



## **Explanatory Report to the European Convention on the Protection of the Archaeological Heritage**

London, 6.V.1969

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I. The European Convention on the Protection of the Archaeological Heritage was prepared, within the framework of the Council of Europe, by a Working Party of Specialists and by the Council for Cultural Co-operation (CCC). After examination by the Committee of Ministers, the Convention was opened to signature by member States of the Council of Europe on 6 May 1969.

II. The text of the explanatory report, prepared by the Secretariat General of the Council of Europe and under the latter's responsibility, on the basis of the deliberations of the above-mentioned committees does not constitute an instrument providing an authoritative interpretation of the text of the Convention, although it might be of such a nature as to facilitate the application of the provisions contained therein.

### **I. General considerations on the action taken within the Council of Europe for the protection of the Archaeological Heritage**

1. At its 5th Session (20-24 January 1964), the Council for Cultural Co-operation of the Council of Europe requested Professor Hassime Pallottino, holder of the Chair of Etruscology and Italian Antiquities at the University of Rome:

(a) to carry out, in strict collaboration with UNESCO, a European enquiry on the problems posed in the field of the protection of the archaeological heritage ;

(b) to draft a consolidated report on the situation in Europe in this field.

This report was submitted to the Council for Cultural Co-operation at its 9th Session (18-20 January 1966), under the title "Plan for European action for the protection of the archaeological heritage".

2. In December 1966 and April 1967, a working party of specialists, convened by the Council of Europe, studied a draft Convention established on the basis of Professor Pallottino's report together with the comments of the governments of member States of the Council.

At its 12th Session (5-9 June 1967), the Council for Cultural Co-operation decided to transmit the draft established by the working group to member States so that they could send any comments on it to the Secretariat.

Taking into account the comments which it had received, the Secretariat drew up a new text which was amended by the Council for Cultural Co-operation and adopted by it at its 13<sup>th</sup> Session (19-23 February 1968). At this same session, the Council for Cultural Co-operation transmitted the draft Convention to the Committee of Ministers, drawing its attention to the importance and urgency of its contents.

3. During several meetings, held in 1968, the Committee of Ministers of the Council of Europe, sitting at Deputy level, proceeded to an examination of the draft Convention submitted by the Council for Cultural Co-operation together with the amendments proposed by a certain number of governments of member States. In conclusion, it adopted the text of the Convention and opened the Convention to signature by member States of the Council of Europe on 6 May 1969.

4. Among the considerations underlying the work undertaken within the Council of Europe in the field of the protection of the archaeological heritage and which resulted in the conclusion of this Convention, the following points should be mentioned :

(a) Illicit excavations of sites and areas where archaeological objects lie hidden, carried out without scientific method, with the sole object of assembling objects destined for speculation, immediately destroys the irreplaceable historical documentation constituted by the ancient remains of the sub-soil. The existence of illicit excavations and of a secret traffic, encouraged by the inadequacy of the protection laws, is caused by the pressure of the demand which is to be seen in the antique market. This illicit market is most damaging from the scientific viewpoint. Objects originating from illicit excavations are, in effect, necessarily deprived of the historical value conferred on them by knowledge of their archaeological context. Now, the development of research is, at present, leading museums to attach an increasing importance to the historical and scientific interest of pieces in their collections, to the detriment of the purely aesthetic value of objects of "unknown" origin and date. Likewise, an object previously considered as being of "secondary interest" in an excavation, by reason of its poor aesthetic quality, acquires a greater value, once it is placed in its original context. Finally, an "*objet d'art*" which may have been greatly sought after, is of less interest to, curators if its origin is not established. For all these reasons, among the different criteria which may serve as guidelines for action designed to protect the archaeological heritage, *primacy of scientific knowledge* must be recognised.

