

CONVENTION ON THE PROTECTION OF THE ARCHEOLOGICAL, HISTORICAL, AND ARTISTIC HERITAGE OF THE AMERICAN NATIONS

(Convention of San Salvador)

Approved on June 16, 1976, through Resolution AG/RES. 210 (VI-O/76)
adopted at the Sixth Regular Session of the General Assembly, Santiago, Chile

THE GOVERNMENTS OF THE MEMBER STATES OF THE ORGANIZATION OF AMERICAN STATES,
HAVING SEEN the continuous looting and plundering of the native cultural heritage suffered by the countries of the
hemisphere, particularly the Latin American countries; and

CONSIDERING:

That such acts of pillage have damaged and reduced the archaeological, historical, and artistic wealth, through which
the national character of their peoples is expressed;

That there is a basic obligation to transmit to coming generations the legacy of their cultural heritage;

That this heritage can only be protected and preserved through mutual appreciation and respect for such properties,
within a framework of the soundest inter-American cooperation; and

That the member states have repeatedly demonstrated their willingness to establish standards for the protection and
surveillance of the archaeological, historical, and artistic heritage,

DECLARE:

That it is essential to take steps, at both the national and international levels, for the most effective protection and
retrieval of cultural treasures, and

HAVE AGREED UPON THE FOLLOWING:

Article 1

The purpose of this Convention is to identify, register, protect, and safeguard the property making up the cultural
heritage of the American nations in order: (a) to prevent illegal exportation or importation of cultural property; and (b)
to promote cooperation among the American states for mutual awareness and appreciation of their cultural property.

Article 2

The cultural property referred to in the preceding article is that included in
the following categories:

- a) Monuments, objects, fragments of ruined buildings, and archaeological materials belonging to American cultures
existing prior to contact with European culture, as well as remains of human beings, fauna, and flora related to such
cultures;
- b) Monuments, buildings, objects of an artistic, utilitarian, and ethno-logical nature, whole or in fragments, from the
colonial era and the Nineteenth Century;
- c) Libraries and archives; incunabula and manuscripts; books and other publications, iconographies, maps and
documents published before 1850;

d) All objects originating after 1850 that the States Parties have re-corded as cultural property, provided that they have given notice of such registration to the other parties to the treaty;

e) All cultural property that any of the States Parties specifically declares to be included within the scope of this convention.

Article 3

The cultural property included in the above article shall receive maximum protection at the international level, and its exportation and importation shall be considered unlawful, except when the state owning it authorizes its exportation for purposes of promoting knowledge of national cultures.

Article 4

Any disagreement between the parties to this Convention, regarding application of the definitions and categories of Article 2 to specific property, shall be resolved definitively by the Inter-American Council for Education, Science, and Culture (CIECC), following an opinion by the Inter-American Committee on Culture.

Article 5

The cultural heritage of each state consists of property mentioned in Article 2, found or created in its territory and legally acquired items of foreign origin.

Article 6

The control exercised by each state over its cultural heritage and any actions that may be taken to reclaim items belonging to it are imprescriptible.

Article 7

Regulations on ownership of cultural property and its transfer within the territory of each state shall be governed by domestic legislation. With a view to preventing unlawful trade in such goods, the following measures shall be encouraged:

- a) Registration of collections and of transfer of cultural property subject to protection;
- b) Registration of transactions carried out by establishments engaged in the sale and purchase of such property;
- c) Prohibition of imports of cultural property from other states with-out appropriate certificate and authorization.

Article 8

Each state is responsible for identifying, registering, protecting, preserving, and safeguarding its cultural heritage; in fulfilment of these functions each state undertakes to encourage:

- a) Preparation, in accordance with its respective constitutional standards, of rules and legislative provisions required for effective protection of this heritage from destruction resulting from neglect or inadequate preservation work;
- b) Establishment of technical organs entrusted specifically with the protection and safeguarding of cultural property;
- c) Establishment and maintenance of an inventory and record of cultural property, to make it possible to identify and locate it;
- d) The establishment and development of museums, libraries, archives, and other centres for the protection and preservation of cultural property;
- e) The delimitation and protection of archaeological sites and places of historical and artistic interest;

f) Exploration, excavation, investigation, and preservation of archaeological sites and objects by scientific institutions, in collaboration with the national agency in charge of the archaeological heritage.

