whole or more valuable part of which has been more than 100 years in any part of southern Africa or was made there more than a hundred years ago (ss.2, 8).

"Relics" which are objects proclaimed as relics under s.8 of the Act (s.2). The Minister may proclaim as a relic any fossil, drawing or painting on stone or petroglyph known or commonly believed to have been executed by Bushmen or other aborigines of southern Africa or by any people who inhabited or visited southern Africa in ancient days, and any implement or ornament known or commonly believed to have been used by them and any anthropological or archaeological contents of the graves, caves, rock shelters, middens, shell mounds or other sites used by them (s.8). The Minister has proclaimed as relics all engravings and paintings on stone, commonly known as Bushman paintings; all fossil footprints and other markings commonly known as dinosaur footprints; all fossil remains whether of plant or animal origin and all archaeological deposits (Notice No. 36).

2. Type of export control

Export of antiques is prohibited without the written consent of the Commission for preservation of Natural and Historical Monuments, Relics and Antiques and the protection of Fauna and Flora (s.9(4)).

A person desiring to remove a relic from its original site or export it must apply to the Commission for consent (s.9(3)).

3. Transfer of ownership

No specific provisions.

4. Penalties and sanctions

Fine of up to 200 rands; in default of payment, imprisonment for up to six months.

5. International instruments

At 31 December 1987, Lesotho was not a party to any international instruments concerning unlawfully exported cultural property.
Liberia

Legislation not available.

International instruments
At 31 December 1987, Liberia was not a party to any international instruments concerning unlawfully exported cultural property.
LIBYAN ARAB JAMAHIRIYA


Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. I, 250.

1. Cultural property subject to export control

"Antiquities". The phrase "monuments and antiquities" is defined to mean any construction of an immovable nature, any other product of human activity whether manual or intellectual, or any remains, which have been discovered or found in Libya which relate to Libyan history or civilization and are more than 100 years old. These terms also refer to human, animal and botanic remains discovered or found in Libya of a date earlier than A.D. 600.

Immovable or movable property of a later date may be designated an antiquity by ministerial order (Art. I).

2. Type of export control

Prohibition of export. The only exception is for movable antiquities discovered by holders of excavation permits allocated to them by the State. The export is subject to an export permit from the competent authorities (Art. 55).

3. Transfer of ownership

All antiquities whether on the ground or in the territorial waters are considered to be public property except movable antiquities in the possession of private persons or organizations before the date of this law and immovables registered under the Law on Property Registration before this Act entered into force, and antiquities allocated to archaeological research missions (Art. 4).

Movable antiquities must be presented for registration within six months of entry into force of this law or within seven days of coming into possession of them. The authorities may return the object to its possessor or holder after registering it, or may give him a certificate permitting him to dispose of it, or may retain it subject to a recompense or compensation (Art. 29).

It is unlawful to trade in any movable antiquity not accompanied by a certificate granting the person in possession thereof authorization to dispose of it (Art. 38).
4. **Penalties and sanctions**
For a violation of the provisions concerning export, the penalty is imprisonment for up to one month and a fine of up to 100 pounds or one of these penalties (Art. 56).

The same penalty applies to illegal trading in antiquities and failure to register movable antiquities (Art. 56).

These penalties are without prejudice to more severe penalties set out in the Penal Code (Art. 56).

5. **International instruments**

LIECHTENSTEIN

Act concerning the protection of monuments of 14 June 1977.

1. Cultural property subject to export control
Monuments (Art. 17(3)(c)).

"Monuments" are defined as movable or immovable objects worthy of preservation because of their historical, cultural or scientific significance and connection with Liechtenstein and include parts of buildings, constructions and groups of buildings together with their appurtenances and contents; areas and places of historical significance; works of art, objects of decorative art, archives, printed matter, coins, seals etc and collections (Art. 2).

2. Type of export control
Export prohibited, except with prior permission of the government (Art. 17(3)(c)).

3. Transfer of ownership
Transfer of ownership must also have the prior permission of the government (Art. 17(4)). Where a monument is at risk the government may take special measures which may include restrictions on the right of disposal (Art. 6).

4. Penalties and sanctions
For unlawful export or violation of a restrictive order, the penalty is a fine of up to 20,000 francs when acting without authority and by intention (Art. 27(1)). Where the wrongdoer was merely negligent, the penalty is a fine of up to 5,000 francs (Art. 27).

5. International instruments
LUXEMBOURG

Law of 21 March 1966 concerning a) excavations of historic, prehistoric, palaeontological, or other scientific interest; b) the protection of movable cultural heritage.

Law of 18 July 1983 concerning the conservation and protection of national sites and monuments.

1. Cultural property subject to export control
Objects of cultural interest which are more than 100 years old whose creators have been dead for more than 50 years. It does not include objects of cultural interest made abroad by non-Luxembourg artists unless these objects originally came from the territory of the former Duchy of Luxembourg (1966 Law, Art. 6).

Classified movables and movables intended to become immovables whose conservation is in the public interest and of archaeological, historic, artistic, aesthetic, scientific, technical or industrial interest (1983 Law, Art. 19).

2. Type of export control
Prohibition of export of movables without authorization of the Minister (1966 Law, Art. 6).


3. Transfer of ownership
State has a right of pre-emption of an object intended for export within one month of application for approval to export (1966 Law, Art. 8).

The effects of classification apply irrespective of ownership. Ownership of classified movables may not be acquired merely by possession over a period of time. Classified movables belonging to the State are inalienable. A classified movable belonging to a commune, public body or public utility may be transferred to the state, a public body or public utility with the Minister's authorization otherwise it is invalid (1983 Law, Art. 23).

A person transferring a classified object must notify the purchaser that it is classified and the Minister must be notified of the transfer within 15 days (1983 Law, Art. 24).

4. Penalties and sanctions
For unlawful export of movable objects, the penalty is a fine of between 501 and 50,000 francs (1966 Law, Art. 10).

For unlawful transfer of a classified object, nullity of transaction, action for damages and compensation where necessary for a bona fide purchaser (1983 Law, Art.25)

Penalty for breach of 1983 Law is imprisonment of between eight days and six months or a fine of between 2.501 to 30,000,000 francs or both. For a repeated offence the penalty may be doubled (1983 Law, Art. 41).
5. **International instruments**

European Archaeological Convention 1969 in force since 8 June 1972.
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MADAGASCAR

Order No. 73-050 on the safeguarding, protection and preservation of cultural property (7 September 1973).

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 208.

1. Cultural property subject to export control
Movable and immovable cultural property which is of prehistoric, protohistoric, historical, ethnological, archaeological and, generally speaking, scientific and literary interest (Art. 1). Such property includes items resulting from the dismemberment of historic monuments and archaeological, scientific or artistic sites; excavation finds and archaeological and palaeontological discoveries; items of artistic interest which are more than 30 years old, single items or collections which are of prehistoric, numismatic or philatelic interest, rare or old manuscripts, books and publications that are of historical, literary or scientific character, including films, photographs, recordings and microfilms (Art. 20).

2. Type of export control
Export of cultural property is prohibited (Art. 35). Temporary export may be authorized by export licence (Art. 36).

3. Transfer of ownership
No item covered by this order may be bequeathed, devised or donated to any individual or private body or to any public body outside the national territory without prior authorization of the Minister responsible for the preservation of cultural property (Art. 37) nor may any such item be deposited in foreign museums, libraries or cultural centres without the prior authorization of the Minister (Art. 38).

Any person who has an item of cultural property in his possession or control which has been acquired illegally shall be obliged to return such property either to the State or to the appropriate public body immediately on being requested to do so by the State (Art. 39).

4. Penalties and sanctions
For contravention of the export provisions, imprisonment for between six days and three months and a fine of between 5,000 and 100,000 francs or only one of these penalties (Art. 56).

The same penalty applies to bequest, devise or donation outside the territory without prior authorization (Art. 56).

For depositing items overseas or non-return of illegally acquired property, the penalties of the Penal Code (Arts. 472, 473) apply (Art. 55).

5. International instruments
MALAWI

Monuments Act 1965 as amended.

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 167.

1. **Cultural property subject to export control**
   Any monument or relic (s.16).

   Monument includes, besides certain immovables, any structure, building, erection, ruin, stone circle, monolith, altar, pillar, statue, memorial, grave, tumulus, cairn, rock, rock shelter, rock sculpture, rock painting, wall painting or inscription or any other article of a similar kind or associated with a monument which is of archaeological, geological, anthropological, ethnological, prehistorical, historical, artistic or scientific value or interest or any remains of them (s.2).

   "Relic" means any fossil of any kind and any implement, ornament or article (not being a monument) which is of archaeological, geological, anthropological, ethnological, prehistorical, historical, artistic or scientific value or interest (s.2).

2. **Type of export control**
   Export is subject to consent. The grant or refusal of consent is in the absolute discretion of the Minister. He may cancel any written consent at any time without assigning a reason (s.16).

3. **Transfer of ownership**
   The State has powers of compulsory acquisition over protected monuments and protected relics if the Minister apprehends that they are in danger of being destroyed, injured or allowed to fall into decay (s.12). Protected monuments and protected relics are declared by the Minister (s.7).

4. **Penalties and sanctions**
   For contravention of the export provisions, the penalty is a fine of 50 pounds. The court may order the article returned (s.21).

5. **International instruments.**
   At 31 December 1987 Malawi was not party to any international instruments concerning unlawfully exported cultural property.
NOTE: There are three administrative regions in Malaysia: West Malaysia, Sabah and Sarawak. Each has its own legislation on export of items of cultural heritage.

WEST MALAYSIA

Antiquities Act 1976.

1. Cultural property subject to export control
"Antiquities" (s.21) and "historical objects" (s.23).

An "antiquity" means any object at least 100 years old produced or modified by human agency; any part of the object added at a later date; any human, plant or animal remains at least 100 years old; any object of any age declared to be an antiquity (s.2).

An "historical object" means any artefact or other object to which religious, traditional, artistic or historic interest is attached and includes any ethnographic material such as household or agricultural implements, decorative articles, personal ornaments; works of art such as carvings, sculpture, paintings, architecture, textiles, musical instruments, weapons and any other handicraft; manuscript, coin, currency note, medal, badge, insignia, coat of arms, crest, flag, arms and armour; vehicles, ships and boats, in whole or in part, whose production has ceased (s.2).

2. Type of export control
Export (i.e. export from West Malaysia (s.2)) of an antiquity is prohibited except on licence which will not be issued if the antiquity is of lasting national importance or interest. The applicant for a licence must prove that he owns the antiquity or has the authority of the owner (s.21).

On export a customs official may detain any object he believes to be an historical object. The Director-General of Museums may then prohibit its export if he believes that it is or will be of lasting national importance or interest (s.23).

The refusal of a licence or prohibition of export may be appealed to the Minister (s.24).

3. Transfer of ownership
Every antiquity discovered after 1976 is the absolute property of the State. All undiscovered antiquities are the property of the State. In legal proceedings it is presumed that antiquities were discovered after 1976 unless the contrary is proven (s.3).

All discoveries of antiquities must be notified. If the Director-General of Museums decides not to retain the antiquity, its ownership is transferred to the person who would have owned it if s.3 had not been passed (s.5). If the antiquity is retained, compensation, which may be part of the antiquity, is payable (s.6).

Sale or disposal of an antiquity or historical object may be controlled (s.7).
4. **Penalties and sanctions**

Export or attempted export of an antiquity without a licence is an offence punishable by up to six months imprisonment, a fine of 5000 ringgit, or both (s.28).

Export or attempted export where a licence to export an antiquity has been refused or where the export of an historical object has been prohibited carries up to double the penalty (s.28).

A person convicted of such an offence forfeits all interest in the antiquity (s.30).

**SABAH**

Antiquities and Treasure Trove Enactment 1977.

1. **Cultural property subject to export control**

Antiquities. An antiquity means any object, whether movable or immovable, produced or modified by human agency prior to 1 January 1920; any part of the object added at a later date; any human, plant or animal remains earlier than 1 January 1920; any ancient monument meaning any monument dating from the period before 1 January 1920. In all instances, the objects or remains must not have been imported into Sabah after the date of the Enactment and must be of public interest from a local or national, historical, traditional, artistic, archaeological or other scientific character.

"Monument" means any temple, church, building, monument, fort, earthwork, standing stone, keramat, cave or other structure, erection or excavation, tumulus or other place of interment or any other immovable property of a like nature or any part or remains of the same, the preservation of which is a matter of public interest, traditional or archaeological interest attaching thereto (s.2).

2. **Type of export control**

Export (i.e. export from Sabah (s.2)) of any antiquity is prohibited without a licence from the Curator of the Sabah Museum. A licence will not be issued if, in the opinion of the Curator, the antiquity is of lasting national importance or interest and should be acquired on behalf of the Government or for any other reason it is not desirable in the public interest that the antiquity should be exported (s.31).

The applicant for a licence must prove that he owns the antiquity or has the authority of an owner (s.31).

An appeal may lie to the Minister or the High Court depending on the grounds (s.33).

3. **Transfer of ownership**

Every antiquity discovered after 1977 is the absolute property of the State. All undiscovered antiquities are the property of the State. In legal proceedings it is presumed that antiquities were discovered after 1977 unless the contrary is proven (s.4).

All discoveries of antiquities must be notified (s.5). If the Curator decides not to retain the antiquity, its ownership is transferred to the person who would have owned it if s.4
had not been passed (s.6). If the antiquity is retained, compensation, which may be part of the antiquity (s.7), is payable (s.6).

Sale or disposal of an antiquity may be controlled (s.10).

4. Penalties and sanctions
Export or attempted export of an antiquity without a licence is an offence punishable by imprisonment for up to three months, a fine of $500 or both (s.40(6)).

Export or attempted export of an antiquity where a licence to export has been refused carries up to four times the penalty (s.40(7)).

On conviction an offender forfeits all claim to the antiquity (s.41).

SARAWAK

Antiquities Ordinance 1954.

1. Cultural property subject to export control
Antiquities. An antiquity means any object, whether movable or immovable, produced or modified by human agency prior to 1850; any part of the object added at a later date; any human, plant or animal remains earlier than 1850 (s.2).

2. Type of export control
Export of any antiquity is forbidden without a licence from the Director of the Sarawak Museum (s.11). The export of certain antiquities may be prohibited if the Director considers their retention is necessary or desirable in the public interest (s.13).

Applicants for a licence to export must produce a certificate of registration or discovery of the antiquity (s.11).

3. Transfer of ownership
All antiquities other than those held by natives of Sarawak had to be registered in 1954/5 (s.5).

Every antiquity found in Sarawak after 1 October 1954 is the property of the Government (s.3).

Every discovery must be notified (s.4). The Government may renounce its ownership and return the antiquity to the finder together with a certificate of discovery (s.7).

Any person wishing to sell or dispose of an antiquity must give notice to the Director of the Museum who has the right to purchase it within the next 30 days (s.6).

4. Penalties and sanctions
Export or attempted export of an antiquity without a licence is an offence punishable by three months imprisonment and a fine of $500 (s.18(4)).

Export or attempted export of a prohibited antiquity is an offence punishable by one years imprisonment and a fine of $2,000 (s.18(5)).
Any antiquity in respect of which an offence is committed may, by order of the court, be forfeited to the Government (s.19).

MALAYSIA

5. International instruments
MALDIVES

Legislation not available.

International instruments
At 31 December 1987, the Maldives was not a party to any international instruments concerning unlawfully exported cultural property.
MALI

Ordinance No. 47/CMLN of 31 August 1973 approving the Unesco Convention 1970.

Law No. 85-40/AN-RM of 26 July 1985 concerning the protection and promotion of the national cultural heritage.

Decree No. 275/PG-RM of 4 November 1985 regulating archaeological excavations.

Law No. 86-61/AN-RM of 26 July 1986 concerning dealers in cultural goods.

Decree No. 299/PG-RM of 19 September 1986 regulating the excavation, commercialization and export of cultural goods.

1. Cultural property subject to export control
Classified cultural property and that proposed for classification (Law No. 85-40, Arts. 24, 12). Cultural property may be classified when it is part of the cultural heritage (Arts. 10, 5) which consists of cultural movables and immovables, whether religious or secular of historic, artistic, scientific, intellectual and cultural importance (Art. 2). Classification is established by Decree (Art. 15).

Cultural property includes sites, monuments, archaeological, historical and ethnological objects, architectural groups, works of art, rare zoological, botanical and mineralogical specimens and collections of such specimens and objects of palaeontological interest (Law No. 85-40, Art. 3).

2. Type of export control
Prohibition as to classified objects (Law No. 85-40, Arts. 12, 24). Special approval may be granted for the temporary export of classified objects (Art. 24).