(b) Action to be undertaken by the common agreement of the governments, of the States Parties to the Convention should in the first place concern the *protection of archaeological excavations*. These would be divided into two categories, namely:

(i) those which may be carried out immediately by appropriate scientific methods and by competent persons authorised to this end ;

(ii) those which should be reserved for other generations, who may perhaps avail themselves of new scientific methods and of other methods at present unknown, and which will confirm (or invalidate) the conclusions which may be reached by today's researchers. It is, in fact, to be feared that if research were, to be carried out in such zones with existing methods, the resulting destruction would, in spite of the precautions taken, render impossible certain later excavations.

(c) The safeguard of the scientific value of archaeological objects, by a concerted supervision of archaeological excavations and of transactions depending on public authorities, should contribute to the *improvement of the state of the market in archaeological objects and to the campaign for the suppression of fakes* which thrive under cover of the anonymity of these objects. Thus, it would be in the interest both of private and public collections as well as in that of the free circulation of cultural objects. This protective action should not have the result of interrupting the movement of these objects from countries rich in antiques to those countries seeking them, nor to stifle the taste for collections, nor to present an obstacle to the enrichment of archaeological museums. On the contrary, a regulated control system, based on profound and sure scientific information concerning discoveries, on the study and publication of objects, which are found and, in consequence, on the freedom and lawfulness of trade in them and export of them, could encourage an ever greater

international circulation Of archaeological objects and material, to the complete satisfaction of dealers and collectors ; these developments would, however, be accompanied by a guarantee of the avoidance of the destruction and dispersion of scientific data and, moreover, by the advantage of ensuring collectors and museums that the pieces which they possess are authentic, that their origin has been verified and that they are accompanied by all the elements susceptible of bringing out their historical and artistic significance, thereby increasing their value.

(d) The problem of the protection of the archaeological heritage has already been the subject of studies in depth at UNESCO which have led to the adoption of two recommendations in 1956 and 1964 respectively. This Convention takes account of this important work and, following the *lines established by UNESCO*, represents a realisation at regional level of the recommendations of that organisation.

(e) It should finally be observed that although this Convention is limited to archaeological objects, it would nonetheless be possible, at a later date, to supplement it by protocols concerning other cultural objects. In this way, the Convention would assume the form of a "*framework*" Convention.

## II. Commentaries on the provisions of the Convention

### General remarks on the scope of the provisions of the Convention

5. The object of the European Convention on the Protection of the Archaeological Heritage may be summarised as follows :

(i) First, the Convention defines a certain number of measures to be taken with a view to protecting the sites, areas and reserve zones where archaeological objects lie hidden and to regulate the excavations which are carried out there. This is the purpose of Articles 2-4 of the Convention ;

(ii) Secondly, it contains certain provisions designed, on the one hand to facilitate the circulation of archaeological objects and, on the other to restrict illicit trade in such objects. These provisions are contained in Articles 5-8 of the Convention ;

(iii) Thirdly, it seeks to develop an educational action and the formation of public opinion with a view to creating a consciousness of the importance both of the protection of archaeological objects and of the campaign against illicit trade in them. This action is, *inter alia*, the subject of Articles 5 (d) and 6, paragraph 2 (c) of the Convention.

6. The undertakings of the Contracting Parties to the Convention in the fields thus summed up concern, generally, measures and provisions of an administrative character ; they therefore create no obligation to legislate on the matters covered by the Convention, but neither do they prevent any Contracting Party from so doing, in order to give effect to the Convention, if it wishes.

7. In conformity with a principle of general international law, these undertakings have legal effect, in respect of each Contracting Party, only from the date of the entry into force of the Convention as regards that State. In particular, the responsibility of a Contracting Party for the carrying out of these undertakings can only arise in respect of situations and facts occurring after that date.

## **Preamble**

8. The Preamble of the Convention, after recalling the framework within which the latter has been elaborated, namely the Council of Europe, mentions the reasons which animated the signatory States and the objectives which they sought to obtain by the conclusion of a multilateral international treaty.