Article 9

Each State Party shall prevent by all available means any unlawful excavation in its territory or any removal of cultural property there from.

Article 10

Each State Party to this Convention undertakes to take whatever measures it may consider effective to prevent and curb the unlawful exportation, importation, and removal of cultural property, as well as those necessary for the return of such property to the state to which it belongs in the event of its removal.

Article 11

When the government of a State Party becomes aware of the unlawful exportation of an item of cultural property, it may address the government of the state to which the property has been removed, requesting that it take measures for its recovery and return. This shall be done through diplomatic channels. The re-quest shall be accompanied by evidence of the unlawful removal of the property in question, in accordance with the laws of the requesting state. This evidence shall be considered by the state petitioned.

The state petitioned shall employ all available lawful means in order to locate, recover, and return the cultural property claimed and that may have been removed after this Convention has gone into effect.

If the laws of the state petitioned require judicial action for recovery of foreign cultural property unlawfully imported or removed, such judicial action shall be instituted in the appropriate courts by the competent authority of that state.

The petitioning state also has the right to institute appropriate judicial action in the state petitioned in order to bring about recovery of the property that has been removed and application of the pertinent penalties against those responsible.

Article 12

As soon as the state petitioned is in a position to do so, it shall return to the petitioning state the cultural property that has been removed. The cost of returning such property shall be covered by the state petitioned without prejudice to the measures or action it should take in order to be reimbursed for such expenses.

Article 13

No tax or government fee shall be charged for cultural property returned in accordance with the provisions of Article 12.

Article 14

Those responsible for crimes against the integrity of cultural property or for crimes resulting from the illegal exportation or importation thereof are subject to extradition treaties, when appropriate.

Article 15

The States Parties bind themselves to cooperate in the mutual knowledge and appreciation of their cultural values by taking the following measures:

b) Promoting the exchange of information on cultural property and on archaeological excavations and discoveries.

Article 16

Articles on loan to museums, exhibitions, or scientific institutions that are outside the state to whose cultural heritage they belong shall not be subject to seizure as a result of public or private lawsuits.

Article 17

For purposes of compliance with the objectives of this Convention, the General Secretariat of the Organization of American States is charged with:

- a) Ensuring the enforcement and effectiveness of this Convention;
- b) Promoting the adoption of collective measures directed toward the protection and preservation of cultural property belonging to the American states;
- c) Establishing an inter-American registry of cultural property, both movable and immovable, that is of special value;
- d) Promoting coordination of national legislation on this subject;
- e) Granting and arranging any technical cooperation the States Parties may request;
- f) Disseminating information on the cultural property of the States Parties and the objectives of this Convention;
- g) Promoting the circulation, exchange, and exhibition of cultural property among the States Parties.

Article 18

None of the provisions of this Convention shall impede the States Parties from entering into bilateral or multilateral agreements relative to their cultural heritage, nor shall they limit the application of any agreements to the same end as may be in force.

Article 19

The present Convention is open to signature by the member states of the Organization of American States and to adherence by any state.

Article 20

The present Convention shall be ratified by the signatory states in accordance with their respective constitutional procedures.

Article 21

The original instruments, whose Spanish, French, English, and Portuguese texts are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send certified copies to the signatory states for purpose of ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States, which shall notify the signatory governments of the deposit.

Article 22

This Convention shall enter into force among the states ratifying it in the order of deposit of their instruments of ratification.

Article 23

The present Convention shall be in force indefinitely; however, any of the States Parties may denounce it. The denunciation shall be communicated to the General Secretariat of the Organization of American States, which shall

inform the other States Parties thereof. One year from the date of denunciation the Convention shall cease to be in force for the state that denounced it and remain in force for the other States Parties.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose powers have been found to be in due and proper form, sign this Convention in the city of Washington, D.C., on the dates appearing beside their signatures.