Prohibition for cultural goods from archaeological sites (Decree No. 299, Art. 3).

Art dealers are permitted to export cultural goods provided that prior authorization is given by the Minister for culture (Decree No. 299, Art. 12). Private persons wishing to export cultural goods above a fixed number and maximum value (set by a interministerial order) must do so through a Malian dealer in cultural goods (Art. 17). Special authorization may be obtained where goods are exported for scientific purposes (Art. 18). Export of cultural goods subject to tax fixed by interministerial order (Art. 15).

3. Transfer of ownership
Every transfer of a classified object must be notified to the authorities within 15 days. The new owner must be notified of its status as a classified object before the transaction (Law No. 85-40, Art. 19).

Every transfer or removal of an object which has been proposed for classification must be notified three months prior to the transfer or removal (Law No. 85-40, Art. 12).

Change of ownership of cultural goods included in the inventory of the national cultural heritage must be notified to the authorities within 30 days thereafter (Law No. 85-40, Art. 9).

The State has a right of pre-emption over all objects which may enrich the cultural heritage (Law No. 85-40, Art. 4) and may recover archaeological discoveries (Decree No. 275/PG-RM, Art. 12).
Classified property belonging to the State and to local communities is inalienable, although possession may be given to a public institution or public utility (Law No. 85-40, Art. 18).

Transfer of fragments or materials illegally detached from classified immovables, including any act passing possession or custody to a third party, is null and void (Law No. 85-40, Art. 20).

Commissioning of and trading in cultural objects from archaeological sites is forbidden (Decree No. 299, Art. 3).

Any person exercising the profession of dealer in cultural goods must have a licence, a certificate as dealer in cultural goods, be domiciled in Mali and have storage and sales premises there, be older than 25 years and of good moral character. A dealer in cultural goods cannot be a travel agent or an officer or agent of a museum (Law No. 86-61, Arts. 1, 3). A dealer in cultural property can only acquire, possess or sell cultural property which is authentic, not classified and not proposed for classification (Arts. 6, 1). Dealers must keep a register of all transactions (Art. 8).

4. Penalties and sanctions
For unlawful export, the penalty is a fine of 25,000 francs. In the case of classified property the fine may be up to 2,000,000 francs as well as imprisonment from three months to three years and an action for damages may also lie (Law No. 85-40, Arts. 38, 39).

For failure to notify the transfer or removal of an object proposed for classification, the penalty is a fine of 25,000 francs (Art. 38).

For failure to notify the new owner of classified cultural property of the status of classification or to notify the authorities of the intended transfer, the penalty is nullity of the transaction, a fine of up to 200,000 francs and imprisonment for between three months and three years (Law No. 85-40, Arts. 19, 39).

For failure to notify authorities of the transfer of property in the inventory the penalty is a fine of 25,000 francs (Law No. 85-40, Arts. 19, 39).

Transfers of materials or fragments illegally removed from classified cultural property are null and void and third parties to whom they have been passed are liable to restore them, and have no claim for compensation against the State. There is a penalty of up to 2,000,000 francs and between three months and three years imprisonment; an action for damages may also lie (Law No. 85-40, Arts. 30, 39).

For breach of the provisions of the laws on trade and protection of the cultural heritage by a dealer or for failure to maintain a register of transactions, a dealer's licence will be revoked (Law No. 86-61, Art. 12). For acquisition, stocking or sale of goods other than those permitted, or breach of other provisions of the law on dealers, the penalty is imprisonment between three months and one year or a fine of between 50,000 and 250,000 francs or both. Where the offence is repeated these penalties are doubled (Art. 11).

For the illegal acquisition and export of cultural goods from archaeological sites, the penalty is a fine of between 250,000 and 5,000,000 francs CFA and possible forfeiture of goods (Decree 299, Art. 21). For a repeated offence the penalty is doubled (Art. 22).

5. International instruments

MALTA

Antiquities (Protection) Act 1925 as amended.

1. Cultural property subject to export control
Movable objects having a geological, palaeontological, archaeological, antiquarian or artistic importance which, unless they relate to local art or history, have existed in Malta for 50 years (s.2).

2. Type of export control
Export of any object of the above character without permission of the Minister is unlawful. Export is subject to an export duty fixed at a percentage of the value of the object. Payment of the duty may be by transfer of objects to the Museum (s.4).

3. Transfer of ownership
The Government may acquire any object proposed to be exported (s.4).

4. Penalties and sanctions
For export or attempted export, there is a minimum fine, imprisonment not exceeding three months, or both. If the object is unlawfully exported, duty is payable and the object is forfeited. If forfeiture cannot take place, a sum equal to the value of the object is payable (s.17).

5. International instruments
European Archaeological Convention 1969 in force since 1 August 1971.
MAURITANIA

Law No. 72-160 concerning the safeguarding and preservation of the national prehistorical, historical and archaeological heritage (31 July 1972).

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 179.

1. Cultural property subject to export control

Classified property. Property may be classified if it is of undoubted national importance from the point of view of pre-history, pre-Islamic history, Islamic history, thought, art or archaeology (Arts. 4, 1).

Objects which are not classified because their existence was not known or the identity of the person or persons in possession or control of them was not known, but which are of particular significance in the fields of prehistory, pre-Islamic history, Islamic history, thought, art or archaeology (Art. 4).

2. Type of export control

Prohibition of export of classified property (Art. 4).

Prior authorization is required for export of objects which are not classified but subject to export control (Art. 4).

3. Transfer of ownership

No classified movable object may be sold, donated or exchanged without prior authorization of the Minister responsible for Cultural Affairs (Art. 67).

Movable and immovable property subject to the Act may not be transferred without the prior authorization of the Minister (Art. 1).

Movable and immovable cultural property situated in grounds or buildings that are the public or private property of the State, of self-governing areas or of private institutions are considered to be the property of the State (Art. 1).

Movable and immovable cultural property which is in or on land owned by private individuals or bodies corporate, shall remain in their ownership and use. The State has a right of pre-emption (Art. 2).

4. Penalties and sanctions

For export of a classified movable historic monument, the penalty is a fine of between 25,000 and 50,000 CFA francs. On the repetition of the offence the penalty is imprisonment for not less than a month and the maximum and minimum amounts of the fine are doubled (Art. 82).

5. International instruments

MAURITIUS

Ancient Monuments Ordinance 1944.

1. **Cultural property subject to export control**
   Ancient monuments (s.7).

   An "ancient monument" is any monument (structure or erection other than an ecclesiastical building), or part or remains of a monument, or any object of like character, the preservation of which is a matter of public interest by reason of the historic, architectural, traditional, archaeological, artistic, aesthetic, or scientific interest attaching thereto (s.2).

2. **Type of export control**
   Export as such is not forbidden but removal of an ancient monument is forbidden without prior approval (s.7).

3. **Transfer of ownership**
   No specific provisions.

4. **Penalties and sanctions**
   Removal of an ancient monument is an offence punishable by a fine (s.12).

5. **International instruments**
MEXICO


Texts printed by Unesco CC.87/WS/12

1. Cultural property subject to export control

Historic and artistic monuments in private ownership. The works of living artists are not subject to export control except in the case of murals (Arts. 15, 33).

Archaeological monuments (Art. 16). These are movable and immovable property produced by cultures prior to the Spanish settlement including human remains, flora and fauna related to them (Art. 29).

2. Type of export control

Historic or artistic monuments in private ownership may be exported temporarily or permanently with a permit granted by the competent Institute (Art. 16).

Export of archaeological monuments is prohibited, except in the case of exchange, donation to foreign governments or foreign scientific institutions and subject to the consent of the President of the Republic (Art. 16).

3. Transfer of ownership

Archaeological monuments (movable and immovable) are the inalienable property of the Nation and rights may not be acquired over them by possession (Art. 27).

4. Penalties and sanctions

Illegal export is a crime (Art. 53) for which the general provisions of the Penal Code as to seizure are applicable (Art. 181 Federal Code of Penal Procedure).

For disposal of a movable archaeological monument, by those with a permit to excavate, imprisonment for between one and ten years and a fine of 3,000 to 15,000 pesos (Art. 48).

For transfer of ownership, trading, transporting, exhibiting a movable archaeological monument without the corresponding permit, imprisonment for between one and ten years and a fine of 1,000 to 15,000 pesos (Art. 49).

For illegal possession of an archaeological monument or movable historic monument, imprisonment for between one and six years and a fine of 100 to 50,000 pesos (Art. 50).

For taking possession of an archaeological, historic or artistic movable monument without the consent of the person legally authorized to dispose of it, imprisonment for between two and ten years and a fine of between 3,000 and 15,000 pesos (Art. 51).

For damage and destruction of an archaeological, historic or artistic monument, imprisonment for between one and ten years and a fine equal to the damage done (Art. 52).
For conspiring, by any means, to remove, or for removal of, an archaeological, artistic or historic monument without permission of the competent authority, imprisonment for between two and 12 years and a fine of 100 to 50,000 pesos (Art. 53).

A recidivist will suffer an additional penalty of two-thirds the whole penalty imposed (Art. 54).

Habitual delinquents will have the penalty increased to double or triple that imposed for the most serious crime (Art. 54).

Traffickers in archaeological monuments are presumed to be habitual delinquents. The educational background, habits and conduct of the accused, his economic or financial situation, motives and the circumstances that impelled him to commit the crime are taken into account in reckoning the penalties (Art. 54).

Export without appropriate authority constitutes a crime; according to Art. 181 of the Federal Code of Penal Procedure this authorizes the seizure of the instruments of a crime, the things which are the object of the crime and those which are evidence of the crime.

5. International arrangements


Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Mexico.
MONACO

Legislation not available.

International instruments
MONGOLIA

Law No. 167 on the protection of cultural monuments of the Mongolian People's Republic sanctioned by edict of the Presidium of the Great People's Khural of the MPR on 12 October 1970.

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 195.

1. **Cultural property subject to export control**
   Cultural monuments, which are defined as monuments connected with history, archaeology, ethnography and religion that are situated on the territory of the MPR, in or on the ground, including works of art, products of the people's art, the most important archive documents of State organizations, co-operatives and public organizations and of the most eminent cultural, artistic and scientific workers; objects held by scientific institutions, museums and places of entertainment; rare books kept in the libraries and particularly important monuments of the revolutionary movement (Arts. 16, 2).

2. **Type of export control**
   Export is subject to authorization exclusively by the Council of Ministers (Art. 16).

   Rare or particularly valuable cultural monuments may not be exported without the authorization of the competent agencies (Art. 17).

3. **Transfer of ownership**
   Private citizens who own cultural objects may sell, donate or bequeath them, with the authorization of the Ministry of Culture, to individuals or to organizations. This provision does not apply to museums, archives and other institutions which have the custody of cultural monuments (Art. 9).

   Rare or particularly valuable cultural monuments owned by State organizations, co-operatives, public organizations or private citizens may not be given or bequeathed to foreign citizens or organizations or sold on the home or foreign market without the authorization of the competent agencies (Art. 17).

4. **Penalties and sanctions**
   General penalty for breaches of the Act is prosecution (Art. 19).

   Where the offence does not lead to prosecution, the penalty is a fine of between 50 and 200 tugriks, depending on the gravity of the offence (Art. 20).

5. **International instruments**

   Plovdiv Agreement 1986 signed as at 28 August 1987.
MOROCCO

Dahir No. 1-80-341 promulgating Law No. 22-80 concerning the preservation of historic monuments and sites, of inscriptions and of objects of art and antiquity.

Text printed by Unesco CC.87/WS/6

1. Cultural property subject to export control
   Classified movables (Art. 31). Movables may be classified or registered where they are of artistic or historic character or of interest to the study of the past or humanities in general (Art. 2(2)).

   Works of art or antiquities of historic, archaeological or anthropological interest or of interest to the study of the past (Arts. 43, 45).

   All or part of any material from demolished immovable which were registered or classified (Art. 59). Registration or classification may apply to historic or natural sites, sites of artistic, historic, traditional or scenic character or of interest to the study of the past or the social sciences in general and may include rock carvings and paintings, inscribed stones and monumental, funerary or other inscriptions whatever their age, language, style or form (Art. 2).

2. Type of export control
   Prohibition. Authorization may be given for temporary export for purposes of exhibition or study abroad (Arts. 31, 45).

3. Transfer of ownership
   Registered movables and immovables owned by individuals may be transferred. However the State has a right of pre-emption which must be exercised within two months of notice being given of the intended transfer (Arts. 9, 37-41).

   Classified movables and immovables in the domain of the State, of habous or belonging to local communities or communities administered according to Dahir of 27 April 1919 (26 rijet 1337) on the management and transfer of collectively owned goods are inalienable and imprescriptible (Arts. 29, 26).

   Classified movables and immovables belonging to individuals may be transferred but are subject to the State's right of pre-emption (Arts. 30, 27, 37-41).

   Movable works of art and antiquities discovered in the course of authorized excavations or of any kind of works are the property of the State (Art. 50).
4. Penalties and sanctions
For any breach of Law No. 1-80-341 the penalty is a fine of between 2,000 and 20,000 dirhams (Art. 53). The following additional sanctions may also be pronounced:
- a fine equal to 10 times the value of the object concerned
- confiscation of the object.
Confiscation is mandatory in cases of export contrary to the provisions of Arts. 31, 45 and 59 and of non-declaration of a find or of unauthorized excavations (Art. 55).

5. International instruments
MOZAMBIQUE

Legislation not available.

International instruments
At 31 December 1987, Mozambique was not a party to any international instruments concerning unlawfully exported cultural property.
NAMIBIA

Legislation not available.

International instruments
At 31 December 1987, Namibia was not a party to any international instruments concerning unlawfully exported cultural property.
NEPAL


Notification of the Ministry of Education concerning the exportation and movement of historical, archaeological or artistic objects, 7 April 1969.

Extracts from the texts are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 201.

1. Cultural property subject to export control

Historical objects at least 100 years old: handwritten *Vamshawalis* giving historical accounts of any country, manuscripts, gold-plate inscriptions, birch-leaf inscriptions, palm-leaf inscriptions, documents, coins, houses where historical events had occurred or which were occupied by historical personalities and objects used by such personalities (s.13(1) and Notification).

Archaeological objects at least 100 years old: objects made or used by human beings of the prehistorical period (s.13(1) and Notification).

Artistic objects at least 100 years old: any important part of the house constructed in an impressive manner with figures carved on wood, stone, clay, bone, cloth, paper, metal etc; objects used in such houses, images, temples of gods and goddesses, pagodas, statues, inns, etc., built with or without such reproduction of animals and birds or of both animate and inanimate objects (s.13(1) and Notification).

Curios: modern objects relating to handicrafts prescribed by the Government in the Gazette (s.13(1) and s.2).

2. Type of export control

No export of historical, archaeological and artistic objects as described above without the prior permission of the Government (s.13(1) and Notification).

Curios may be exported, provided a seal approved by the Government has been affixed. The seal will indicate the name of the vendor who must be a person or institution engaged in the production or sale of curios and licensed by the Government (s.13(1)(3)).

3. Transfer of ownership

Historical, archaeological and artistic objects may not be transferred from one place to another, exported or collected at any place without prior approval of the Government (s.13(1)).

Where it appears possible that such an object will be lost or damaged, the Government may compulsorily purchase it (s.14).
4. **Penalties and sanctions**
For illegal export, transfer or collection of historical, archaeological and artistic objects and for illegal dealing with curios, the penalty is a fine of up to Rs 25,000.00, or imprisonment up to five years, or both, and the object concerned is confiscated (s.13(5)).

4. **International instruments**

1. Cultural property subject to export control
   Protected objects (Art. 7).

   A protected object is a piece of movable property of cultural, historical or scientific value which independently, or as part of a collection, deserves to be preserved for the Netherlands' cultural heritage and to this end has been placed on a list kept pursuant to the Act or belongs to a collection that has been placed on the list (Art. 1).

2. Type of export control
   Export is subject to permission of the Minister for Welfare, Health and Cultural Affairs (Art. 7(3)) (see under 3. below).

3. Transfer of ownership
   It is prohibited to offer for auction, transfer ownership of, mortgage, rent out, lend or allocate to a non-resident on settlement of an estate any protected object, without having first notified the designated inspector of the agreement to do so. Change of the location of a protected object without such notification is also prohibited (Art. 7(1)). The prohibition applies for one month after notification (extendable to three months) (Art. 7(2)).

   If any of the above actions entail the protected object being taken out of the Netherlands, permission must be sought from the Minister. If the Minister does not object within the time applicable he must confirm in writing that there is no objection to the action provided that it is carried out within a year of the notification (Art. 7(3)).

   The Minister may object to the action proposed on the grounds that there is a danger of the object being lost to the cultural heritage of the Netherlands (Art. 7(4)).