9. The Preamble refers in particular to the European Cultural Convention, itself elaborated within the Council of Europe and signed at Paris on 19 December 1954. The reason for this is that the measures to be taken by the Contracting Parties under the provisions of the Convention for the Protection of the Archaeological Heritage may be considered as at least a partial realisation of the programme established in Article 5 of the European Cultural Convention which is worded as follows :

"Each Contracting Party shall regard the objects of European cultural value placed under its control as integral parts of the common cultural heritage of Europe, shall take appropriate measures to safeguard them and shall ensure reasonable access thereto."

Moreover, the Contracting Parties to the Cultural Convention are granted, under the terms of Article 11 of the Convention which is the subject of this report, a privileged position in respect of the faculty of becoming a Party to this Convention.

## **Article 1**

10. This article contains a definition of the archaeological objects whose protection constitutes the aim and object of the Convention. As this is a field unsuited to generally accepted detailed classifications, the definition in the Convention of the said objects is necessarily couched in very general terms, intended to cover the generality of the objects with which the Convention is concerned and at the same time to avoid divergences in the application of the latter by the authorities of the Contracting States.

11. The phrase " all remains and objects, or any other traces of human existence" indicates that the Convention is applicable not only to movable objects of archaeological interest but also to immovable objects and to any other form of material evidence of bygone epochs and civilisations. It is clear from Article 2 of the Convention that this phrase covers equally present and future sites and areas of archaeological interest.

12. In this definition the criterion adopted for determining the archaeological character of objects to be protected is not necessarily that of antiquity. On the contrary, for purposes of applying the Convention, this character stems from the relationship which these objects bear to a past society or period of history, our knowledge of which is mainly acquired by means of excavations or discoveries, these constituting the principal source or one of the principal sources of scientific information on the civilisation in question. Thus, the civilisations whose tangible evidence is protected by the Convention are not defined by a standard of time, uniform and generally valid, but by reference to the principal means whereby it is possible to procure scientific knowledge of them.

13. The definition contained in Article 1 makes no express reference to the territorial location of the excavations and discoveries with which the Convention deals. Thus it is that, without prejudice to the provisions of Article 12, the Convention applies to the entire territory of each of the Contracting States, as delimited by general international law. In particular, the territorial application of the Convention extends to the land as well as to the rivers or lakes in the interior and to the territorial waters included in the said territory. Further, the definition given does not in any way prejudice the effects of the Convention in the matter of the territorial competence of one or other of the Contracting States which may in its case be recognised at some future time in accordance with the rules of international law concerning the sea-bed.

## Article 2

14. Article 2 sets forth the basic undertaking of the Contracting Parties in the matter of the protection of archaeological deposits and sites, that is to say the places where there are or may be archaeological objects such as are defined in Article 1. This undertaking covers two different situations and consequently envisages two parallel objectives.

15. First, measures are to be taken to ensure the proper protection of the sites and areas already discovered by exploration or excavations completed or in course. This is the object of Article 2 (a). This provision implies that the action to be envisaged should be directed to the demarcation of such sites and areas with a view to the application to the places so delimited of such protective measures as are necessary and possible for the safeguard of archaeological objects which are there or may be there.

16. Secondly, measures are stipulated to ensure the conservation of deposits and areas which have not yet been the object of excavation but which may conceal archaeological objects, this with a view to reserving the possibility of future excavations using new techniques. This objective is set forth in Article 2 (b). The action to be undertaken by the Contracting Parties by virtue of this provision consists in the creation and the demarcation of appropriate reserve zones to which the necessary and possible measures will be applied in order to prevent the destruction or loss of archaeological objects which may be there.

17. The introduction, in Article 2, of two parallel objectives is based upon the distinction between two different concepts, which are generally accepted in the matter of the protection of archaeological deposits and areas and which are enshrined in the recommendation defining the international principles to be applied in the matter of archaeological excavation, as approved by the UNESCO General Conference at New Delhi in 1956.

