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CULTURAL PROPERTY



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# European Convention on the Protection of the Archaeological Heritage

London, 6 May 1969

[The United Kingdom instrument of ratification was deposited on 8 December 1972 and the Convention entered into force for the United Kingdom on 9 March 1973]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
March 1973*

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## EUROPEAN CONVENTION ON THE PROTECTION OF THE ARCHAEOLOGICAL HERITAGE

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members for the purpose, in particular, of safeguarding and realising the ideals and principles which are their common heritage;

Having regard to the European Cultural Convention, signed at Paris on 19 December 1954,<sup>(1)</sup> and *inter alia* Article 5 of that Convention;

Affirming that the archaeological heritage is essential to a knowledge of the history of civilisations;

Recognising that while the moral responsibility for protecting the European archaeological heritage, the earliest source of European history, which is seriously threatened with destruction, rests in the first instance with the State directly concerned, it is also the concern of European States jointly;

Considering that the first step towards protecting this heritage should be to apply the most stringent scientific methods to archaeological research or discoveries, in order to preserve their full historical significance and render impossible the irremediable loss of scientific information that may result from illicit excavation;

Considering that the scientific protection thus guaranteed to archaeological objects:

- (a) would be in the interests, in particular, of public collections, and
- (b) would promote a much-needed reform of the market in archaeological finds;

Considering that it is necessary to forbid clandestine excavations and to set up a scientific control of archaeological objects as well as to seek through education to give to archaeological excavations their full scientific significance,

Have agreed as follows:

### ARTICLE 1

For the purposes of this Convention, all remains and objects, or any other traces of human existence, which bear witness to epochs and civilisations for which excavations or discoveries are the main source or one of the main sources of scientific information, shall be considered as archaeological objects.

### ARTICLE 2

With the object of ensuring the protection of deposits and sites where archaeological objects lie hidden, each Contracting Party undertakes to take such measures as may be possible in order:

- (a) to delimit and protect sites and areas of archaeological interest;
- (b) to create reserve zones for the preservation of material evidence to be excavated by later generations of archaeologists.

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<sup>(1)</sup> Treaty Series No. 49 (1955), Cmd. 9545.

### ARTICLE 3

To give full scientific significance to archaeological excavations in the sites, areas and zones designated in accordance with Article 2 of this Convention, each Contracting Party undertakes, as far as possible, to:

- (a) prohibit and restrain illicit excavations;
- (b) take the necessary measures to ensure that excavations are, by special authorisation, entrusted only to qualified persons;
- (c) ensure the control and conservation of the results obtained.

### ARTICLE 4

1. Each Contracting Party undertakes, for the purpose of the study and distribution of information on archaeological finds, to take all practicable measures necessary to ensure the most rapid and complete dissemination of information in scientific publications on excavations and discoveries.

2. Moreover, each Contracting Party shall also consider ways and means of:

- (a) establishing a national inventory of publicly-owned and, where possible, privately-owned archaeological objects;
- (b) preparing a scientific catalogue of publicly-owned and, where possible, privately-owned archaeological objects.

### ARTICLE 5

With a view to the scientific, cultural and educational aims of this Convention, each Contracting Party undertakes to:

- (a) facilitate the circulation of archaeological objects for scientific, cultural and educational purposes;
- (b) encourage exchanges of information on:
  - (i) archaeological objects,
  - (ii) authorised and illicit excavations  
between scientific institutions, museums and the competent national departments;
- (c) do all in its power to assure that the competent authorities in the States of origin, Contracting Parties to this Convention, are informed of any offer suspected of coming either from illicit excavations or unlawfully from official excavations, together with the necessary details thereon;
- (d) endeavour by educational means to create and develop in public opinion a realisation of the value of archaeological finds for the knowledge of the history of civilisation, and the threat caused to this heritage by uncontrolled excavations.

## ARTICLE 6

1. Each Contracting Party undertakes to co-operate in the most appropriate manner in order to ensure that the international circulation of archaeological objects shall in no way prejudice the protection of the cultural and scientific interest attaching to such objects.

2. Each Contracting Party undertakes specifically:

- (a) as regards museums and other similar institutions whose acquisition policy is under State control, to take the necessary measures to avoid their acquiring archaeological objects suspected, for a specific reason, of having originated from clandestine excavations or of coming unlawfully from official excavations;
- (b) as regards museums and other similar institutions, situated in the territory of a Contracting Party but enjoying freedom from State control in their acquisition policy:
  - (i) to transmit the text of this Convention, and
  - (ii) to spare no effort to obtain the support of the said museums and institutions for the principles set out in the preceding paragraph;
- (c) to restrict, as far as possible, by education, information, vigilance and co-operation, the movement of archaeological objects suspected, for a specific reason, of having been obtained from illicit excavations or unlawfully from official excavations.