   If objection is being made to the transfer of ownership of the object, its allocation to a non-resident, its removal to the owner's permanent place of residence outside the Netherlands, the objection constitutes an offer by the State to purchase the object in the manner prescribed by the Act (Art. 10).

   When the purchase price is established, the Minister has a month to withdraw his objection and the owner the same period to state that he will not carry out the proposed action (Art. 13).

4. Penalties and sanctions
   Penalties as specified under the Economic Offences Act (Art. 19).

5. International instruments
NEW ZEALAND

Antiquities Act 1975.


Extracts from the texts are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 210.

1. Cultural property subject to export control

Antiquities which includes any written matter or photographic or sound recording which relates to New Zealand and is of national, historical, scientific, artistic or literary importance, is more than 60 years old and where (in the case of a book) no copy is held by the National Library; any type specimen of any animal, plant or mineral existing or formerly existing in New Zealand; any meteorite or part of one recovered in New Zealand; bones, feathers, other parts or eggs of the moa or other species of animals, bird, reptiles or amphibians native to New Zealand believed to be extinct; any ship, boat, aircraft or equipment, cargo or article belonging to it wrecked in New Zealand or its territorial waters more than 60 years ago and of national, historical, scientific or artistic value or importance; any artefact (object relating to the history, art, culture, traditions or economy of the Maori or other pre-European inhabitants of New Zealand prior to 1902); any work of art (painting, drawing, block or plate, hand-drawn lithographic stone or other material, sculpture) relating to New Zealand, more than 60 years old and of national, historical or artistic value or importance; and any other object of national, historical, scientific or artistic importance relating to European discovery, settlement or development of New Zealand more than 60 years old (s.2).

2. Type of export control

No export without permission of the Secretary for Internal Affairs (s.5).

Certain classes of antiquity may be exempted from this provision by notice in the Gazette (s.5) (no such notice has yet been made).

In considering an application for permission, the Secretary will have regard to the historical, archaeological, scientific, cultural, literary, artistic, or other special national or local importance of the antiquity; its spiritual or emotional association with the people of New Zealand or any group or section thereof; its rarity; the extent to which similar articles are held in public ownership in New Zealand; the probable effect of its removal on historical and scientific study or research in New Zealand and any other relevant matters. The Secretary may then grant the permit unconditionally, grant it on conditions or refuse it. Permission will be refused where the removal of the antiquity would be to the substantial detriment of historical or scientific study or research in New Zealand or would be contrary to the public interest (s.6).

Among the conditions which may be imposed are conditions as to the copying of the antiquity, approved packing and despatch to an address nominated by the owner, or time limits (s.8).

An appeal may be made against the Secretary's decision (s.9).
3. **Transfer of ownership**

Any artefact found in New Zealand, including its territorial waters, is the property of the Crown. There are provisions relating to the Maori Land Court to determine certain questions of traditional ownership, rightful possession or custody of the artefact (s.11).

Artefacts may only be sold to a registered collector, a public museum or through the offices of a licensed auctioneer or licensed secondhand dealer. Artefacts may pass by gift or inheritance (s.13(1)).

No institution may dispose of an artefact except at the direction of the Secretary (s.13(2)).

Collectors who wish to add to their collections must be registered. It is a condition of registration that, except for a gift or bequest to a relative, artefacts will only be disposed of to another registered collector, a public museum or through the offices of a licensed auctioneer or licensed secondhand dealer (s.14).

Any change in a collection is to be notified within 14 days (s.14).

Licensed auctioneers and secondhand dealers must notify a public museum of artefacts offered for sale (s.15). The public museum will issue a certificate of examination within 28 days and will register the object (s.16). The auctioneer or dealer may only sell to public museums, licensed secondhand dealers, licensed auctioneers or registered collectors or subject to a condition that the sale will be completed or possession transferred after the purchaser has become a registered collector (s.15(2)(c)).

4. **Penalties and sanctions**

For breach of the export provisions, the penalty is a fine of up to $1,000 (s.5). The antiquity exported or attempted to be exported is to be forfeited (s.10).

5. **International instruments**

At 31 December 1987, New Zealand was not a party to any international instruments concerning unlawfully exported cultural property.
NICARAGUA

Law on the Protection of the Cultural Heritage of the Nation (Decree No. 1142) of 29 September 1982.

Text printed by Unesco CLT-85/WS 35.

1. Cultural property subject to export control
Property forming part of the cultural heritage (Art. 24). All fossilized organisms and all archaeological property (articles, instruments, structures, remains or relics from extinct cultures) are part of the cultural heritage, irrespective of the owner or person or body in possession of it (Art. 2, Art. l(a),(b)). The Heritage Office may declare historic or artistic property or urban or rural complexes to be part of the cultural heritage of the nation (Art. 2). Historic property is defined as movable or immovable property which is directly related to the political, economic and social history of Nicaragua (Art. l(c)). Artistic property is defined as property or objects that, owing to their origins as products of man’s activity, constitute authentic valuables of the fine arts or of national art, whether they be works of plastic, literary, architectural or other art (Art. l(d)).

2. Type of export control
Export is prohibited (Art. 24). The Government may authorize permanent export when several identical or similar examples exist within the country for information or examination (Art. 25).

Permanent export takes place by exchanges between governments and with foreign scientific institutions (Art. 24). In order to authorize permanent exportation the Heritage Office appoints a technical commission (Art. 26).

3. Transfer of ownership
All transfers of ownership, rights of disposal or possession without the prior authorization of the Heritage Office are prohibited. Failure to obtain authorization renders the deed null and void (Art. 35).

4. Penalties and sanctions
The provisions concerning export constitute part of the customs legislation, especially Article 2 of Decree 942, Law on Customs Fraud and Contraband (Art. 45).

5. International instruments


San Salvador Convention 1976 in force since 1 April 1980.
NIGER

Statute No. 56-1106 of 3 November 1956 concerning the protection of natural monuments, sites and monuments of historical, scientific, artistic or scenic character, the classification of historical, scientific or ethnographic objects and the regulation of excavations.

1. Cultural property subject to export control
   Classified objects, listed objects (Art. 31). Immovables, natural monuments or sites whose conservation or preservation is of historic, artistic, scientific or legendary or scenic interest may be classified and the list of classified items is published in the Journal Officiel (Arts. 31, 1).

   Objects of historic or scientific interest in categories established by order of the authorities (Art. 31).

2. Type of export control
   Prohibition of export of classified and listed items. In exceptional cases export may be authorized by the Chief Officer (Art. 31).

   Prohibition of export of objects of scientific or historic interest in listed categories, except where authorized by the Chief Officer (Art. 32).

3. Transfer of ownership
   The authorities have a right to retain any objects whose export was requested. This right may be exercised within six months. The exporter has the right to fair compensation (Art. 32).

   Every transfer of a classified item must be notified to the authorities within one month. The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Art. 5).

   Classified movables belonging to the State may not be transferred. Classified movables belonging to communes or public institutions may be transferred only with the authorization of the Chief Officer of the Territory and on the conditions provided for by the law in force. The ownership of these objects may be transferred only to the State, to an institution of public law or a public utility (Art. 14). Acquisitions made in breach of this law are null and void. A bona fide purchaser or sub-purchaser may claim reimbursement of the price if the object is recovered from him. If it is recovered by the authorities, they will have an action against the vendor for the full amount of the indemnity. This article also applies to lost and stolen goods (Art. 15).

   The State has a right of pre-emption over objects which are classified or proposed for classification (Art. 16).
4. **Penalties and sanctions**

For transfer, acquisition, removal, export of goods classified or proposed for classification, penalty is a fine of between 7,500 and 150,000 francs and imprisonment for between six days and three months or one of these two and an action for damages may also lie (Art. 44).

5. **International instruments**


160

NIGERIA

Decree No. 77 of 28 September 1979 for the National Commission for Museums and Monuments.

1. Cultural property subject to export control

"Antiquities" which is defined to include any object of archaeological interest (see next paragraph), any relic of early human settlement or colonization and any work of art or craft work (including any statue, model, clay figure, figure cast or wrought in metal, carving, house post, door, ancestral figure, religious mask, staff, drum, bowl, ornament, utensil, weapon, armour, regalia, manuscript or document) which is of indigenous origin and was made before 1918 or is of historical, artistic or scientific interest and is or has been used at any time in the performance and for the purposes of any traditional ceremony (s.32).

"Objects of archaeological interest" which is defined to include any fossil remains of man or animals found in association with man, any site, trace or ruin of an ancient habitation, working place, midden or sacred place, any cave or other natural shelter, engraving, drawing, painting, inscription, on rock or elsewhere, any stone object or implement believed to have been used or produced by early man and any antique tool or object of metal, wood, stone, clay, leather, textile, basketwork or other material which are of archaeological interest (s.32).

Where a person is in doubt as to whether an object in his possession is an antiquity he may obtain a "clearance permit" from the Director-General of the National Museum for Museums and Monuments (s.24(2)).

2. Type of export control

No antiquity, which includes an object of archaeological interest, may be exported from Nigeria unless with an export permit issued by the National Commission, except for an antiquity which has been legally imported into Nigeria (the onus of proof that the object is such a legal import is on the possessor) (s.25). Where an export permit has been refused the Commission, acting through an accredited agent, may compulsorily buy the object for a fair and reasonable local price (s.26(1)).

3. Transfer of ownership

No person may buy any antiquity unless he is an accredited agent or sell an antiquity to any person other than an accredited agent (s.21(1)). An accredited agent means the Director-General or any employee of the Commission authorised in writing by the Commission or any person or body in any State authorised in writing by the Commissioner to act for the Commission in the State concerned (s.32).

4. Penalties and sanctions

Objects intended to be illegally exported from Nigeria may be seized and forfeited (s.22).

For purchase of antiquity, or sale to a person not being an accredited agent, a fine of 2,000 naira or five times the value of the antiquity, whichever is the greater, or imprisonment for three years, together with forfeiture of the antiquity (s.21).

5. International instruments


NORWAY

Act Concerning the Cultural Heritage 1979.

Regulations to Prohibit Export of Objects of Cultural or Historic Interest 1979.

Texts printed by Unesco CC.87/WS/7

1. Cultural property subject to export control
All ancient and historic monuments, ship's finds and antiquities as described in the Act; buildings of all kinds or parts of such, and other objects of artistic, cultural or personal-historic interest which are more than one hundred years old, such as sculptures, paintings, coins, archive material, manuscripts, seals and signets, rare prints, furniture and other goods, wearing apparel, weapons and the like (when special reasons so dictate the Minister may prohibit export of such things irrespective of age); Sami (Lapp) cultural relics irrespective of age; relics relating to prominent persons, irrespective of the age of the relic (Art. 23).

Detailed listings are contained in the Regulations.

2. Type of export control
Export is prohibited (Art. 23) without the consent of institutions named in the Regulations (Art. 2). Permission is given on a standard form issued by the Ministry of the Environment.

3. Transfer of ownership
Antiquities accidentally discovered or excavated are the property of the State if there is no existing owner (Art. 12). The State owns boats more than 100 years old and all on board them when it is no longer possible to find out if there is an owner (Art. 14).

4. Penalties and sanctions
Fine and, in serious cases, imprisonment (Art. 27).

5. International instruments
OMAN

Legislation not available.

International instruments
PAKISTAN

Antiquities Act 1975.


Extracts from the texts are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 242.

1. **Cultural property subject to export control**

   Antiquities, defined in the Act to mean

   (i) any ancient product of human activity, movable or immovable, illustrative of art, architecture, craft, custom, literature, morals, politics, religion, warfare or science or of any aspect of civilization or culture,

   (ii) any ancient object or site of historical, ethnographical, anthropological, military or scientific interest,

   (iii) any national monument, and

   (iv) any other object or class of such objects declared by notice in the Gazette (Act, s.2)

2. **Type of export control**

   Prohibition of export except where the Director of the Department of Antiquities issues a licence for temporary export (exhibition, examination or preservation treatment), or in accordance with an agreement with an excavation team, or for antiquities which are not of a unique nature in exchange for antiquities of any foreign country (Act, s.26).

   An export licence is valid for a month and is not transferable (Rules 5, 6).

3. **Transfer of ownership**

   The Federal Government has a right of pre-emption over any antiquity or any immovable property containing an antiquity which is offered for sale (Act, s.9(1)).

   No person may deal in antiquities without a licence from the Director (Act, s.25(1)).

4. **Penalties and sanctions**

   For illegal export: the provisions of the Customs Act (IV of 1969) apply, as well as confiscation, where that Act authorizes it (Act, s.26(2)).
For any offence against the Act or Rules where no specific punishment provided: 
rigorous imprisonment for up to six months, or a fine of up to 5,000 rupees, or both 
(Act, s.32).

5. International instruments

1. Cultural property subject to export control
National archaeological collections or objects, whether publicly or privately owned (Law No. 14, Art. 27).

2. Type of export control
Prohibition (Law No. 14, Art. 28).
Permission for temporary exportation for cultural or economic reasons may be granted by the National Institute for Culture, subject to conditions ensuring return (Law No. 14, Art. 27).

Permission for export of material recovered from an archaeological excavation for the purposes of study and analysis. The National Directorate of the Historic Heritage may authorize export subject to adequate guarantees ensuring its return in good condition (Law No. 14, Art. 18).

3. Transfer of ownership
All archaeological finds from the date of commencement of the Act (5 May 1982) are the exclusive property of the State (Law No. 14, Art. 27 (3)).

Possessors of archaeological collections at the date of commencement of this Law (5 May 1982) have two years to declare the existence and provide the inventory to the National Directorate of the Historic Heritage (Law No. 14, Art. 26).

The National Institute for Culture has a right of pre-emption over archaeological objects and must be notified beforehand of all transactions (Law No. 14, Art. 27).

4. Penalties and sanctions
Confiscation of goods which have been the subject of the breach of the law and a fine of between 1,000 and 10,000 balboas in accordance with the Administrative Code. The fine will be imposed in accordance with the value of the objects and the damage caused to archaeological sites.

5. International arrangements


Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Panama.
PAPUA NEW GUINEA


1. Cultural property subject to export control
Any property of particular importance to the cultural heritage of the country, including

(a) any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of any of the peoples of the country, past or present

(b) any mineral specimen or fossil or mammal remains of scientific or historical interest to the country

(c) any other collection, object or thing, or collection, object or thing of a class, declared to be national cultural property and

(d) any collection of national cultural property (s.4).

2. Type of export control
No export except with consent of the trustees of the Papua-New Guinea Museum and Art Gallery (s.19).

3. Transfer of ownership
National cultural property may not be acquired or transferred where a notice of prohibition or restriction has been issued by the administration (s.12).

4. Penalties and sanctions
National cultural property exported or attempted to be exported without the consent of the Trustees of the Papua New Guinea Museum and Art Gallery is a prohibited export and subject to forfeiture under the Customs Ordinance (s.20).

For export without consent, a fine (s.19).

5. International arrangements
At 31 December 1987, Papua New Guinea was not a party to any international instruments concerning unlawfully exported cultural property.

By administrative arrangement, the Australian authorities prohibit the import into Australia of cultural property from Papua-New Guinea unless it is accompanied by a certificate from the Papua New Guinea Museum.
PARAGUAY

Decree-Law No. 18.904 of 15 July 1943 declaring monuments and objects of historico-traditional character to be national heritage and creating an honorary Commission.

Decree-Law No. 10.756 of 28 March 1950 creating the Directorate-General of Archives, Libraries and Museums of the Nation.

1. **Cultural property subject to export control**
   
   Buildings, movables and objects of colonial art; books, manuscripts, documents, letters, portraits, decorations, weapons, etc., of historic character; altar-pieces, images, altars, candelabras, paintings etc. from churches or public institutions, archaeological and ethnographic objects and objects determined by the Commission of National Museums and Archives to have a historico-traditional value (Decree-Law No. 18.904, Art. 1).

   Also drawings, engravings, pictures, sculptures, uniforms, coins, bank notes, flags, standards of historic character, and palaeontological and scientific material (Decree-Law No. 10.756, Art. 2).

2. **Type of export control**

   Prohibition (Decree-Law No. 18.904, Art. 3; Decree-Law No. 10.756, Art. 5).

3. **Transfer of ownership**

   Failure to register cultural property as defined in these Decree-Laws will result in its confiscation by the State (Decree-Law No. 18.904, Art. 2; Decree-Law No. 10.756, Art. 4).

4. **Penalties and sanctions**

   For offences against these Decree-Laws, the penalties are those established for damage to State property. The goods concerned are confiscated by the State (Decree-Law No. 18.904, Art. 8; Decree-Law No. 10.756, Art. 10).