18. The words "as may be possible" were inserted to, make the text as flexible as possible, so as to take account of the particular situation prevailing in each of the States which might become Contracting Parties to the Convention. Therefore, each Contracting Party will decide for itself the nature of the measures to be taken to give effect to its obligations arising from this Article. The word "possible" here means that each Contracting Party will take the measures necessary in the light of the purpose of the said undertakings, unless it is faced with an insurmountable obstacle of a constitutional, legislative, parliamentary, administrative or material character.

## Article 3

19. This article details the undertakings of the Contracting Parties in the matter of archaeological excavation. Under the Convention, these obligations cover only excavations carried out on the sites and areas delimited in conformity with Article 2 (a) and to those which will in the future be carried out in the reserve zones constituted under Article 2 (b). Measures taken to fulfil these undertakings should aim at preserving the scientific potential of all excavations thus defined. From this point of view, illicit excavations which are, in the terms of the Preamble to the Convention, the cause of irremediable loss of scientific information, will be forbidden and punished. The use of the most stringent scientific methods constitutes, again under the terms of the Preamble, the starting point for the protection of the archaeological heritage. Archaeological excavation should be authorised only on condition that it be confided to one or more persons who can be wholly relied upon effectively to apply such scientific methods. Finally, appropriate measures will be taken to ensure the control and conservation of the results of official excavation.

20. As regards this latter obligation, the wording of Article 3 (c) is intended to recognise the material limits of State action in this matter. In so far as the competent authorities of the Contracting Parties are themselves unable to act to control, protect, and conserve the results of archaeological excavation, they are bound by this provision only to take all the measures in their power for the control and conservation of the results in question.

21. As for the words "as far as possible" appearing in the introductory sentence of this article and thus applicable to all the undertakings set forth therein, the remarks made on this subject in the commentary on Article 2 should be referred to. In particular, this formula allows for account being taken of the limitations which, in one or other of the Contracting States, might be an obstacle to some governmental action in the fields envisaged in Article 3 and which would be due either to national legislation in force or to the constitutional structure of the State in question (for example, its federal character). Further, Article 3 does not oblige the Contracting Parties to legislate, the choice of steps to be taken for the application of this provision being left to the discretion of each of them.

#### **Article 4**

22. The essential scope of this article is the action to be undertaken by each of the Contracting Parties to ensure the optimum scientific use of the results obtained from archaeological excavations and discoveries on its territory, as also of the archaeological objects, as defined in Article 1, existing on its territory.

23. The aim of paragraph 1 is to facilitate the fullest possible knowledge of the results of archaeological excavations and discoveries, by means of their publication. The practical steps to be taken for this purpose by each of the Contracting Parties will consist, as need may dictate and possibility allow, either of direct action through publications by public authorities or of indirect action through the encouragement or support by these authorities of private publications. The publications envisaged should have a scientific character, fully cover the results obtained, and be issued as rapidly as possible. From the context of this provision it is clear that the archaeological excavations and discoveries referred to in paragraph 1 are limited to those which are taking or will take place in the sites, areas and zones such as are delimited or constituted in conformity with Article 2 of the Convention.

24. On the other hand, the provisions of Article 4 (2) apply to all archaeological objects as defined in Article 1 which are upon the territory of a Contracting Party, whether from time immemorial known to exist or the fruit of past or future discoveries. It is a matter, on the one hand, of identifying these objects (paragraph 2 (a)) and, on the other hand, of registering them by means of an inventory based upon scientific criteria (paragraph 2 (b)). However, the terms of these provisions do not require the Contracting Party to guarantee in all circumstances the accuracy and completeness of the inventory. The Convention calls in fact only for the consideration of ways and means of preparing such an inventory, a study which the Contracting Parties will undertake either individually or collectively as an element of appropriate international co-operation.