## ARTICLE 7

In order to ensure the application of the principle of co-operation in the protection of the archaeological heritage which is the basis of this Convention, each Contracting Party undertakes, within the context of the obligations accepted under the terms of this Convention, to give consideration to any questions of identification and authentication raised by any other Contracting Party, and to co-operate actively to the extent permitted by its national legislation.

## ARTICLE 8

The measures provided for in this Convention cannot restrict lawful trade in or ownership of archaeological objects, nor affect the legal rules governing the transfer of such objects.

## ARTICLE 9

Each Contracting Party shall notify the Secretary General of the Council of Europe in due course of measures it may have taken in respect of the application of the provisions of this Convention.

## ARTICLE 10

1. This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

2. This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification or acceptance.<sup>(2)</sup>

3. In respect of a signatory State ratifying or accepting subsequently, the Convention shall come into force three months after the date of the deposit of its instrument of ratification or acceptance.

#### ARTICLE 11

1. After entry into force of this Convention:

(a) any non-member State of the Council of Europe which is a Contracting Party to the European Cultural Convention signed at Paris on 19 December 1954<sup>(2)</sup> may accede to this Convention;

(b) the Committee of Ministers of the Council of Europe may invite any other non-member State to accede thereto.

2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

#### ARTICLE 12

1. Each signatory State, at the time of signature or when depositing its instrument of ratification or acceptance, or each acceding State, when depositing its instrument of accession, may specify the territory or territories to which this Convention shall apply.

2. Each signatory State, when depositing its instrument of ratification or acceptance or at any later date, or each acceding State, when depositing its instrument of accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, may extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 13 of this Convention.

#### ARTICLE 13

1. This Convention shall remain in force indefinitely.

2. Any Contracting Party may, in so far as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

3. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

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<sup>(2)</sup> The Convention entered into force on 20 November, 1970.

## ARTICLE 14

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention of:

- (a) any signature;
- (b) any deposit of an instrument of ratification, acceptance or accession;
- (c) any date of entry into force of this Convention in accordance with Article 10 thereof;
- (d) any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 12;
- (e) any notification received in pursuance of the provisions of Article 13 and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at London, this 6th day of May 1969, in English and in French,<sup>(3)</sup> both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

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<sup>(3)</sup> The French language text is included in European Treaty Series No. 66, published by the Council of Europe and available through Agency Section, Her Majesty's Stationery Office, P.O. Box 569, London, SE1 9NY (Tel. 01-928 6977, ext. 410). The Convention was registered with the United Nations as No. 11212 on 12 July 1971.

## SIGNATURES, RATIFICATIONS AND ACCEPTANCES

<i>State</i>	<i>Date of Signature</i>	<i>Date of Deposit of Ratification or Acceptance</i>
Austria ... ..	20 Apr. 1971*	
Belgium ... ..	}	2 Dec. 1969
Cyprus ... ..		23 Nov. 1970
Denmark ... ..		6 May 1969†
France ... ..		3 July 1972 (A)
Germany, Fed. Rep. of ... ..		
Iceland ... ..		6 May 1969
Italy ... ..		
Luxembourg ... ..		7 Mar. 1972
Malta ... ..		30 Apr. 1971
Sweden ... ..		
Switzerland ... ..		19 Aug. 1970
United Kingdom ... ..	8 Dec. 1972‡	

### ACCESSION

<i>State</i>	<i>Date of Deposit</i>
Holy See ... ..	17 May 1972

\* At the time of signature the Government of Austria made the following declaration of interpretation of Article 6, paragraph 2 (a) of the Convention:

“ Österreich ist der Ansicht, dass die Bestimmungen des Artikel 6 Absatz 2 Buchstabe a für sein Hoheitsgebiet nicht zur Anwendung kommen, wenn durch den Ankauf der in der genannten Bestimmung zitierten Gegenstände durch Museen und Institutionen, welche unter Kontrolle der öffentlichen Gebietskörperschaften stehen, diese Objekte vor dem Verfall oder der Zerstörung gerettet und unter öffentliche Aufsicht oder unter staatlichen Schutz gestellt werden können.”

*Translation—*

Austria considers that the provisions of Article 6, paragraph 2 (a) are not applicable on its territory whenever, by the acquisition of the objects mentioned in that provision by museums and institutions subject to the control of public authorities, such objects can be saved from decay or destruction and placed under public surveillance or State protection.

† At the time of deposit of their instrument of ratification the Government of Denmark declared, in accordance with the provisions of Article 12 of the Convention, that until further notice the Convention would not apply to the Faroe Islands.

‡ At the time of deposit of their instrument of ratification the Government of the United Kingdom declared, in accordance with the provisions of Article 12, paragraph 2, that the Convention would extend to Jersey and the Isle of Man. The Convention took effect for these territories on 9 March 1973.