5. **International instruments**

   At 31 December 1987, Paraguay was not a party to any international instruments concerning unlawfully exported cultural property.
PERU

Law No. 12956 concerning the export of any object of archaeological or historic value, 21 February 1958 (Articles 9 and 12 remain in force, the rest repealed by Law No. 24047)

Law No. 24047 on the protection of the nation’s cultural heritage, 3 January 1985

1. **Cultural property subject to export control**

   Cultural property belonging to the cultural heritage of the nation (Law No. 24047, Art. 13). The cultural heritage consists of cultural property which is evidence of human creativity, substantive or not, expressly declared as such because of its artistic, scientific or technological importance (Art. 1). Movable and immovable property owned by the State or in private hands is assumed to be cultural property where it dates from the prehistoric or vice-regal period as well as those of the Republican era falling within Article 1. Such property is described in Articles 1 and 4 of the Unesco Convention and Articles 1 and 2 of the San Salvador Convention (Art. 2).

   Such items are registered in the inventory of objects of the National Cultural Heritage and are issued with a certificate stating its non-exportable character. Every object receives an indelible identification tag (Art. 18).

   All official or private historic books and documents which, because of their contents or their importance, are of national interest and of which no samples exist in the National Library or in the Archives of the country (Law No. 12956, Art. 12).

2. **Type of export control**

   Prohibition. Prior authorization may be given by Supreme resolution for exhibition for artistic or cultural purposes or study or specialized restoration work for between one and two years (subject to insurance against risks) or for Peruvian embassies or museums abroad or as donations to foreign States (Law No. 24047, Art. 13).

   Prohibition in relation to historic books and documents (Law No. 12956, Art. 12).

3. **Transfer of ownership**

   Cultural property may be transferred or relocated within the country except for integral parts of a building declared to be cultural property or parts of a registered collection which require prior approval (Law No. 24047, Art. 14).

   Official or private historic books and documents of national interest are not negotiable (Law No. 12956, Art. 12).
4. **Penalties and sanctions**

For attempted export of cultural property without a certificate stating that the property is not part of the national heritage or otherwise authorizing their exportation, a fine may be imposed by the administrative authorities as well as seizure of the property concerned (Law No. 24047, Art. 30(1)).

For import of cultural property without a certificate authorizing their export from the country of origin, a fine may be imposed by the administrative authorities in addition to the seizure of the property concerned (Law No. 24047, Art. 30(2)).

The fines may be between 10 and 1,000 times the minimum basic wage in the province of Lima and further penalties may be imposed by the provisions of the Code which relate to offences against the national heritage (Law No. 24047, Art. 30).

5. **International arrangements**


Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Peru.
PHILIPPINES

Presidential Decree No. 374 amending certain sections of Republic Act No. 4846 otherwise known as the "Cultural Properties Preservation and Protection Act" of 10 January 1974. (1)

Rules and Regulations of 20 February 1974 for the Implementation of Presidential Decree No. 374, amending certain sections of Republic Act No 4846, otherwise known as the "Cultural Properties Preservation and Protection Act". (1)

1. Cultural property subject to export control
National cultural treasures which are designated items of cultural property which are rare or unique within that class of cultural property (Act, amended ss.9, 7b). They are unique objects found locally, possessing outstanding historical, cultural, artistic and/or scientific value which are significant and important to the country and the nation (Act, amended s.3(c)).

Cultural properties which are old buildings, monuments, shrines, documents, and objects which may be classified as antiques, relics, or artefacts, landmarks, anthropological and historical sites and specimens of natural history which are of cultural, historical, anthropological or scientific value or significance to the nation; such as physical, anthropological, archaeological and ethnographical materials, meteorites and tektites; historical objects and manuscripts; household and agricultural implements; decorative articles or personal adornment; works of art such as paintings, sculptures, carvings, jewelry, music, architecture, sketches, drawings, or illustrations in part or in whole; work of industrial and commercial art such as furniture, pottery, ceramics, wrought iron, gold, silver, wood or other heraldic items, metals, coins, medals, badges, insignias, coats of arms, crests, flags, arms and armour; vehicles or ships or boats in part or in whole (Act, amended s.3(a)).

2. Type of export control
Prohibition of export of national treasures without written permission. Permission will only be given for the purpose of exchange programs or scientific scrutiny but must be returned immediately after such exhibition or study (Act, amended s.9; Rule IV). They may not be taken out of the country by reason of inheritance (Act, amended s.8).

Prohibition of export of cultural properties except where the property has been registered with the National Museum and written permission has been granted. The provisions as to designation as a national treasure must be followed if appropriate (Act, amended ss.10, 7; Rule IV).

(1) Note of Unesco Secretariat : Extracts from these texts are published in Unesco's Compendium of legislative texts "The protection of movable cultural property" Vol. II, 262
3. **Transfer of ownership**
National cultural treasures cannot change ownership except by inheritance or sale approved by the Director of the National Museum. Where there is no heir, national cultural treasures revert to the National Museum or other State museum (Act, amended s.8).

Cultural property offered for sale is to be registered with the National Museum and the Government is to be given a three month option to buy (Act, amended s.15).

All dealers engaged in exporting cultural properties require a licence (Act, amended s.17).

4. **Penalties and sanctions**
For unlawful export, or attempted unlawful export, the penalty is up to 10,000 pesos or imprisonment for up to two years or both in the discretion of the Court together with summary confiscation and forfeiture to the National Museum of the goods concerned (Act, amended s.20).

The same penalty applies for other breaches of the Act (Act, amended s.20) and the Rules (Rule XII s.2).

5. **International instruments**
At 31 December 1987, Philippines was not a party to any international instruments concerning unlawfully exported cultural property.
POLAND


Regulation No. 10 of the Minister of Culture and the Arts of 31 March 1976, on the amendments to Regulation No. 47 of 26 May 1964 of the Minister of Culture and the Arts on the obligation to advise the keepers of monuments whenever cultural property is offered for sale by undertakings which trade in works of art and objects of historical, scientific or artistic value.

Extracts from the texts are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol.1, 218.

1. Cultural property subject to export control
Cultural property, which is defined to mean any ancient or contemporary, movable or immovable object, which is important in terms of the cultural heritage and cultural development on account of its historical, scientific or artistic value (Art. 2).

2. Type of export control
Prohibition. Export may be allowed in exceptional cases by the Minister of Culture and the Arts if he is satisfied that the export of a specific object will not be detrimental to the national cultural heritage (Art. 41).

Certain objects may be exported freely if a certificate is issued by the appropriate keeper of monuments, Directorate-General of State Archives or by the National Library in Warsaw (Art. 42). These include objects of importance to the history of architecture; furniture, tools and other objects which document the economy; artistic ideas, customs and other aspects of folk culture; works of art (sculptures, paintings, engravings, etchings and illuminations, handicrafts, arms, costumes, coins and engraved seals); historic objects such as movable military items, objects connected with important historic events or with the activity of institutions or of outstanding historic figures; products of ancient cultures; objects of technical and material culture such as means of transport, machines, tools, scientific instruments and objects particularly characteristic of ancient and modern forms of economy, technology and science; archive materials; library materials; collections of some artistic or historic value as a whole, irrespective of the nature and value of the component items and documents; and objects connected with the life and works of eminent authors, artists, scientists, politicians and other public persons (Arts. 5, 42). The general regulations restricting foreign trade also apply (Art. 43).

3. Transfer of ownership
Archaeological finds belong to the State (Art. 24). Museums have a right of pre-emption in the acquisition of movable monuments in antique shops. The right expires if not exercised within one month of notification that the object is offered for sale (Art. 62).

Any transfer of proprietary rights in a monument (which includes movables) which is owned by the State, must first be approved by the Minister of Culture (Art. 35).
A person who acquires ownership of a registered monument by inheritance, gift or legacy must notify the appropriate keeper of monuments within three months of coming into possession (Art. 36).

Antique dealers are required to notify the keeper of monuments whenever they acquire for sale any cultural property that may not be exported (1964 Regulation, Art. 2). If not acquired by a museum it may be sold on condition that it is first registered and notice of the export prohibition given to the purchaser (1964 Regulation, Art. 4.2).

4. Penalties and sanctions
For transfer of a monument abroad without authorization or transfer abroad and failure to return by the date fixed by the authorization, the penalty is imprisonment for up to five years and a fine (Art. 74(1)). If the offence was not committed deliberately, the penalty is imprisonment for up to six months and a fine of up to 20,000 zlotys (Art. 74(2)). The court may order confiscation of the monument in question, even if it is not the property of the offender (Art. 74(3)).

Any person who disposes of a monument or acts as an intermediary in the disposal of a monument when the circumstances suggest that the purchaser intended to take it out of the country without authorization, shall, if the export or attempted export takes place, be liable to imprisonment for a term of up to two years and to a fine (Art. 76(1)).

5. International instruments


Plovdiv Agreement 1986 signed as at 28 August 1986.
PORTUGAL

Law No. 13/85 of 6 July 1985 concerning the Portuguese Cultural Heritage. Article 61 provides for Regulations to be made, but none have yet been issued.

1. Cultural property subject to export control

Property belonging to the Portuguese cultural heritage whether classified or not (Art. 35). The Portuguese cultural heritage consists of movable and immovable property of recognized significance to the continuing durability and identity of Portuguese culture (Art. 1). Movable cultural property includes material of cultural value which is evidence of human evolution or natural or technical development and includes objects which were buried or submerged or found in sites of archaeological, historical, theological or similar interest (Art. 8(1)); paintings, sculptures, drawings, textiles, utensils, and objects of artistic, scientific or technical value (Art. 8(2)); valuable manuscripts, rare books especially early printed books, documents and publications of particular interest in scientific, artistic and technical fields, including photographic, cinematographic, sound and other records (Art. 8(3)); and all property whether religious or secular which is considered of scientific, artistic or technical value (Art. 8(2)). Objects representing still current types of manufacture are exempted from export control (Art. 35(2)).

2. Type of export control

Export subject to approval by the Portuguese Institute for the Cultural Heritage (IPPC) which may make conditions for its approval (Art. 35(1)).

Temporary export for purposes of exhibition may be granted by the Ministry of Culture (Art. 33(1)). Movable cultural property which has been temporarily imported may be exported without approval provided it has not remained in the country more than three months after the period in which it was used for cultural purposes of public interest (Art. 33(1)).

Permanent export of classified objects is prohibited (Art. 34). The government may authorize temporary exchange of cultural movables owned by the State with other countries, but such authorization must be made by decree (Art. 30(3)).

3. Transfer of ownership

The State has a right of pre-emption over all cultural objects (Art. 17(2)).

All transfers must be reported to the Ministry of Culture (Art. 17(1)). Objects pending classification cannot be transferred, altered, restored, or exported without authorisation of the Ministry of Culture (Art. 18(3)).

Classified objects are not susceptible to acquisition by adverse possession (Art. 28).

The government may organize permanent exchange of cultural movables with other countries, but this must be done by decree (Art. 30(3)).

Transactions taking place on Portuguese territory concerning cultural movables originating in foreign countries are null and void when they are brought about in breach of the relevant internal regulation which regulates its transfer or export. This provision is applied in relation to other countries on the basis of reciprocity (Art. 31(2) and (3)).
4. **Penalties and sanctions**
For failure to obtain the necessary authorization from the Ministry of Culture, the penalty is a fine of between the minimum of $30,000 and the value corresponding to double the value of the object involved (Art. 53(1)).

Unlawful transfer of foreign cultural objects in Portuguese territory are null and void (Art. 31).

For unlawful export the State may confiscate the cultural object (Art. 35(4)). Unlawful exporters punished under the provisions of the Portuguese Penal Code (Art. 34(3)).

5. **International instruments**


QATAR

Law No. 2 of 1980 on Antiquities.

Text printed by Unesco CLT-85/WS 36.

1. Cultural property subject to export control
Antiquities which are defined to mean anything discovered, fortuitously or otherwise, of movable or immovable nature, which has been inherited from past civilizations and generations and relates to art, science, literature, customs, beliefs, daily life, public or other events and which dates back at least 40 years and is of artistic or historical value (Art. 1).

Antiquities may be immovable (ancient buildings and their annexes, whether above or below ground, or submerged by inland or territorial waters) and movables, which are, by their nature, not made to be attached to the ground and can be displaced without being damaged (Art. 2).

2. Type of export control
The export of antiquities is prohibited. The export of movable antiquities which does not cause an impoverishment of the archaeological or artistic heritage of the country may be authorized by decision of the Minister of Information (Art. 28).

3. Transfer of ownership
Antiquities are the property of the State (Art. 1) except where they have been presented to the Department of Tourism and Antiquities for registration, if they are of special interest, or for permission to dispose of them freely if they are not of special interest (Art. 19).

Anyone in possession of a movable antiquity should present it for registration within six months of the entry into force of this law. After that delay every unregistered movable antiquity of special interest and every movable antiquity not of special interest whose owner has not been authorized to dispose of it freely, will be confiscated (Art. 20).

Ownership of registered movable antiquities may be transferred. Whoever sells a registered antiquity should notify the Department of Tourism and Antiquities (Art. 22).

Immovable antiquities owned by the State and movable antiquities held in its museums cannot be sold (Art. 24). All antiquities found during excavations are property of the State (Art. 38).

There are severe restrictions on the transfer of antiquities as gifts. The offer of a gift is subject to a decision of the Council of Ministers (Art. 25).
Nobody may trade in antiquities without a licence to that effect from the Department of Tourism and Antiquities; this trade is limited to registered movable antiquities and to those whose free disposal has been authorized (Art. 27).

4. Penalties and sanctions
A breach of any provisions of the law will result in imprisonment of up to three years and a fine of up to 10,000 rials. Severer penalties applicable under other laws may also be applied (Art. 40).

The movable antiquity whose owner breached the provisions of the law shall be confiscated (Art. 40).

5. International instruments

1. Cultural property subject to export control

National treasures, treasures, or important folklore material (Art. 21).

Treasures are buildings, classical books, calligraphic works, ancient documents, pictures, sculpture, craftwork etc. and other tangible cultural products of high historical or artistic value and other archaeological specimens corresponding to any of them which have been designated as treasures by the Minister of Culture and Information (Arts. 2, 4).

National treasures are treasures which are rare and highly valuable from the human cultural point of view and designated as national treasures by the Minister of Culture and Information (Art. 4).

Important folklore material comprises public morals and customs relating to food, clothing, housing, occupation, religion or an annual event etc. and clothes, tools or houses used therefore that are indispensable to an understanding of changes and progress in the national life and which have been so designated by the Minister of Culture and Information (Arts. 2, 7).

Movable cultural properties not designated by this Act (Art. 76). This would include the tangible cultural property and folklore material described in Article 2 from which treasures and national treasures are designated, as well as pottery and other remains of high historical or scientific value. If "movable", which is not defined in the legislation, is interpreted to include intangible cultural property, then it would also apply to drama, music, dance, craftwork techniques and other intangible cultural expressions of high historical or artistic value (Art. 2).

Provisionally designated properties (Art. 32). Provisional designation is an urgent measure to protect property for six months pending deliberation and decision on its designation (Art. 13).

2. Type of export control

Export or transport out of the State is prohibited, except when the Minister for Culture and Information permits it for an international cultural exchange, such as a cultural property exhibition in a foreign country etc. on condition that it be brought back to the State within two years from the date of its departure (Arts. 21, 76).

A movable cultural property which may be mistaken for one liable to export control may be exported with a prior confirmation from the Minister of Culture and Information (Art. 76(2)).

Cultural property designated and protected under statutes of a foreign country is protected by the 1984 provision for the protection of foreign cultural properties. Under this provision importers must show documents certifying that the cultural property was...
lawfully exported from the foreign country. Further the Minister in charge can take the necessary measures to return unlawfully imported cultural property to the country of origin.

3. Transfer of ownership
An owner of State designated cultural property must sell it to the State, a Local Government or a museum if it wishes to purchase the property (Art. 26).

Intention to sell State designated property, or transfer of ownership, must be notified with appropriate details to the Minister of Culture and Information (Art. 27(2)).

State-owned cultural property may not be transferred, nor may private rights be created over it except where there is a special provision under this Act (Art. 54).

4. Penalties and sanctions
For export of designated or provisionally designated cultural property contrary to Article 21, or failure to return it when permitted temporary export under Article 21, the penalty is imprisonment for at least five years and confiscation of the property concerned.

For export of, or failure to return within the specified time limit, movable cultural property (Art. 76), the penalty is at least three years imprisonment and confiscation of the property concerned.

For assisting illegal export, receiving or delivering cultural property with the knowledge that it is in violation of the provisions on export, the penalty is at least three years imprisonment and confiscation of the cultural property concerned.