25. In the course of drafting the Convention, it was agreed that the obligation proposed by certain governments to institute a certificate of origin attesting the scientific quality of the objects resulting from excavations conducted in conformity with the requirements of Article 3 could not be put into force at the present time, this particularly by reason of the ineffectiveness of such a document and of the practical difficulties in drawing it up. However, the possibility was not ruled out of reverting to this proposal at some future time and perhaps of supplementing the Convention, for example by means of an additional Protocol, should it prove possible, in the light of the reports to be submitted under Article 9, to set up in the Contracting States the necessary administrative machinery for preparing the inventories and attestations in question. Further, in its present form the Convention in no way hinders a Contracting Party from requiring now, by its national legislation, the preparation of such attestations for objects resulting from excavations carried out on its territory. Such attestations would not however have, under the terms of this Convention, any international validity.

## Article 5

26. The main purpose of the protection of the archaeological heritage being to safeguard the cultural values of the past and to disseminate as fully and widely as possible knowledge of the civilisation which created them, Article 5 (a) sets forth the basic obligation agreed upon among the Contracting Parties in the matter of the circulation of archaeological objects as defined in Article 1. It creates an obligation for the Contracting Parties to facilitate this circulation, provided that it has a scientific, cultural or educational purpose. In other words such circulation must not be hampered, whether within the limits of the national territory or across the frontiers, particularly where the territory of another Contracting Party is in question, by restrictive measures which would not be justified by the regulations generally applicable to the movement of goods or by compelling reasons relative to the protection of the objects in question. Further, this obligation may, in certain circumstances, require the intervention of the competent authorities to remove obstacles militating against such circulation but not arising from considerations of protection for the objects involved.

27. The Contracting Parties are further required, under point (b), to promote exchanges of information in the archaeological field. Instituted or to be instituted by scientific bodies, both private and public, and by the competent public departments, and covering both excavations and archaeological objects, such exchanges are to be encouraged and assisted by every Contracting Party. Naturally, exchanges so facilitated must be organised not only on the purely national level, but should extend to all interested circles in all the Contracting States.

28. Since, as stated in Article 6 (1), the circulation of archaeological objects is not to be allowed to prejudice the protection of the archaeological heritage, the Contracting Parties undertake, by virtue of Article 5 (c), to co-operate in suppressing illicit trade in such objects, by contributing to the common pool of information on suspect offers which may come to their knowledge. This obligation is not necessarily limited to suspect offers made to a public department of the State in question. Similar offers made on the private market in its territory may also be included, on condition that the competent authorities be informed of them and have sufficiently convincing reasons for doubting their origin. The suspect nature of the offers in question will, in any case, be assessed in accordance with the criteria set out in this connection in the commentary on Article 6. The suspect offer will be brought to the notice of the State of origin of the object or objects in question and its or their complete history given. Hence the action required under this provision can include, when necessary, enquiries into the true origin of the object or objects in question. However, the words "do all in its power" must be understood to mean only the steps which the competent authorities have it in their power to take and which, in each case of the kind, may reasonably be expected of them. Since the Convention has no retroactive effect, it has further been recognised that the undertaking contained in this provision affects only offers of objects, which come from archaeological excavations, clandestine or official, carried out after the entry into force of the Convention as regards the interested Contracting Party, and that it therefore does not apply to archaeological objects discovered prior to that date.

29. Finally, point (d) gives expression to the importance attached to the education and information of public opinion in the matter of the protection of the archaeological heritage, particularly as regards the prevention of the losses from which it suffers through the disappearance of large numbers of objects of archaeological value through illicit and uncontrolled commercial dealings. The text of this provision leaves it to each of the Contracting Parties to decide what action to take in this field, within the scope of the possibilities open to it in the field of education and information.

## Article 6

30. This article sets forth the reciprocal obligations of the Contracting Parties in the matter of the suppression of illicit dealings in archaeological objects.

