

I, **Lic. Guillermina Nadal Zayas**, Court Interpreter of the Court of First Instance of the National District, duly sworn for the legal exercise of my position, **CERTIFY**: that I have translated a document originally written in Spanish and that the following English version is correct and true according to the best knowledge of the undersigned.

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**Resolution No. 416 (of November 2, 1972) enacting the Convention on the measures to be adopted to prohibit and prevent the illicit import, export and transfer of ownership of cultural property. Official Gazette No. 9281 of November 15, 1972.**

**THE NATIONAL CONGRESS**  
**On behalf of the Republic**

**NUMBER 416.**

HAVING SEEN clause 14 of article 37 of the Constitution of the Republic;

HAVING SEEN the Convention on the means of protecting and preventing the illicit import, export and transfer of ownership of cultural properties, oriented to safeguarding against the dangers of theft, clandestine excavation and illicit export of those objects which, for religious or profane reasons, are considered as cultural property and which have been expressly designated by each State as important for archeology, prehistory, history, literature, art or science.

SOLE.- To enact the aforementioned Convention, the text of which, to the letter, reads:

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

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

Recalling the importance of the provisions contained in the Declaration of the Principles of International Cultural Cooperation adopted by the General Conference at its fourteenth session,

CONSIDERING: that the interchange of cultural property among nations for

scientific, cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations,

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

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

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

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

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

CONSIDERING: that the protection of cultural heritage can be effective only if organized both nationally and internationally among States working in close cooperation,

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

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

Having decided at the fifteen meeting, that this question should be made the subject of an international convention, adopts, on November 14, 1970, this Convention.

## **ARTICLE ONE**

For the purposes of this Convention, the term 'cultural property'

means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, arte or science and which belongs to the following categories:

a) rare collections and specimens of fauna, flora, minerals and anatomy, and objects of paleontological interest;

b) property relating to history, including the history of science and technology, military and social history, to the life of national leaders, thinkers, scientists and artists, and to events of national importance;

c) products of archaeological excavations (including regular and clandestine) or of archeological discoveries;

d) elements of artistic or historical monuments or archeological sites of interest which have been dismembered;

e) antiquities more than 100 years, such as inscriptions, coins and engraved seals;

f) objects of ethnological materials;

g) Property of artistic interest such as:

i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);

ii) original works of statuary art and sculpture in any material;

iii) original engravings, prints and lithographies;

iv) original artistic assemblages and mountages in any material.

h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;

i) postage, revenue and similar stamps, singly or in collections;

j) archives, including sound, photographic and cinematographic archives;

k) articles of furniture more than 100 years old, and old musical instruments.

## **ARTICLE 2**

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

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

## **ARTICLE 3**

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

## **ARTICLE 4**

The States parties to this Convention recognize that to the effects of such Convention, the property that form part of the cultural patrimony of each State are those which belong to the categories enumerated as follows:

a) cultural property arising out of the individual or collective genius of nationals of the State concerned and important cultural property for that same State created within its territory by foreign nationals or Stateless individuals residing within such territory;

b) cultural property found within the national territory;

c) cultural property acquired by archeology, ethnological or natural science missions with the consent of the competent authorities of the country of origin of such property.

## **ARTICLE 5**

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

a) contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage and particularly prevention of the illicit import, export and transfer of ownership of important cultural property.

b) establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export could constitute an appreciable impoverishment of the national cultural heritage;

c) promoting the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops, . . .), required to ensure the preservation and appraisal of cultural property;

d) organizing the supervision of archaeological excavations, ensuring the preservation ‘in situation’ of certain cultural property, and protecting certain areas reserved for future archaeological research;

e) establishing, for the benefit of those concerned (curators, collectors, antique dealers, etc.) rules in conformity with the ethical principals set forth in this Convention; and taking steps to ensure the observance of those rules;

f) taking educational measures to stimulate and develop respect for the cultural heritage of all States and spreading knowledge of the provisions of this Convention;

g) seeing that appropriate publicity is given to the disappearance of any items of cultural property.

## **ARTICLE 6**

The States Parties to this Convention undertake:

a) To introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is

authorized. The certificate should accompany all cultural property exported in accordance with the regulations;

b) To prohibit the exportation of cultural property from their territory unless accompanied by the above-mentioned export certificate;

c) To publicize this prohibition by appropriate means, particularly among persons likely to export or import cultural property.

## **ARTICLE 7**

The States Parties to this Convention undertake:

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

b) i) to prohibit the import of cultural property stolen from a museum, or a religious or secular public monument or similar institution in another State Party to this Convention after the entry into force Convention for the States concerned, provided that such property is documented as appertaining to the inventory of that institution;

ii) at the request of the State Party of origin, to take appropriate measures steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. Requests for recovery and return shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, the documentation and other evidence necessary to establish its claim for recovery and return. The Parties shall impose no custom duties or other charges upon cultural

property returned pursuant to this Article. All expenses incident to the return and delivery of the cultural property shall be borne by the requesting Party.