5. International Instruments
ROMANIA

Law for the Protection of the National Cultural Heritage of the Socialist Republic of Romania, 30 October 1974, No. 63.

1. Cultural property subject to export control
Objects which are part of the National Cultural Heritage which is defined to include objects of special artistic value (objects or monuments of architecture and plastic decorative arts; applied, ancient, antique, medieval or modern arts which are representative works of some great renowned creative personality, Romanian or foreign, or which, although anonymous, are, by their artistic merit, characteristic features or rarity, representative of national and/or universal art at the highest cultural level, as well as being popular creations); objects with special historic and documentary value (historical or archaeological monuments, objects and documents being evidence of the history of development of society, manuscripts, bibliophile books or other goods with a unique or very rare character representative of certain epochs, events connected with historical persons, national or universal; valuable evidence of history, science and technology, ways of monetary or pre-monetary exchange, objects which are of rare or great artistic value and rare stamps); objects of scientific value as natural evidence of great importance (unusual natural objects which are extinct or extremely rare, kept in special collections; natural monuments, fossils or rare trophies, endemisms or preserved or naturalized species) (Arts. 22, 2).

Other cultural objects not part of the cultural heritage of the Nation such as paintings, sculptures, graphic works, ceramics, porcelain, glass, textiles, furniture of artistic character, books and other printed matter except those already in public circulation, as established by Presidential decree (Art. 23).

2. Type of export control
Prohibition of export of objects of the National Cultural Heritage. Export for exhibition or specialist services may be authorized by the President (Art. 22).

Prohibition of other cultural goods, except where authorized by the Central Commission of State for the National Cultural Heritage (Art. 23).

3. Transfer of ownership
Objects which are part of the National Cultural Heritage are listed and subject to duties of maintenance, access, study and supervision (Art. 6). Goods which remain in the possession and use of their holders, religious bodies, public and private persons and organizations, are subject to periodic supervision (Art. 13).

Items of the National Cultural Heritage cannot be alienated. Transfer among State units or public or religious bodies is subject to prior agreement of the Central Commission of State for the National Cultural Heritage (Art. 17). Alienation to private or juristic persons is prohibited (Art. 22).

Sale, exchange or gift of items of the National Cultural Heritage held by private persons can only be done after 60 days notice in writing to the appropriate office. The State has a right of pre-emption in all such cases (Art. 19).
Archaeological finds must be handed to the local authorities: those made in the course of authorized excavations in accordance with the provisions governing research; chance finds within 24 hours (Art. 20).

Objects illegally in the possession of private persons become the property of the State (Art. 24).

4. **Penalties and sanctions**
Traffic and speculation in objects of the National Cultural Heritage, their transport and receiving and evasion of the control system are punishable by confiscation of goods belonging to public organizations, religious bodies or private persons and by the sanctions of the penal law (Art. 25).

For unlawful export and attempted unlawful export, the penalty is imprisonment for two to seven years (Art. 27).

For attempts to alienate objects from the National Cultural Heritage to private persons or foreign juridical persons, the penalty is imprisonment for two to seven years (Art. 27).

5. **International instruments**
RWANDA

Decree of 16 August 1939, on protection of sites, monuments and indigenous art.

1. Cultural property subject to export control
Classified movables. Sites and objects of indigenous manufacture (whether whole or in part) which are of historic, prehistoric, archaeological, ethnographical or artistic interest including drawings, paintings, sculptures, statues, utensils, fabrics, engravings, tools relating to indigenous occupations of archaeological, artistic or educational interest (Arts. 13, 1).

2. Type of export control
Prohibition. In exceptional cases the Minister of Internal Affairs on the advice of the Classification Commission may give permission (Art. 15).

3. Transfer of ownership
A person transferring a classified object must notify the transferee that it is classified. The transfer must be notified to the authorities (Art. 14).

Classified objects belonging to indigenes can only be transferred with the approval of the Minister for Internal Affairs (Art. 18).

4. Penalties and sanctions
The penalty for unlawful transfer, acquisition, export or attempted export is imprisonment for up to two months and a fine of up to 5,000 francs or one of these (Art. 23).

The penalty for a sale in breach of Art. 18 is confiscation.

5. International instruments
At 31 December 1987, Rwanda was not a party to any international instruments concerning unlawfully exported cultural property.
SAINT CHRISTOPHER AND NEVIS

Legislation not available.

International instruments
At 31 December 1987, Saint Christopher and Nevis was not a party to any international instruments concerning unlawfully exported cultural property.
SAINT LUCIA

Legislation not available.

International instruments
At 31 December 1987, Saint Lucia was not a party to any international instruments concerning unlawfully exported cultural property.
SAINT VINCENT AND THE GRENADINES


1. Cultural property subject to export control
Any antiquity found or excavated in Saint Vincent (s.5). "Antiquity" means any object other than a historic building the preservation of which is desirable by reason of its traditional, archaeological, palaeontological or historic interest (s.2).

2. Type of export control
Prohibition, except where a licence has been granted. The grant of a licence is discretionary (s.5(1)).

3. Transfer of ownership
No specific provisions.

4. Penalties and sanctions
For contravention of the export provisions, the penalty is a fine of up to $100, or imprisonment for up to three months, or both (s.5(2)).

5. International instruments
At 31 December 1987, Saint Vincent and the Grenadines was not a party to any international instruments concerning unlawfully exported cultural property.
SAMOA

Samoan Antiquities Ordinance 1954.

1. Cultural property subject to export control
Samoan antiquities (ss.4, 8) which include Samoan relics, articles manufactured with ancient Samoan tools and according to Samoan customs and methods and all other articles or things of historic, anthropological, or scientific value or interest and relating to Samoa including Samoan fine mats, orators’ staffs, orators’ fly whisks, ceremonial head-dress and other artefacts but does not include any botanical or mineral collections or specimens (s.2).

2. Type of export control
Export is prohibited unless the consent of the Minister for Customs is obtained (s.8) and the antiquity has first been offered for sale to a government representative (s.4).

3. Transfer of ownership
No specific provisions.

4. Penalties and sanctions
For illegal export there is a fine and the antiquity is liable to forfeiture (s.6).

5. International instruments
At 31 December 1987, Samoa was not a party to any international instruments concerning unlawfully exported cultural property.
SAN MARINO

Legislation not available.

International instruments
SAO TOME AND PRINCIPE

Legislation not available.

International instruments
At 31 December 1987, Sao Tome and Principe was not a party to any international instruments concerning unlawfully exported cultural property.
SAUDI ARABIA

Regulations for antiquities, Royal Decree No. 17/26, 3 August 1972.

Regulations concerning the export of antiquities (Ministry of Education (not dated).

Extracts from the texts are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 270.

1. Cultural property subject to export control

"Antiquities" which is defined to mean property, movable or immovable, built, made, produced, adapted or designed by man over 200 years ago, as well as property having acquired archaeological characteristics through ancient natural factors. Movable or immovable property attributed to a more recent date may be classified as antiquities by decision of the Minister of Education (Art. 5). For export purposes it includes any artefact made of metal, wood, ceramic, stone or other material (Export Regulations).

Contraband items which cannot be exported, because they are historical antiquities to be exhibited in national and local museums are old coins (including bronze, copper, silver, or gold coins no longer in circulation), pottery (including any type of ceramics made 200 years ago or earlier, whether painted, slipped or glazed), lithic artefacts (including arrowheads, blades, knives, any bifacial or flaked tools, cones, handaxes, any flint, obsidian or other stone worked by man, stone vessels plain or decorated, any stone with engraved or inscriptive markings as well as any stone made into a statue, figurine etc.) and antiquities made of wood, metal, stone or ceramics (including artefacts in the shape of statues, figurines, incense burners, miscellaneous types of seals, or other artefacts of similar shape) (Export Regulations).

Ethnographic material is defined to extend to ethnographic items such as ornamented and decorated doors, textiles of various types, incense burners, and "Kuwaiti Chests" or any other type of ornamented wooden boxes. Included also are tools and articles associated with the riding and maintenance of camels, horses and donkeys (saddles, harnesses, bits etc), items associated with the manufacture of and preparation of coffee, agricultural tools, shipbuilding tools, and items utilized in ancient ship navigation, and locally made and imported firearms and daggers (Export Regulations).

2. Type of export control

Prohibition of all the materials listed as contraband items with the exception of ethnographic material which can only be exported with a special licence granted by the Department of Antiquities (Export Regulations, Decree Art. 46).

Export of antiquities is subject to a special licence to be granted by the Department of Antiquities which has authority to refuse if this would impoverish the country's archaeological or artistic heritage (Decree, Art. 46).

Antiquities which are exported are subject to an export duty of 15 per cent of the value of the antiquity (as declared by the exporter) where estimated value does not exceed SR 500 and 25 per cent if its estimated value is above that sum. If there is a marked difference between the estimated and the actual value, the value will be estimated by the Department of Antiquities (Decree. Art. 50)
Export licences may be issued free of charge for antiquities sold by the Department or traded by it with museums and scientific organizations abroad, or allotted to authorized excavators (Decree, Art. 51).

3. **Transfer of ownership**

All antiquities, fixed and movable are the property of the State except privately owned fixed antiquities whose owners establish title to them, privately owned movable antiquities which have been registered and movable antiquities which, in the opinion of the Department of Antiquities, need not be registered (Decree, Art. 8).

Movable antiquities (those originally made to be separate from the ground or from historic buildings and can be moved from one place to another, such as sculptures, coins, inscriptions, manuscripts, fabrics, and other manufactured articles regardless of their substance, purpose or use) must be registered (Decree, Arts. 76, 30). If they are not registered they are liable to confiscation (Decree, Art. 30).

Ownership of registered movable antiquities may be transferred, provided the original owner reports the name and address of the new owner to the Department of Antiquities within one week from the date of transfer of ownership. If the new owner is a foreigner and wishes to export the antiquity, the transfer of ownership shall not become effective until he obtains an export licence (Decree, Art. 32).

Movable antiquities owned by the State and kept in its museums cannot be sold or offered as gifts. Movable antiquities which are duplicates may be sold or exchanged with museums and scientific institutes by Ministerial decision (Decree, Arts. 27, 28).

Dealing in antiquities is permitted by an official licence, annually renewed and on payment of an annual fee (Decree, Art. 38).

4. **Penalties and sanctions**

For export, attempted export, assistance in export without a permit, the penalty is imprisonment for between one month and two years and a fine between SR 100 and SR 1,000 or both (Decree, Art. 69).

Similar penalties for trading without a permit (Decree, Art. 69).

For a breach of any of the provisions by a licensed dealer, the Department may cancel or refuse to renew the dealer's license (Decree, Art. 44).

5. **International instruments**


SENEGAL

Law No. 71-12 of 25 January 1971 governing the management of historic monuments and of excavations and discoveries.

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 237.

1. Cultural property subject to export control
Classified objects, objects which have been proposed for classification, classified historic monuments and objects of real importance in the fields of national history, ethnology or African art which have not yet been listed, classified or proposed for classification since the existence of such objects or the owners thereof were not known (excluding craft objects of recent origin) (Arts. 10, 11).

"Classified historic monuments" means movable or immovable property in public or private ownership, the preservation of which is of interest on account of its historical, artistic, legendary or picturesque value (Art. 1). The list of privately owned movable objects and archive documents classified in the course of the year is published in the Official Gazette in the first quarter of the following year (Art. 11).

2. Type of export control
Prohibition of export, except where it is authorized, in exceptional cases, by the competent authorities, for the purpose of lending works for the duration of an exhibition organized or guaranteed by a foreign State, or in exchange for objects of similar importance for the national heritage, or whenever it is culturally beneficial to Senegal. This provision applies to classified objects, those proposed for classification and registered historic monuments (Art. 10).

Objects previously unknown may not be exported without the prior authorization of the competent administrative authorities (Art. 11).

3. Transfer of ownership
Any person disposing of a classified object is required to advise the purchaser of its classification. If he does not do so, the purchaser may have the sale annulled. The person disposing of the property must notify the competent administrative authority within 15 days (Art. 4(2)).

Classified objects belonging to a public body may only be disposed of with the express authorization of the competent administrative authority (Art. 4(2)).

The effects of classification continue to apply to the object irrespective of ownership (Art. 4(1)).

The disposal of materials detached from a classified monument, a monument which it is proposed to classify or unlawfully detached from a registered monument, as well as any other contract relating to the transfer to third persons of the possession or control of such materials, shall be null and void. Third persons who are liable, as well as the owners, for the return of any materials that have been delivered to them, may not claim any compensation from the State (Art. 6).
Where an export licence has been applied for and may be granted, the State has a right to demand delivery and a pre-emption (Art. 12). Where objects subject to export control are offered in a public sale, the State has a right to order delivery of possession and a right of pre-emption to be exercised within one month (Art. 12).

The State may claim any object resulting from non-authorized excavations (Art. 14).

4. Penalties and sanctions
For unlawful export or attempted unlawful export, the penalty is imprisonment for between three months and a fine of between 100,000 and 500,000 francs or one of these, and the object will be confiscated (Art. 23).

The same penalty applies to a person disposing of an object to avoid dispossession and pre-emption (Art. 23)

For failure to notify the Minister of the full name and address of the purchaser and date of sale of classified property, the penalty is imprisonment for between one month and six months and a fine of 500,000 francs, which may be raised to twice the selling price or one of these, and civil action for damages may also be applicable (Art. 26).

5. International instruments

SEYCHELLES


1. Cultural property subject to export control
Ancient monuments, national monuments and relics or any part thereof (s.8).

An "ancient monument" is any building, ruin, pillar, statue, grave or other site or thing of a similar kind, or any remains thereof, which is known or believed to have been erected, constructed or used before 1 January 1900 (s.2).

A "monument" includes any ancient monument as well as any old building or other structure and any other object (whether natural or constructed by man) of aesthetic, archaeological, historical or scientific value or interest (s.2).

A "national monument" is a monument so declared by the Minister (s.5).

A "relic" means any fossil of any kind; any object of aesthetic, archaeological, historical or scientific value or interest; any anthropological or archaeological contents of any monument (s.2).

2. Type of export control
Prohibition without the consent of the National Monuments Board (s.8).

3. Transfer of ownership
The discovery of an ancient monument or relic must be notified to the National Monuments Board without delay; for six months thereafter the Board has the option of acquiring ownership of the ancient monument or relic on payment of fair and reasonable compensation (s.6).

4. Penalties and sanctions
Export of an ancient monument, national monument or relic without consent is an offence punishable by a fine of R. 5,000 and imprisonment for two years (s.9).

5. International instruments
At 31 December 1987, Seychelles was not a party to any international instruments concerning unlawfully exported cultural property.

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 287.

1. **Cultural property subject to export control**

   National monuments, monuments or relics and ethnographical articles and parts of them (s.13(2),(4)). "Monument" means any ancient monument (building, ruin, remaining portions of these, stone circle, altar, pillar, statue, tumulus, grave, rock shelter, kitchen midden, earth-work, iron-smelting site, underground cistern, shell mound or other site or thing of a similar kind of archaeological, ethnographical, historical or other scientific interest but does not include an ancient working); any area of land of archaeological or historical interest or containing objects of such interest; any waterfall, cave, grotto, avenue of trees, old tree or old building; and any other object (whether natural or constructed by man) of archaeological, ethnographical, historical or other scientific interest (s.2).

   "National monument" is a monument proclaimed by the Minister (s.2).

   "Relic" means any fossil of any kind; any ancient drawing, engraving or painting on stone or petroglyph; any ancient implement, article or ornament; and any archaeological or ethnographical contents of any ancient monument or ancient working (s.2).

   "Ethnographical article" means any remains of early European settlement or colonization; or any work of art or craftwork etc. including any statue, modelled clay figure, figure cast or worked in metal, carving, housepost door, ancestral figure, religious mask, staff, drum, bowl, ornament, utensil, weapon, armour, regalia, manuscript or document, if such work or craftwork is of indigenous origin and was either made before 1937 or is of historical, artistic or scientific interest and is or has been used at any time in the performance, and for the purpose of, any traditional African ceremony. In the case of a dispute as to whether a particular article falls within the terms of this definition, the decision of the Minister shall be final (s.2 as amended 1962).

2. **Type of export control**

   Prohibition of export, except with the written consent of the Monuments and Relics Commission (s.13).

3. **Transfer of ownership**

   The Commission may not alienate any monument, relic, ethnographical article or article of archaeological, ethnographical, historical or other scientific interest which is owned by it or for which it is trustee for the Government except with the written consent of the Minister (s.8).
4. **Penalties and sanctions**
For failure to comply with any provisions of the Act, or for the making of any false statement in connection with an application, the penalty is a fine not exceeding 100 pounds or, in default of payment, to imprisonment for up to six months (s.17).

