

## A. CONVENTION

(1) In San Marino the safeguarding of immovable and movable cultural property is prescribed by various legislative provisions and principally by Act No. 17 of 10 June 1919 "on the safeguarding and protection of monuments, museums, excavations and other works of antiquity and art" and by the Regulations relating thereto of 7 July 1919. The aforesaid Act establishes measures of a general character and also provides for the formation of a Commission having the task of tracing and recording monuments of cultural and artistic nature, as well as those of historical, archaeological or scientific importance in the Republic of San Marino.

The Law declares to be non-transferable immovable and movable property of historical, archaeological, paleontological and artistic importance belonging to the State, to religious brotherhoods, to ecclesiastical corporate associations and to recognized corporate societies (Articles 1 and 2); it stipulates that:

the sale or exchange of the property referred to above may be effected only between the bodies concerned subject to authorization by the "Congress of Studies" and subject to consultation with the Government Commission for the conservation of monuments and objects of antiquity or art, established by the Law in question (Article 2);

the complete enumeration and description of the property specified in Article 1 must be supplied to the Commission through the officials of the government, parish priests, rectors of churches and all administrators of corporate societies in general;

other owners or holders of property corresponding to the criteria specified above may not sell such property without having consulted the Commission; such consultation is imperative in the case of property intended to be transferred abroad (Articles 11 and 14);

in the case of the sale of cultural property, the government may acquire such property at the price stipulated in the contract of sale, and if any controversy is involved the price may be fixed by an *ad hoc* Commission of Experts (Articles 12 and 15);

in the case of demolition, restoration or other operations, the owner must always request authorization by the Commission which in certain cases may even be refused (Article 16).

The Government Commission for the preservation of monuments and objects of antiquity and art shall comprise at least 12 members appointed by the General and Grand Council, i. e. Parliament (Section II, Article 25 et seq.).

The Commission shall also be competent to adopt measures of a penal character (fines) for the

prevention of violations of the Act (Section III, Article 25 etc.).

Other Acts contain provisions regarding the composition of the aforesaid Commission (Acts of 22 March 1926, No. 8 of 31 March 1944, Act No. 22 of 13 August 1960).

Article 11 of the last-mentioned Act, referring to the subject matter of this Report states:

"Within the wall of an enclosure and in their immediate vicinity, new construction, extension and restoration work must not depart in principle from the simple character of the existing architecture and must avoid adopting on the outside of the buildings a style which conflicts with the character of the ancient place concerned, while, above all, maintaining the colour appropriate to the area".

The Regulations of the Commission of Public Works, of Buildings and of the Conservation of Monuments, Works of Antiquity and Art (Order of 28 April 1961, No. 15) state in Articles 20 and 21 that:

"Special functions of trusteeship and safeguarding are entrusted to the Commission for the Conservation of the Monumental, Artistic and Cultural Heritage of the Republic. This Commission shall stimulate and sponsor studies, researches, excavations and restorations and shall make provision for measures for the safeguarding of every work or object of importance to art in general, to archaeology, numismatics and to history.

It shall ensure respect for the laws in force and impose penalties against parties contravening the law.

It shall propose financial measures on the part of the State for attaining the aforesaid objectives (Article 20).

It shall devolve upon the Commission to adopt or propose such measures that new buildings do not alter the traditional character of centres most frequently visited by tourists, and that the aesthetic character of the mountain and its structure shall be safeguarded". (Article 21).

The Commission has been entrusted with the study of measures necessary for ensuring the effective application of the Convention for the Protection of Cultural Property in the Event of Armed Conflict and to propose to the government that those measures be adopted, while in San Marino the promulgation of special laws is not necessary in principle. As a matter of fact, the International Conventions signed by the Republic acquire the force of law inside the country by the fact of their ratification by the Grand Council; the texts signed at The Hague were published after ratification in the "Official Journal".

In particular, the government has recommended to the Commission primarily to prepare a list of