## **ARTICLE 8**

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

## **ARTICLE 9**

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

## **ARTICLE 10**

The States Parties to this Convention undertake to:

a) To restrict by education, information and vigilance, movement of cultural property illegally removed from any State Party to this Convention and, as appropriate for each country, oblige antique dealers, subject to penal or administrative sanctions, to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject;

b) To endeavor, by educational means to create and develop in the public mind a realization of the value of cultural property and the threat to the cultural heritage created by theft, clandestine excavations and illicit

exports.

## **ARTICLE 11**

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

## **ARTICLE 12**

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

## **ARTICLE 13**

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

a) to prevent by all appropriate means transfers of ownership of cultural property likely to promote the illicit import or export of such property;

(b) to ensure that their competent services co-operate in facilitating the earliest possible restitution of illicitly exported cultural property to its rightful owner;

(c) to admit actions for recovery of lost or stolen items of cultural property brought by or on behalf of the rightful owners ;

(d) to recognize the indefeasible right of each State Party to this Convention to classify and declare certain cultural property as inalienable which should therefore ipso facto not be exported, and to facilitate recovery of such property by the State concerned in cases where it has been exported.

## **ARTICLE 14**

In order to prevent illicit export and to meet the obligations arising from the implementation of this Convention, each State Party to the Convention should, as far as it is able, provide the national services



responsible for the protection of its cultural heritage with an adequate budget and, if necessary, should set up a fund for this purpose.

## **ARTICLE 15**

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

## **CHAPTER 16**

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

## **ARTICLE 17**

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

- a) information and education;
- b) consultation and expert advice;
- c) coordination and good offices.

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

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

4. The United Nations Educational, Scientific and Cultural Organization may,

on its own initiative, make proposals to States Parties to this Convention for its implementation.

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

## **ARTICLE 18**

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

## **ARTICLE 19**

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

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

## **ARTICLE 20**

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

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

## **ARTICLE 21**

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

## **ARTICLE 22**

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

## **ARTICLE 23**

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.

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

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

## **ARTICLE 24**

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

## **ARTICLE 25**

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any

such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

## **ARTICLE 26**

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

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

The above is the authentic text of the Convention adopted in good and appropriate manner by the General Conference of the United Nations Educational, Scientific and Cultural Organization, at its sixteenth meeting, held in Paris and concluded on November 14, 1970.

IN FAITH OF WHICH they affix their signatures, on this seventeenth day of November of 1970.

I MALELIK GATÓN LICARICAC, Counsellor-Minister, in charge of the Department of General Affairs of the Ministry of Foreign Relations CERTIFY that this is a true copy of the convention on measures which must be adopted to prohibit and preventing the illicit import, export and transfer

of the ownership of cultural property, entered into in Paris on November 17, 1970, copy of which is filed in the Archives of this Chancellery.

MANELIK GATON LICAIRAC  
Minister-Counsellor, in charge of the Department  
of General Affairs of the Ministry of  
Foreign Relations

GIVEN in the Sessions Room of the Chamber of House Representatives, Palace of the National Congress, in Santo Domingo de Guzmán, National District, Capital of the Dominican Republic, on the twenty fourth day of the month of October of the year Nineteen Seventy Two, 129 years of Independence and 110 of Restoration.

ATILIO A. GUZMÁN FERNÁNDEZ,  
President.

JOSÉ ELIGIO BAUTISTA RAMOS,  
Secretary.

JESÚS MARÍA GARCÍA MORALES,  
Secretary.

GIVEN in the Sessions Room of the Senate, Palace of the National Congress, in Santo Domingo de Guzmán, National District, Capital of the Dominican Republic, on the twenty sixth day of the month of October of the year Nineteen Seventy Two, 129 years of Independence and 110 of Restoration.

ADRIANO A. URIBE SILVA,  
President.

JOSEFINA PORTES DE VALENZUELA,  
Secretary.

FIDIAS C. VOLQUEZ DE HERNÁNDEZ,  
Secretary.

JOAQUÍN BALAGUER  
President of the Dominican Republic

Exercising the attributions conferred to me by Article 55 of the Constitution of the Republic;

ENACT this Resolution and order it be published in the Official Gazette, for the purposes of cognizance and compliance.

GIVEN in Santo Domingo de Guzman, National District, Capital of the Dominican Republic, on the 2<sup>nd</sup> day of the month of November of the year Nineteen Seventy Two, 129 years of Independence and 110 of Restoration.

JOAQUÍN BALAGUER

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This is a correct and true translation of its original in Spanish, nothing was omitted, done in Santo Domingo, National District, Capital of the Dominican Republic, on this 22<sup>nd</sup> day of January of the year 2019.

Lic. Guillermina A. Nadal Zayas  
Court Interpreter