5. **International instruments**
At 31 December 1987, Sierra Leone was not a party to any international instruments concerning unlawfully exported cultural property.
SOMALIA

Legislation not available.

International instruments
At 31 December 1987, Somalia was not a party to any international instruments concerning unlawfully exported cultural property.
SPAIN


1. Cultural property subject to export control
Immovables and movables of artistic, historic, palaeontological, archaeological, ethnographic, scientific or technical interest including the documentary and bibliographical heritage (Law, Arts. 1, 5).

Owners and possessors of such objects which are more than 100 years old or listed on the General Inventory must have explicit and prior authorization to export (Art. 5), but other goods may also be declared non-exportable pending the commencement of proceedings to list them on the General Inventory (Art. 5).

2. Type of export control
Prohibition of export without a licence (Law, Art. 5). Export is subject to a tax, except in the case of goods imported within the previous ten years (evidenced by documents), which have not been declared to be part of the national historic heritage, temporary export of goods which are part of the national historic heritage and export of goods of living authors (Art. 30). The tax varies from five to 30 per cent depending on the value of the object concerned (Art. 30).

Failure to return goods which have been authorized for temporary export is considered to be illegal export (Art. 31).

3. Transfer of ownership
The State has a right of pre-emption over goods which are the subject of an application for an export licence at the price declared by the applicant for the licence (Law, Art. 33). The State has a period of six months to decide whether to purchase the object, and 12 months in which to pay for the object (Art. 33).

Alienation of an object which has been declared to be of cultural interest, or in respect of which proceedings for such a declaration have commenced or which is included in the General Directory, must be notified to the appropriate Autonomous Community and to the Ministry of Culture (Decree, Art. 40(1)). Auctioneers of such objects must supply details appearing in the catalogue between 4 and 6 weeks before auction (Art. 40(2)). The bodies named may exercise a right of pre-emption.

4. Penalties and sanctions
For illegal export or breach of conditions of an export licence there is a fine of up to 100,000,000 pesetas. If damage is caused to the Spanish historic heritage in terms which can be quantified in money, the fine is four times the damage caused (Law, Art. 76). Forfeiture of object concerned (Law, Arts. 5, 29).

(1) Note of Unesco Secretariat: Texts printed by Unesco CC 88/WS-6
Alienation of movables effected contrary to Article 28 and Transitory Provision 5 of the Law is null and void (Decree, Art. 44).

5. International instruments


European Archaeological Convention 1969 in force since 1 June 1975.
SRI LANKA

Antiquities Ordinance No. 9 of 15 July 1940.

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 296.

1. Cultural property subject to export control

Antiquities, which is defined to mean any statues, sculptured and dressed stone and marbles of all descriptions, engravings, carvings, inscriptions, paintings, writings and the material whereon the same appear, all specimens of ceramic, glyptic, metallurgic and textile art, coins, gems, seals, jewels, jewellery, arms, tools, ornaments, and all other objects of art which are movable property. Such objects are considered to be antiquities when they date, or are reasonably believed to date, from before 2 March 1815 (s.48).

2. Type of export control

No antiquity may be exported without a licence from the Archaeological Commissioner (s.56). The Commissioner may refuse a licence if he considers that the antiquity should be acquired for a museum in the country, or for any other reason (s.37).

3. Transfer of ownership

All undiscovered antiquities are deemed to be the absolute property of the Crown (s.2(3)).

The finder of an antiquity may be entitled to between one half and the whole market value of the antiquity, depending whether it was found on private land or Crown land by the owner or a third person and provided the finder reported the discovery within the prescribed period (s.3).

4. Penalties and sanctions

Any offence against the Ordinance is punished by a fine of up to 100 rupees or imprisonment for up to three months or both (s.44).

5. International instruments

SUDAN

The Antiquities Ordinance (No. 2 of 1952).

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. II, 310.

1. Cultural property subject to export control
Antiquities. Defined to mean any objects, whether movable, immovable or part of the soil which have been constructed, shaped, inscribed, erected, excavated or otherwise produced or modified by human agency before 1821 and includes any part of such object which has been later added, reconstructed or restored; any historic monuments; and any human or animal remains of a date earlier than A.D. 1340 (s.3).

The burden of proof that an object was brought into the Sudan after 1821 is on the person who asserts it (s.4).

2. Type of export control
Prohibition except where a licence for sale (see 3. below) or special permission to export has been granted by the Commissioner for Archaeology (s.19).

3. Transfer of ownership
Every antiquity is the property of the Government (s.6).

No person may sell or offer for sale any antiquity unless he holds a licence in writing from the Commissioner allowing its sale. The licence must be handed over to the purchaser (s.18).

4. Penalties and sanctions
For export without a licence for sale, or without special permission, or for attempted export, the penalty is up to three months imprisonment, or a fine, or both (s.19).

For possession of a movable antiquity where the possessor cannot show that it was obtained lawfully and in good faith, the penalty is up to three months imprisonment, or a fine, or both (s.20).

For sale, offer for sale or purchase without a licence, the penalty is up to three months imprisonment, or a fine, or both (s.18).

5. International instruments
SURINAME

Ordinance of 7 February 1952 concerning regulations for the preservation of objects of historical, cultural and scientific value.

1. Cultural property subject to export control
Stone tools, stone weapons, pottery, rock and wood carvings and other antiquities originating from Suriname.

Furniture, carpets, vases, plates, pictures or prints and other objects of utility or artefacts which were used in Suriname before 1900; or documents dating from before that time which contain information on the country; objects of utility or artefacts and documents made or reproduced in Suriname after 1900 if they are unique.

Collections of rocks, minerals, plants or animals which originate from Suriname, or such species thereof which are suitable to be part of a collection (Art. 2).

2. Type of export control
Prohibition without a licence from a Commission established under the Department of Education. Conditions may be attached to the licence. The Commission's decision may be appealed to the Minister of Education (Art. 2).

3. Transfer of ownership
No specific provisions.

4. Penalties and sanctions
Export without a licence carries liability to a fine (Art. 3). Exportation includes the declaration of goods for export; the offer to a transport company of goods to be exported; the inclusion, attachment or presence of goods in, on or upon a transport vehicle that apparently will depart from Suriname, either directly or indirectly (Art. 1).

Goods that are the subject of any offence under the Ordinance can be confiscated, irrespective of whether they belong to a person convicted (Art. 3).

5. International instruments
At 31 December 1987, Suriname was not a party to any international instruments concerning unlawfully exported cultural property.
1. Cultural property subject to export control
A monument, relic or antique, or any meteorite or fossil or any drawing or painting on stone or petroglyph known or commonly believed to have been executed by Bushmen or other aboriginal inhabitants of Southern Africa, or any implement or ornament known or commonly believed to have been used by them, or any anthropological or archaeological contents of the graves, caves, rock shelters, middens, shell mounds or other sites used by them or any other archaeological or palaeontological material or object (s.29).

Monuments, relics and antiques are proclaimed as such by the Minister (s.26).

A "monument" is an area or object so proclaimed and includes, where appropriate, relics and antiques (s.2).

The Minister may proclaim as a "relic" any fossil of any kind, any drawing or painting on stone or petroglyph known or commonly believed to have been executed by Bushmen or other aboriginal inhabitants of Southern Africa or by any people who inhabited or visited Southern Africa in ancient days and any implement or ornament known or commonly believed to have been used by them and any anthropological or archaeological contents of the graves, caves, rock shelters, middens, shell mounds, or other sites used by them (s.25).

An "antique" means any movable object (not being a monument or relic) of aesthetic, historical, archaeological or scientific value or interest, the whole or more valuable portion whereof has for more than thirty years been in any part of Southern Africa, or which was made therein more than fifty years before the publication of such notice (s.25).

2. Type of export control
Export is subject to a permit granted by the Swaziland National Trust Commission. The Commission is forbidden to give its consent in respect of any monument, relic, antique or other object on Swazi nation land without the prior consent in writing of the Ngwenyama (s.29(3)). If the Commission refuses consent, or grants it subject to conditions, the applicant may appeal to the Minister (s.29(4)).

The Minister may prohibit the export, with the written consent of the Commission, of any object or group or collection of objects which the Minister considers are capable of being proclaimed under s.26 (s.32).

3. Transfer of ownership
Where a monument, relic or antique has been proclaimed, the Minister may acquire certain rights by expropriation (s.27).
4. **Penalties and sanctions**
Export without a licence or the making of a false statement in an application to the Commission is an offence punishable on conviction to a fine of 200 rand or, in default of payment, to imprisonment for six months, or both (s.33).

5. **International instruments**
At 31 December 1987, Swaziland was not a party to any international instruments concerning unlawfully exported cultural property.
SWEDEN

Act protecting objects of a certain age against export 1985 (No. 1104).

Law on punishment for smuggling of goods 1960 (No. 418)

Act as amended, concerning ancient monuments and finds 1942 (No. 350).

1. Cultural property subject to export control

Cultural objects of Swedish and foreign origin (1985 Act, s.1).

Swedish cultural objects are: objects made prior to 1600, regardless of value, including printed manuscripts, maps, drawings and handwritten manuscripts on parchment or paper; objects more than 100 years old, regardless of value, including drinking vessels, harnesses and textile tools made of wood and painted or polished, folk costumes and embroidered or woven folk textile, cartooned tapestry, furniture, mirrors and chests, gold watches, wall and table clocks, marked faienceware, musical instruments and firearms, sidearms and handguns; objects more than 100 years old, with a value in excess of 50,000 kroner which do not fall under the above, including paintings, technical drawings and sculpture, objects of ceramic, glass or porphery, objects of gold, silver or bronze excluding coins and medals, chandeliers and woven tapestry; objects more than 50 years old with a value in excess of 2,000 kroner which do not fall under the above, including Sami objects, records preserved by means other than print, letters, diaries, manuscripts, records and bookkeeping, hand-drawn maps and sketches, technical models, original designs and scientific instruments (1985 Act, s.4).

Foreign cultural objects are those which can be assumed to have entered Sweden prior to 1840 and which have a value in excess of 50,000 kroner, including: furniture, mirrors and chests, gold watches, wall and table clocks, musical instruments, firearms, sidearms and handguns, paintings, technical designs and sculptures, objects of ceramic, glass and ivory, objects of gold, silver or bronze excluding coins and medals, chandeliers and woven tapestry (1985 Act, s.5).

2. Type of export control

Permission to export all or part of an object listed above must be obtained; permission will be granted to export objects of little importance to the Swedish cultural heritage. Export permission will be granted even if the object is of great importance to the national cultural heritage, where the object is acquired by an institution abroad (1985 Act, s.8).

Permission to export is not required where the owner of the object leaves Sweden to reside in another country; where the object has been acquired by inheritance or subdivision of joint property by a private person residing in another country, where export is by a public institution or body receiving a state subsidy and is temporary; where export is by a private person to be used in public cultural activity and is temporary and where the object has been temporarily borrowed from abroad (1985 Act, s.7).
3. **Transfer of ownership**
Ancient finds, defined as any object which is found in and related to an ancient monument, accrue to the Government. Those participating in or connected with a scholarly investigation of the site shall be paid a reward for the find. In other situations where the object has no owner and can be assumed to be at least 100 years old, the object shall accrue to the finder, except that where the object is made wholly or partly of gold, silver or copper or has been found with such objects, it is subject to mandatory pre-emptive purchase by the Government. A find shall be reported to the Custodian of National Monuments and the State Historical Museums or to some other suitable representative authority, the finder being required, on request, to hand over the object against receipt or give information relating to the object (1942 Act, ss.10-15).

4. **Penalties and sanctions**
The penalties for unlawful export and attempted unlawful export are those provided in the laws as to smuggling (1960 Law; 1985 Act, s.16). Failure to comply with the provisions of the 1942 Act shall result in a fine or six months maximum imprisonment, the finder being liable for all costs of infringement and forfeiture of rights in the object (1942 Act, s.16).

5. **International instruments**

SWITZERLAND

Federal law on the protection of cultural goods in time of armed conflict, 6 October 1963.

1. Cultural property subject to export control

Cultural property. It is defined in accordance with the definition in the Unesco Convention 1954.

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art, manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as 'centres containing monuments' (Art. 1).

2. Type of export control

The Federal Department of the Interior is to make provision for the protection of cultural property in so far as the Federation is concerned (Art. 34).

3. Transfer of ownership

Requisitioning of cultural goods is to be prevented as well as theft, pillage and appropriation (Art. 2(3)).

4. Penalties and sanctions

Persons hindering protective measures ordered by the authorities will be penalized by imprisonment or fine (Art. 26).

5. International instruments


SYRIAN ARAB REPUBLIC

Decree Law No. 222 of 26 October 1963 on the control of antiquities in Syria.

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 264.

1. Cultural property subject to export control

Antiquities (Art. 66).

An antiquity is any movable or immovable property erected, manufactured, produced, written or drawn by man more than 200 years ago (Christian era) or 206 years ago (in the Hegira). Any more recent movable or immovable property which has historical or artistic value of national importance may be designated an antiquity by ministerial order (Art. 1).

Movable antiquities are defined as those which are designed from their very nature to be detached from the soil or from historic monuments, and which may be transported. Movable antiquities include sculptures, coins, figurines, engravings, manuscripts, textiles and any manufactured object regardless of its material, design or use. Certain movable antiquities are considered to be immovable if they form part of any immovable property or of its decoration (Art. 3).

2. Type of export control

Prohibition without a permit from the Antiquities Authority, which has the absolute right to refuse a permit if it considers that export of the antiquity would harm the historic and artistic heritage of the country (Art. 66). Only movable antiquities may be exported (Art. 67).

The value of an antiquity intended for export is assessed by an antiquities purchasing commission. The Antiquities Authority has the right to purchase antiquities intended for export taking into account the value fixed (Art. 69). A duty is payable on authorized exports (Art. 71).

3. Transfer of ownership

All movable antiquities are state public property with the exception of those registered by their owners with the Antiquities Authority or those which the Authority considers do not require registration (Art. 4).

Discovery of an antiquity must be reported to the Antiquities Authority which must then decide whether to keep it or not. If the Authority decides to return the antiquity to the finder, it must be registered and returned with a certificate stating the registration number (Art. 35).

Private ownership of movable antiquities is allowed provided they are registered (Art. 32). Transfer of ownership is subject to notification being given to the Antiquities Authority. If the new owner is a foreigner and wishes to export the antiquity, the deed of transfer is only valid after issue of the export permit (Art. 34).

Detailed rules on dealing in antiquities (Arts. 56-65) are being repealed.
4. **Penalties and sanctions**

Export or attempted export without a permit, or the giving of assistance to such export, is punishable by imprisonment for one month to two years and a fine of between 100 and 1,000 pounds or any one of these (Art. 77).

If the antiquity in question is unregistered the imprisonment is for a term of two to three years and the fine 500 to 10,000 pounds and both apply (Art. 76).

The antiquity shall be confiscated if it is the owner who has breached the law (Art. 82).

5. **International instruments**


THAILAND


1. Cultural property subject to export control
   Any antique or object of art whether registered or not (1961 Act, s.22).

   "Antique" means an archaic movable property, whether produced by man or by nature, or being any part of an ancient monument or of a human skeleton or animal carcass which, by its age or characteristics of production or historical evidence is useful in the field of art, history or archaeology (s.4).

   "Object of art" means a thing produced by craftsmanship which is appreciated as being valuable in the field of art (s.4).

2. Type of export control
   Prohibition of export without a licence. This does not apply to objects in transit (s.22). Temporary export also requires a permit which may be granted, if appropriate, subject to conditions, and requirements including the deposit of security money and/or payment of penalties (s.23).

3. Transfer of ownership
   Buried, concealed or abandoned antiques and artistic objects, where no one can claim ownership, are State property (s.24).

   Antiques and artistic objects may be registered if the Director-General of the Department of Fine Arts considers that such objects, not being in the possession of the Department of Fine Arts, are of special value in the field of art, history or archaeology. Registration is published in the Government Gazette (s.14). Transfers of registered objects must be notified to the authorities (s.17).

   Antiques and objects of art which are State property are inalienable (s.18). If certain of them are duplicate and in excess of need, they may be sold or exchanged by the Director-General, subject to the approval of the Minister, for the benefit of the national museum or given to their excavators (s.19).

   Only licensed dealers may trade in antiques (s.19).

   Auction is also subject to control (1931 Act ss.4, 7).
4. **Penalties and sanctions**

For export of a registered antique or object of art without a licence, the penalty is imprisonment for between three months and five years and a fine not exceeding 10,000 baht (s.39).

For export of a non-registered antique or object of art without a licence, the penalty is imprisonment for up to one year or a fine of up to 2,000 baht or both (s.38).