First, paragraph 1 traces the outlines of international co-operation in this direction ; the Contracting Parties undertake, in virtue of this provision, to establish contacts among themselves with a view to the adoption of common or concerted complementary measures to ensure that their protective action is not hampered and brought to nothing by the international circulation of objects of archaeological value. The text of this provision does not specify the steps to be envisaged for this purpose. Their nature will therefore be a matter for the determination of the Contracting Parties in the light of necessity and expediency, having regard to the future evolution of the international movement of archaeological objects.

31. Thereafter paragraph 2 enumerates, without being exhaustive, two kinds of specific action – the steps which will have to be taken in the matter of the acquisition of archaeological objects by museums and other similar institutions (points (a) and (b)) and the efforts to be made to restrict the movement of archaeological objects of illicit origin (point (c)).

32. Insofar as the acquisition of archaeological objects by such bodies is concerned, the text of points (a) and (b) recognises that their purchasing policy is not in every case subject to State control. Where that is not the case, the obligation on the Contracting Party is limited to the transmission of the text of the Convention and to efforts to persuade those bodies whose purchasing policy it controls to adhere voluntarily to the principles to be respected by each Contracting Party.

33. Paragraph 2 (a) applies to "archaeological objects suspected... of having originated from clandestine excavations or of coming unlawfully from official excavations". The obligation contained in this provision could not however be interpreted as covering all offers of archaeological objects, as defined in Article 1, which could be suspected of coming from an illicit source. On the contrary, since the Convention has no retroactive effect, this obligation relates only to offers of objects coming from archaeological excavations, illicit or official, carried out after the entry into force of the Convention as regards the Contracting Party in question. In consequence it does not apply to archaeological objects discovered prior to that date. For the rest, only objects whose illicit origin is suspected " for a specific reason are in question. These words were inserted in the text in order to prevent the competent authorities being confronted with insurmountable difficulties in the application of the measures envisaged. In fact, it was considered that no mention could be made of objects whose origin – beyond the possessor – could not be ascertained. Otherwise, dealings in antiquities could no longer have been carried on, since the situation referred to above is the rule rather than the exception. It has therefore to be admitted that in principle lawful origin is to be presumed, this presumption being rebutted only where there is specific reason. In particular, such a reason may be referable to the person of the holder or to the object in question or, again, could be based upon an allegation of theft etc.

34. Each Contracting Party is obliged to "take the necessary measures" to prevent the acquisition of such archaeological objects. This expression must be understood to cover both measures of a general character and those which could prove to be necessary in particular cases. However, this formula does not involve an obligation upon the Contracting Parties to enact general legal prescripts by virtue of which, for example, no right of property could be established by the acquisition of objects. Here it is rather a question of administrative action to be taken in the form of regulations of a general character and, in case of need, of individual administrative decisions.



35. In the course of the drafting of the Convention, it was proposed that provision be made for the obligation to restate to the State of origin objects coming from illicit excavations. This proposal was, however, not followed, since its realisation was considered impossible at the present time. Nevertheless, it was recognised that the motivation behind it, that of a concern to prevent the loss of archaeological objects from an illicit source or their disappearance into the obscurity of the black market, is in no way foreign to the spirit of the Convention. Consequently, it was considered perfectly compatible with the broad intentions of the Convention that whenever an object of illicit origin is in the possession of a museum or of a similar institution under the control of a State other than that of origin, and this despite the measures taken with a view to preventing the acquisition of such objects in conformity with the engagement set out in paragraph 2 (a), the Contracting Parties concerned should get in touch with each other in order to arrange for the restitution of the object to the State of origin. Similarly, during discussion mention was made of the acquisition, by a museum whose purchasing policy is under the control of the State, of an object of illicit origin solely for the purpose of preventing its loss, destruction, or disappearance into the hands of clandestine dealers. In such a case, the Contracting Party should be regarded as having acted in conformity with the purpose and spirit of the Convention.