For trading without a licence, the penalty is imprisonment for up to six months, a fine of up to 1,000 baht, or both (s.37).

5. **International instruments**

Statute No. 56-1106 of 3 November 1956 concerning the protection of natural monuments, sites and monuments of historical, scientific, artistic or scenic character, the classification of historical, scientific or ethnographic objects and the regulation of excavations.

1. Cultural property subject to export control
Classified objects, listed objects (Art. 31). Immovables, natural monuments or sites whose conservation or preservation is of historic, artistic, scientific or legendary or scenic interest may be classified and the list of classified items is published in the Journal Officiel (Arts. 31, 1).

Objects of historic or scientific interest in categories established by order of the authorities (Art. 31).

2. Type of export control
Prohibition of exports of classified and listed items. In exceptional cases export may be authorized by the Chief Officer (Art. 31).

Prohibition of export of objects of scientific or historic interest in listed categories, except where authorized by the Chief Officer (Art. 32).

3. Transfer of ownership
The authorities have a right to retain any objects whose export was requested. This right may be exercised within six months. The exporter has the right to fair compensation (Art. 32).

Every transfer of a classified item must be notified to the authorities within one month. The effects of classification apply to the object irrespective of ownership, and rights may not be acquired over the goods by possession over a period of time. A person transferring a classified object must notify the purchaser that it is classified (Art. 5).

Classified movables belonging to the State may not be transferred. Classified movables belonging to communes or public institutions may be transferred only with the authorization of the Chief Officer of the Territory and in the conditions provided for by the law in force. The ownership of these objects may be transferred only to the State, to an institution of public law or a public utility (Art. 14). Acquisitions made in breach of this law are null and void. A bona fide purchaser or sub-purchaser may claim reimbursement of the price if the object is recovered from him. If it is recovered by the authorities, they will have an action against the vendor for the full amount of the indemnity. This Article also applies to lost and stolen goods (Art. 15).

The State has a right of pre-emption over objects which are classified or proposed for classification (Art. 16).
4. **Penalties and sanctions**

For transfer, acquisition, removal, export of goods classified or proposed for classification, penalty is a fine of between 7,500 and 150,000 francs and imprisonment for between six days and three months or one of these two and an action for damages may also lie (Art. 44).

5. **International instruments**

At 31 December 1987, Togo was not a party to any international instruments concerning unlawfully exported cultural property.
TONGA

Preservation of Objects of Archaeological Interest Act 1969.

1. **Cultural property subject to export control**
Objects of archaeological interest (s.6).

An object of archaeological interest means any structure, erection, memorial, tumulus, cairn, place of interment, pit dwelling, trench fortification, irrigation work, mound excavation, cave, rock, rock drawing, painting, sculpture, inscription, monolith, or any remains thereof, fossil remains of man or animals or plants or any bed, or beds containing such fossil remains, or any object or any remains which is or are of archaeological, pre-historic or historic interest (s.2).

2. **Type of export control**
No object of archaeological interest may be removed from Tonga without a permit issued by the Committee on Tongan Traditions (s.6). The Committee may grant the permit subject to conditions which may include surrender to the Crown of a portion of the object or objects.

3. **Transfer of ownership**
No specific provisions.

4. **Penalties and sanctions**
Export without a permit is punishable by a fine, or imprisonment not exceeding six months, or both (s.8).

5. **International instruments**
At 31 December 1987, Tonga was not a party to any international instruments concerning unlawfully exported cultural property.
TRINIDAD AND TOBAGO

Legislation not available.

International Instruments
At 31 December 1987, Trinidad and Tobago was not a party to any international instruments concerning unlawfully exported cultural property.
TUNISIA

Decree, 7 March 1886 (l djoumada-attani 1303) on the protection and preservation of antiquities and objects of art.

Decree, 8 January 1920 (16 rabia-attani 1338) concerning antiquities prior to the Arab Conquest.

Law No. 86-35, 9 May 1986 concerning the protection of archaeological objects, historic monuments and natural and urban sites*.

1. Cultural property subject to export control

Objects of art and antiquities (1886 Decree, Art. 17, 1920 Decree, Art. 63).

Registered archaeological movables (1986 Law, Art. 13(a)) which consist of works created and produced or constructed by man at least 100 years ago as well as those of historic or pre-historic significance. Objects less than 100 years old may be included because of their significance for history, authenticity, artistic originality or to perpetuate an intellectual or artistic work or one commemorating a national event or because of its significance or its connection with an important national event (1986 Law, Art. 3).

2. Type of export control

Prohibition of export of artistic objects or antiquities without written authorization (1886 Decree, Art. 17).

Prohibition of export of antiquities dating before the Arab Conquest, unless authorized by the Director of the Service of Antiquities and Arts. Such authorization will not be granted unless the objects are accompanied by a Certificate from the Director of the Service of Antiquities and Arts stating that the objects were imported, or were acquired in good faith before 1920, or are objects to which the State has renounced title, or are objects purchased in the Bardo Museum or acquired by exchange with the Director of the Service of Antiquities and Arts, objects purchased in public sale or from a licensed dealer which were produced within one month of the public sale or the date of purchase from the dealer (1920 Decree, Arts. 63, 51, 3). If the Director, after examination of the object, considers that its export is not prejudicial to the general interest, he will deliver an export permit, valid for one month, in exchange for the certificate (1920 Decree, Art. 65).

Prohibition of registered archaeological movables except with prior authorization of the archaeological authorities (1986 Law, Art. 13(a)).

3. Transfer of ownership

All antiquities movable or immovable which were known to exist in 1920 or have since been discovered in Tunisian territory (on land or within 20,000 metres of the coast) are the property of the State (1920 Decree, Art. 1).

As exceptions to Article 1 the following goods may be the property of individuals: movable objects which their possessors prove to have been imported from other countries or acquired in good faith prior to 1920; movable objects property in which has been renounced by the State and movable objects purchased in the sale-room of the Bardo Museum or owned by an individual as a result of exchange with the Director of
the Service of Antiquities and Arts (1920 Decree, Art. 3). Such objects can only be bought and sold in sale-rooms or licensed shops or, where they are included in an estate or are being sold by judicial authority, by auction (Arts. 39, 40).

Licensed dealers are subject to obligations to keep a register of purchasers and sellers and may only deal in objects accompanied by a certificate (see description under 2. above).

Owners of movable or immovable archaeological property are prohibited from transferring it, except with special authorization. A further exception is made in the case of dealers in antiquities appropriately authorized under the former legislation (1986 Law, Arts. 15, 42).

Archaeological property is part of the domain of the State except where private ownership has been legally established or it was not excavated from the land or the sea or taken from historic monuments. Archaeological property owned by the State or State institutions cannot be alienated (1986 Law, Art. 8).

4. Penalties and sanctions
For unlawful export or attempted unlawful export, the penalty is a fine of between 500 and 5,000 francs and seizure and confiscation of the object. Where the object is not confiscated the wrongdoer and his accomplices may, in addition, be obliged to reimburse its value (1886 Decree, Art. 67).

Antiquities which have been illicitly traded are to be confiscated (Art. 60). Persons who have engaged in illegal trading, and dealers who contravene the requirements of the Act are liable to a fine of between 100 and 1,000 francs and, in the case of a subsequent offence, imprisonment for between one and three months (Arts. 60, 61).

A licensed antiquity dealer convicted of an offence against the Decree cannot renew his licence (licences are renewed annually) (1886 Decree, Art. 48).

For breach of the export provision (Art. 13), the penalty is a fine of between 100 and 1,000 dinars or imprisonment for between three months and one year or both (Art. 30). Seizure of all the archaeological property in the wrongdoer's possession may also apply (Art. 33).

5. International instruments


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TURKEY

Cultural and Natural Objects (Protection) Act 1983.

1. Cultural property subject to export control
Movable cultural and natural objects in need of protection (s.32).

"Cultural objects" are objects above or below ground or under water, of prehistoric or historical times, of scientific, cultural, religious or artistic value (s.3).

"Natural objects" are objects of value dating to geological ages, prehistoric or historical times, above or below ground or under water, which, because of their rarity, special characteristics or beauty, should be preserved (s.3).

"Movable cultural and natural objects in need of protection" are: (a) movable cultural and natural objects of all geological, prehistoric or historical periods which possess documentary value for geology, anthropology, prehistory, early history, archaeology, art history and ethnography, or which reflect particular social, cultural, technical or scientific features or aspects of the period to which they relate, or which possess special, rarely-encountered qualities; (b) documents and objects which, by reason of their importance for Turkish history, have historical value for the organization of the national struggle and of the Republic of Turkey; and personal belongings of Mustafa Kemal Ataturk (including documents, books, papers and similar objects) (s.23).

2. Type of export control
Prohibition. Movable cultural and natural objects in need of protection may, on the decision of the Council of Ministers, be temporarily exhibited abroad if it is in accordance with the national interest and suitable guarantees given (s.32).

3. Transfer of ownership
Movable cultural and natural objects in need of protection, when held by private persons, must be registered (s.24). These items may be taken into State museums but if they are not they are returned to their owners with a certificate after which they are at the free disposal of their owners (s.25). The buying and selling of movable cultural objects omitted from registration is permitted but persons who engage in this commerce must be authorized (s.27).

When cultural and natural objects are found, their existence must be notified (s.4). If they are found on State property, they are owned by the State (s.5), otherwise they are subject to registration and possible taking into the State museums (s.25).
4. **Penalties and sanctions**
Contravention of the prohibition against export is punishable by imprisonment for five to ten years, and a fine of from TL. 100,000 to TL. 300,000. The cultural and natural objects concerned are subject to seizure and delivery to the museums. Articles and tools of any kind that have been used in the activity are also subject to seizure (s.68).

5. **International instruments**


UGANDA

Historical Monuments Act 1967.

Extracts from the text are published in Unesco's Compendium of legislative texts *The protection of movable cultural property* Vol. II, 318.

1. Cultural property subject to export control
Preserved objects and protected objects (s.14).

"Object", when used in relation to an object of archaeological, palaeontological, ethnographical or historical interest includes any site, place, structure, erection or building, memorial, tumulus, cairn, pit-dwelling, trench, fortification, irrigation work, cave, rock-sculpture, inscription, monolith, fossil remains of man or animal or plant or any object which is of historical interest, or part of it (s.21).

A preserved object is any object of archaeological, palaeontological, ethnographical, traditional or historical interest declared by the Minister to be a preserved object for the purposes of this Act (s.1(1)).

A protected object is any object of archaeological, palaeontological, ethnographical, traditional or historical interest declared by the Minister to be a protected object for the purposes of this Act (s.2(1)).

2. Type of export control
Prohibition of export, except with the written permission of the Minister. The Minister acts on the advice of an advisory panel (s.14(1)). The Minister may allow temporary export for exhibition outside Uganda (s.14(3)) or permit export of any preserved or protected object to a recognized institution of learning (s.14(2)).

3. Transfer of ownership
No exchange or sale of a protected object without a licence issued by the Minister and subject to such conditions as he sees fit. The Minister may not grant a licence to any person convicted of an offence under the Act or convicted in Uganda or elsewhere of any offence involving fraud, or dishonesty (s.13).

4. Penalties and sanctions
For contravention of any of the provisions of the Act, or of the conditions of a licence, the penalty is a fine of up to 2,000 shillings or imprisonment for up to six months or both (s.18).

5. International instruments
At 31 December 1987, Uganda was not a party to any international instruments concerning unlawfully exported cultural property.
UKRAINIAN SOVIET SOCIALIST REPUBLIC


The legislation of the Ukrainian Soviet Socialist Republic was not available but is believed to be similar to that of the Byelorussian Soviet Socialist Republic.

**International instruments**


Note: If an international convention or agreement to which the U.S.S.R. or a Union Republic is a party lays down rules for the protection and use of historic and cultural monuments other than those contained in the legislation of the U.S.S.R. or a Union Republic, the rules in the international convention or agreement shall apply (All Union Law, Art. 33).

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*(1) Note of Unesco Secretariat: Unesco Convention 1970 in force since 28 July 1988*
UNION OF SOVIET SOCIALIST REPUBLICS


Extracts from the texts are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 279.

1. Cultural property subject to export control
   Historic and cultural property. This term is not defined, but the term "historic and cultural monuments" is defined to include historic monuments (buildings, sites or objects associated with historic events in the life of the people and with the development of society and the State, and the ways of life of peoples and the lives of great men); archaeological monuments (remains and ancient objects); art objects (objects of monumental art and works of visual and decorative art or works in other art forms); documents (instruments and records of government agencies and public authorities, written or graphic documents, documents or other materials in film, photographic and sound archives, ancient manuscripts and other manuscripts, archives, documents relating to folklore and to music and rare editions). Other objects which are of historical, scientific or of cultural value in any other respect may also be considered as historic and cultural monuments (Arts. 5, 28).

2. Type of export control
   Prohibition. Special authorization may be granted (Art. 28). Temporary export for international cultural exchanges is subject to regulation (Art. 29).

3. Transfer of ownership
   Historic and cultural monuments are the property of the State, of the kolkhozes and other co-operative bodies and associations or of social organizations, or the personal property of private citizens (Art. 4).

   Sale, donation or other form of transfer of historic and cultural monuments is permissible provided the State bodies responsible for their protection have been notified (Art. 4).

   The State has a right of pre-emption where monuments are offered for sale (Art. 4).
4. Penalties and sanctions
Violations of the provisions of the law are punished with penal, administrative or other sanctions in accordance with the legislation of the U.S.S.R. (Art. 31).

Where violation does not amount to action entailing criminal responsibility, there will be an administrative penalty such as a reprimand or fine. Officials are liable to a fine of up to 100 roubles and private citizens to a fine not exceeding 50 roubles (Edict).

5. International instruments (1)

Plovdiv Agreement 1986 ratified as at 28 August 1986.

Note: If an international convention or agreement to which the U.S.S.R. or a Union Republic is a party lays down rules for the protection and use of historic and cultural monuments other than those contained in the legislation of the U.S.S.R. or a Union Republic, the rules in the international convention or agreement shall apply (Art. 33).

UNITED ARAB EMIRATES

Law No. 8 of 1970 on antiquities and excavation.

Extracts from the text are published in Unesco’s Compendium of legislative texts *The protection of movable cultural property* Vol. I, 290.

1. Cultural property subject to export control
   Antiquities, which is defined to mean any object or building used or made by man which is more than 150 years old; any inscription, in any form, made by man more than 150 years ago; any human or animal remains which are at least 1,000 years old (Art. 2).

2. Type of export control
   No export permitted without authorization of the Department of Information and Tourism (Art. 16).

3. Transfer of ownership
   All antiquities which were not owned by anyone at the time of entry into force of this law became the property of the government (Art. 3).

   Any antiquities owned by private individuals may be expropriated by the government upon payment of compensation (Art. 4).

4. Penalties and sanctions
   For any offence against this law, the penalty is a fine of not more than 1,000 dinars or imprisonment for up to six months, or both (Art. 17).

5. International instruments
   At 31 December 1987, the United Arab Emirates were not a party to any international instruments concerning unlawfully exported cultural property.
UNITED KINGDOM

Import, Export and Customs Powers (Defence) Act 1939 as implemented by the Export of Goods (Control) Order 1985 as amended.

Notice to Exporters concerning the export of antiques, collectors' items, etc. (including works of art, archaeological material, documents and photographs).

1. Cultural property subject to export control

   a. Photographic positives and negatives produced more than 60 years before the date of exportation or any album or other assemblage containing such photographs and valued at £400 or more per item, but not including any such items exported by, and being the personal property of, the manufacturer or producer thereof, or the spouse, widow or widower of that person.

   b. Any other goods manufactured or produced more than 50 years before the date of exportation but not including:

      i. postage stamps or other articles of philatelic interest;

      ii. birth, marriage or death certificates or other documents relating to the personal affairs of the exporter or the spouse of the exporter;

      iii. letters or other writings written by or to the exporter or the spouse of the exporter;

      iv. any goods exported by, and being the personal property of, the manufacturer or producer thereof, or the spouse, widow or widower of that person.

(First Schedule, Part I, Group B).

2. Type of export control

   Export is prohibited without a licence.

   An "Open General Export Licence" permits the export of most items manufactured or produced more than 50 years before the date of exportation, if the value per article, or matching set of articles, is less than £16,000. Certain categories of item are expressly excluded, notably: documents and manuscripts, archaeological material, and representations of British historical personages worth more than £4,000.
Applications to export objects for which specific export licences are necessary are specially scrutinised to see if they are of such national importance that they should not leave the United Kingdom or the Isle of Man. The application is referred to an Expert Adviser. If this person recommends that the licence be refused, the application is referred to the Reviewing Committee on the Export of Works of Art. The decision whether to recommend refusal of an export licence on grounds of national importance depends on how high the Committee finds the object rates in one or more of these categories:

i. is the object so closely connected with British history and national life that its departure would be a misfortune?

ii. is it of outstanding aesthetic importance?

iii. is it of some outstanding significance for the study of some particular branch of art, learning or history?

A decision not to allow an export licence is normally subject to an offer by a public institution being made within a specified time for the purchase of the object. Failing such an offer, an export licence is normally granted.

3. Transfer of ownership
No specific provisions.

4. Penalties and sanctions
For export in contravention of the Order, goods are liable to forfeiture and there is a fine of three times the value of the goods or £100, whichever is the greater.

5. International instruments
UNITED REPUBLIC OF TANZANIA


Text printed by Unesco CLT-85/WS 25.

1. Cultural property subject to export control
"Relics": objects made in Tanganyika before 1863 including human and botanical fossils (s.2).

"Protected objects": ethnographic objects (objects made after 1863 for use in any social or cultural activity); carved wooden doors and door frames in African or oriental style made before 1940; objects declared protected by the Minister as being of palaeontological, archaeological, historical or natural interest (s.2).

"Monuments" meaning immovables and parts thereof (s.2).

2. Type of export control
Subject to licence. A licence will be granted for a relic which the Director of Antiquities has disclaimed (see 3. below). The Director may export the items listed above for exhibition, repair, examination, study or other scientific purpose (s.14).

3. Transfer of ownership
Every relic discovered in Tanzania is the property of the Republic (s.8) except

1. those the ownership of which is disclaimed by the Director of Antiquities (s.8)
   or
2. those which were in the possession of a person on 15 August 1964 and included in a list submitted to the authorities within the following six months (s.17)
   or
3. those in the possession of a museum, university or similar institution on 15 August 1964.

It is forbidden to sell or exchange any relic discovered in Tanzania or any protected object without a licence. A licence is issued on production of the relic or object if the applicant has not been convicted of offences against the Act or involving dishonesty. The licence may contain conditions for reporting or recording any sale or exchange (s.15).
4. **Penalties and sanctions**  
The penalty for an offence of export, attempted export, sale or exchange is a fine not exceeding Shs. 10,000/- (s.24).

5. **International instruments**  


Where there is any treaty or agreement between Tanzania and another country providing for reciprocal return of unlawfully exported antiquities, the Director of Antiquities may, upon a written request, seize and return the antiquities named in the request (s.18). "Antiquity" includes a monument, a relic and any protected object.
United States of America


18 U.S.C. s.2314 Transportation of stolen goods etc.
18 U.S.C. s.2315 Sale or receipt of stolen goods etc. commonly known as the National Stolen Property Act (NSPA).

*Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals, 19 U.S.C. s.2091 (1972).

(*See Note at end)

1. Cultural property subject to export control
Archaeological resources which have been excavated or removed from Federal lands or Indian lands contrary to a Federal law or which have been excavated, removed, sold, purchased, exchanged, transported, or received contrary to state or local law (ARPA, s.470ee(b),(c)).

"Archaeological resources" is defined as any material remains of past human life or activities which are of archaeological interest and includes pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials or parts of any of these items. All items have to be at least 100 years old (ARPA, s.470bb).

Stolen goods, including stolen cultural property, come within the scope of NSPA.

2. Type of export control
Prohibition. Any dealing, including foreign trade (export), with archaeological resources is forbidden if those resources have been treated contrary to law (ARPA, s.470ee(b),(c)) i.e. in respect of Federal and Indian lands, in accordance with a permit issued under the Act, and, in respect of other areas, in accordance with the law in force in the relevant jurisdiction (which may be one of the states).

It is an offence to transport in foreign commerce stolen goods to the value of $5,000 or more (NSPA, s.2314).

3. Transfer of ownership
The laws of the component states of the Union are applicable.

Sale, purchase, exchange, transport, reception, offer to sell, purchase or exchange of any archaeological resources which have been dealt with contrary to the relevant Federal or state laws is prohibited (ARPA, s.470ee(b),(c)).

It is an offence to trade in stolen goods, knowing them to be stolen, of the value of $5,000 or more, when they are moving in interstate or foreign commerce (NSPA, s.2315).
4. Penalties and sanctions
For violation of export and trading provisions of ARPA, forfeiture of the archaeological resources and all vehicles and equipment which were used in connection with the violation may be ordered (s.470gg(b)); the offender may be fined up to $10,000 or imprisoned for not more than a year, or both (s.470ee(d)). Where the commercial or archaeological value of the resources and their restoration and repair exceed $5,000, the fine may be up to $20,000, imprisonment up to two years, or both. For a second or subsequent conviction, the fine may be up to $100,000 or imprisonment up to five years, or both (s.470ee(d)).

For transport or trade in stolen property worth $5,000 or more, the penalty is a fine of up to $10,000 or imprisonment for up to ten years or both (NSPA, ss.2314, 2315).

5. International arrangements
Unesco Convention 1970 in force (subject to reservations and understandings) since 2 December 1983.


Executive Agreement respecting cultural property, 22 August 1984, United States - Guatemala.

Note: The two pieces of legislation denoted * above deal with the importation of certain categories of items of the cultural heritage into the United States of America. They should be read in conjunction with the listed international instruments. Regulation of Importation of Pre-Colombian Monumental or Architectural Sculpture or Murals, 19 U.S.C. s.2091, applies to any monumental or architectural sculpture or mural or fragment thereof from a Pre-Columbian Indian culture imported into the United States from Belize, Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru, Venezuela.
URUGUAY

Law No. 14.040, 20 October 1971, creating a Commission on the Historical, Artistic and Cultural Patrimony of the Nation and to provide for its organization and functions.

Decree 536/972, 1 August 1972, regulating the historical, artistic and cultural patrimony of the Nation under Act No. 14.040.

Texts printed by Unesco CC.87/WS/8

1. Cultural property subject to export control
Rare or singular archaeological or palaeontological remains of the indigenous inhabitants; furniture and decorative objects of exceptional singularity, antiquity or rarity; works of plastic art of national or foreign artists which the Commission considers necessary to preserve in the country; historical and literary manuscripts of any period or the figures to which they relate and old printed matter at least 80 years old; old and rare national numismatic objects; old and rare national bibliographic material as well as bibliographic collections (Law, Art. 15).

2. Type of export control
Prohibition. Temporary export may be authorized (Law, Art. 15).

3. Transfer of ownership
All archaeological or palaeontological works discovered in excavations belong to the State (Decree, Art. 9).

Firms engaged in trade must notify the authorities of the acquisition or delivery for sale of the objects listed. The authorities will issue authority to sell or arrange for their acquisition by the State within 48 hours (Decree, Art. 11).

4. Penalties and sanctions
For unlawful export, the penalty is a fine of between the value of the object and 10 times that value. Further sanctions may apply under the customs legislation, and for repeated offences (Decree, Art. 18).

5. International instruments
VENEZUELA

Law on the Protection and Preservation of Antiquities and Art Works of the Nation (15 August 1945).

Extracts from the text are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 295.

1. Cultural property subject to export control
Antiquities, works of art and fossil remains, even where privately owned (Art. 18).

The historical and artistic heritage of the nation is defined as composed of historical and artistic monuments and other works of art, whether connected or unconnected with the history of the nation, which are situated in or brought into its territory (Art. 1).

2. Type of export control
Prohibition, except where there is a record that the objects concerned have been offered to the Nation (Art. 18).

Foreign scientific institutions may be allowed to take out collections of objects of which there are duplicates in the national museums and any pieces which cannot be restored without specialized treatment (Art. 16).

Permission may be granted to import and re-export works of art. Where such works have remained in the territory for 10 years, they may be designated as part of the historical and artistic heritage (Art. 10).

3. Transfer of ownership
When the Government does not deem it desirable to acquire antiquities and works of art which it is given the opportunity to purchase, the owner or person in possession or control may dispose of them with the permission of the respective ministry, subject to the report of the National Board for the Protection and Preservation of the Historical and Artistic Heritage of the Nation (Art. 19).

4. Penalties and sanctions
Any contravention of the legislation is subject to a fine of between 4,000 and 10,000 bolivars (Art. 20).

5. International arrangements
At 31 December 1987, Venezuela was not a party to any international instruments concerning unlawfully exported cultural property.

Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals (United States, 19 U.S.C. s.2091 (1972)). Applies to materials from Venezuela.
VIET NAM

Decree for the Preservation of Remains, 23 November 1945.

Regulation of 4 September 1984 concerning the Preservation and Use of Historical and Cultural Remains and Scenic Sites.

Regulation of 31 December 1985 on the execution of the Regulation on the Preservation and Use of Historical and Cultural Remains and Scenic Sites.

1. Cultural property subject to export control
   Cultural property is defined as buildings, places, articles, documents and works of a historical, scientific, artistic or other cultural value or relating to historical, cultural or social events (1984 Reg, Art. 1).

2. Type of export control
   Prohibition with the exception of special cases as specified by the Council of Ministers (1984 Reg, Art. 23).

3. Transfer of ownership
   Forbidden to exchange, buy or sell cultural property (1984 Reg, Art. 4).

4. Penalties and sanctions
   Not specified.

5. International instruments
   At 31 December 1987, Viet Nam was not a party to any international instruments concerning unlawfully exported cultural property.
YEMEN

Antiquities Act 1972.

1. Cultural property subject to export control
   Antiquities (Art. 41). An "antiquity" is any object made, created or constructed by man more than 500 years ago (Art. 3).

2. Type of export control
   Prohibition without a licence from the Department of Antiquities. A licence will only be granted if export of the antiquity does not depreciate the value of the Yemeni archaeological heritage, there are similar examples in Yemeni museums and the one to be exported can be dispensed with (Art. 41).

   A licence will be issued for the export of antiquities exchanged with foreign museums and scientific institutions; those granted to scientific institutions which excavated them and those on temporary lease for examination and study (Art. 42).

3. Transfer of ownership
   The Department of Antiquities may purchase any antiquities for which application is made to export at the value indicated in the application (Art. 42).

   Any person trading in antiquities must be licensed (Art. 39).

   Private ownership of movable antiquities is permissible (Art. 18) but all antiquities had to be registered one year after the Act came into force (Art. 19). Any sale is subject to approval by the Department of Antiquities (Art. 20). Those holding antiquities must register them with the Department (Art. 24).

4. Penalties and sanctions
   Export or attempted export of an antiquity without a licence, and assistance in such activities, is punishable by imprisonment for between two months and five years or a fine of 600 to 5,000 Riyals (Art. 49).

5. International instruments
   At 31 December 1987, Yemen was not a party to any international instruments concerning unlawfully exported cultural property.
YUGOSLAVIA

NOTE: Yugoslavia is a federal State. There is no federal law for the protection of cultural property but laws have been adopted in the two provinces and six republics (Bosnia/Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia). The texts of these laws are said to resemble one another quite closely.

Law for the Protection and Care of Cultural-Historical Monuments and Natural Heritage (Official Paper SRBIH 63/78) (Bosnia-Herzegovina).


Law on the Protection of the Cultural Heritage of 14 July 1977 (Serbia).


Laws of Macedonia and Montenegro not available.

Extracts from the text of the Serbian Law on the Protection of the Cultural Heritage are published in Unesco's Compendium of legislative texts The protection of movable cultural property Vol. I, 300.

The following summary is based on the legislation of Croatia.

1. Cultural property subject to export control
Cultural monuments (movebles and immovables, including groups of objects) which, because of their archaeological, historical, sociological, ethnographic, artistic, architectural, urban, technical and other scientific or cultural value, are important to society (Art. 2).

2. Type of export control
Prohibition. In exceptional cases permission may be given for temporary export for exhibitions (Art. 26).

3. Transfer of ownership
The possessor of a monument must notify legal and other changes to registered monuments and has a duty to register any object which can justifiably be presumed to be a monument. A person trading in monuments must notify the authorities of any intended sale of such a monument (Art. 17).

4. Penalties and sanctions
For unlawful export, the penalty is imprisonment for up to one year (Art. 73). For failure to notify legal changes or intended sale (Art. 17), the penalty is a fine of up to 500 dinars.

5. International instruments

1. Cultural property subject to export control
Movable objects classified because their preservation is of public interest for historical, artistic or scientific reasons (Art. 18).

Antiquities: undefined (Art. 34)

2. Type of export control
Export of classified movable objects is prohibited. Temporary export may be authorized (Art. 29).

Authorization is needed for export of non-classified Zairian antiquities (Art. 35).

Persons residing outside Zaire who, regularly or occasionally, purchase antiquities for resale are forbidden to collect Zairian antiquities in Zaire (Art. 34).

3. Transfer of ownership
The ownership of classified objects is not affected by the passage of time (Art. 26). The ownership of State owned classified objects cannot be transferred. If such objects are owned by a public body other than the State, their disposal must be authorized and can be made only to the State or another public body (Art. 25). At any public sale of a classified object the State has a right of pre-emption (Art. 28).

4. Penalties and sanctions
Fines (Arts. 43-49).

Any foreigner who breaches the prohibition on collecting can be deported (Art. 48).

5. International instruments

Natural and Historical Monuments and Relics Act 1948 as amended.

1. Cultural property subject to export control
Ancient monuments, national monuments, relics or any part of them (s.13(1)).

"Ancient monument" means any building, ruin, stone circle, altar, pillar, statue, tumulus, grave, rock shelter, midden, shell mound or other site or thing of a similar kind or any remains, made or used before 1 January 1890.

A "national monument" is a monument declared as such by the Minister. A "monument" includes an "ancient monument" and covers, in addition to various immovables, other objects (whether natural or constructed by man) of aesthetic, archaeological, historical or scientific value or interest.

"Relic" means any fossil of any kind; any petroglyph or drawing or painting on stone, known or commonly believed to have been executed before 1 January 1890; any object of archaeological, historical or scientific value or interest; any anthropological or archaeological contents of any monument or ancient working (s.2).

2. Type of export control
Export is subject to consent of the Commission for the Preservation of Natural and Historical Monuments and Relics (s.13(1)).

3. Transfer of ownership
The discovery of any ancient monument or relic must be notified to the Commission. On notification, the Commission has an option to acquire ownership with payment of fair and reasonable compensation. If the option is not exercised within six months it lapses (s.11).

4. Penalties and sanctions
Contravention of the export provisions is an offence punishable on conviction by a fine or, in default of payment, imprisonment for up to six months (s.17).

5. International instruments
National Museums and Monuments of Zimbabwe Act, Ch. 313 of 1972.

1. Cultural property subject to export control
National monuments, ancient monuments and relics (s.26).

An ancient monument is defined as any building, ruin, structure or remains of these, statue, grave, cave, rock shelter, midden, shell mound etc. known or believed to have been erected, constructed or used in Zimbabwe before 1 January 1890 (s.2).

A national monument is one designated by the Minister. A monument which can be designated includes ancient monuments, certain immovables and any object, whether natural or constructed by man, of historical, archaeological or other scientific value or interest (s.2).

A relic is defined to mean any kind of fossil; any drawing, painting on stone or petroglyph executed before 1890; any weapon, implement, utensil or ornament of historical, archaeological or other scientific value or interest used in the country before 1890; the anthropological or archaeological contents of any ancient monument or ancient working and any other object of historical, archaeological, or other scientific value or interest which is prescribed to be a relic (s.2).

2. Type of export control
No export without the written consent of the Director (Board of National Museums and Monuments) (s.26).

3. Transfer of ownership
No ownership may be acquired of any relic which is lost or is res nullius without the permission in writing of the Board (s.23).

4. Penalties and sanctions
For a breach of the export provision, including the provision of false information in an application for consent, the penalty is a fine of up to $2,000 or imprisonment for up to five years or both (s.43).

5. International instruments
At 31 December 1987, Zimbabwe was not a party to any international instruments concerning unlawfully exported cultural property.
TREATIES AND OTHER INTERNATIONAL INSTRUMENTS

Unesco Convention 1970


Unesco’s Compendium of legislative texts *The protection of movable cultural property* Vol. I, 357.

823 U.N.T.S. 231

(1971) 10 *International Legal Materials* 289.

Unesco Convention 1954 and Protocol


249 U.N.T.S. 240.

European Archaeological Convention 1969

European Convention on the Protection of the Archaeological Heritage 1969


E.T.S. No. 66.

San Salvador Convention 1976

Convention on the Protection of the Archaeological, Historical, and Artistic Heritage of the American Nations 1976


O.A.S. T.S. No.47.

(1976) 15 *International Legal Materials* 1350.


Executive Agreement respecting cultural property, 22 August 1984, United States-Guatemala.

Plovdiv Agreement 1986