36. Paragraph 2 sets out in somewhat general terms the obligation upon the Contracting Parties to take action at various levels to restrict the illicit movement of archaeological objects. A decision upon the nature of such action is left to the individual Contracting Parties. They will act either individually or in co-operation with the other Contracting Parties. The words "as far as possible" were inserted in order to stress that the Contracting Parties are in no way obliged to pass legislation or to change existing law in this matter. On the other hand, the Contracting Parties which might wish to do so would in no way be prevented, by the wording of this provision, from legislating in the field covered by it. Particularly, the text can in no way be interpreted as affecting the constitutional structures of the Contracting States, notably those of a federal character. With regard to the words "for a specific reason", reference should be made to what is said on this subject in the commentary on paragraph 2 (a).

#### **Article 7**

37. International co-operation to restrict the illicit circulation of archaeological objects is one of the basic objectives of the Convention. To this end, it is stipulated in Article 6 (2) that the Contracting Parties make every effort to prevent illicit trading in such objects being encouraged by acquisitions on the part of museums, collections and other similar institutions, whether public or private. Further, the purpose of Article 5 (c) is to ensure that information be given to the State of origin on offers made in another Contracting State of archaeological objects of illicit provenance.

38. For its part, Article 7 obliges each Contracting Party to give its assistance to any other Contracting Party which initiates action for the identification and authentication of archaeological objects of illicit origin which had passed out of its territory and which were found to be on that of another Contracting State. Such assistance shall in particular consist of the consideration of any request emanating from the competent authorities of another Contracting Party for information on the possible location of archaeological objects which the requesting Party had reason to think had illicitly left its territory and been exported to the territory of the requested Party, or upon the nature of such archaeological objects then in the territory of the requested Party, or upon the facts necessary to establish the true origin of such objects.

39. However, the obligation upon the Contracting Parties in this matter is limited by the terms of Article 7 itself. On the one hand, the obligation does not lie outside the general compass of the other engagements accepted under the Convention and it could not therefore apply to objects other than those whose protection is envisaged by the Convention. On the other hand, it cannot be interpreted as obliging a Contracting Party to envisage measures or provisions which would necessitate prior modification of its own legislation.

#### **Article 8**

40. The aim of the present Convention being the adoption of measures to forbid unauthorised archaeological excavation and the setting up of a scientific and administrative control of archaeological objects, it does not impose legal rules governing the ownership or the transfer of, or dealings in, the said archaeological objects. In each Contracting State, these matters continue to be governed by the national law in force regarding ownership of, trade in and transmission of, goods. It follows, as stated in Article 6, that, in so far as they are in conformity with that law, ownership of and trade in such objects cannot be limited solely by the effect of measures taken in application of the Convention. In particular, it is clear that such measures cannot prejudice rights arising, under the national law applicable, from lawful exchanges between holders and acquirers of archaeological objects. Similarly, the system of law relating to the transfer of such objects cannot be affected solely by measures provided for in the present Convention.

#### **Article 9**

41. The main purpose of the notification by each Contracting Party of the measures it has taken in application of the Convention is to allow the competent organs of the Council of Europe, where this Convention was drawn up, to consider the expediency and, as the case may be, the purpose of any possible future intergovernmental action designed to develop the international co-operation instituted by this Convention in the field of the conservation of the archaeological heritage.

#### **Articles 10 to 14**

42. The text of the final clauses of the Convention is in general conformity with that of the model approved by the Committee of Ministers of the Council of Europe in May 1963 for all conventions elaborated in that organisation. In so far as the accession of non-member States of the Council of Europe is concerned, Article 11 (1) takes account of the fact that in the matter of this Convention the initiative was taken by the Council for Cultural Co-operation (CCC) in the exercise of the powers conferred upon it by the European Cultural Convention of 1954. Thus, non-member States of the Council who have adhered to the Cultural Convention and who participate in that capacity in the work of the CCC are accorded a privileged position insofar as the possibility of adhering to the present Convention is concerned.