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Searching for monuments and treasures – is it legal?

Fascination

Searching for monuments and treasures has always been amazingly exiting. The secret, a sealed book of history and just same possibility of trophy, which are everytime connected with such an amoteurish archeology, has appealed lots of non-profesionalists, who just like the heroes of novels wanted to discover something on land and under water as well.

If their efforts materialize, wanting of appropriation make that each places, in which any not up to now found monuments occure, were immediately robed. Specially it refers to undre-watered monuments, like the wreck of ships (for example „Steuben”), where everyone taking part in this untypical dive wants to have something „for a keepsake”. The devastations are terrific.

European Conwency about Protecting Archeological Heritage

It was writen and issued to protect all the traces of the past. Made in La Valetta on the 16th of January 1992, it was accepted by most of countries in Europe.

The archeological heritage is treated there like a proof of the history, a source of the collective european remembrance from all the pasted epoches– also useful for scientific and historical studies. Because of this amatoric searching for monuments, carrying on any studies on our own is compeletly forbidden.

Moreover, if we accidentally find any source of the past, we have to immiedately inform about it any State organ, which will deliver it to competent institutions (article 2).

Each country, which accepts this conwency has to prevent illegal exavations and eventual removing of the found treasures . To the duty of the country belongs also informing about all the illegal exavations to make impossible (even by museums, what sometimes happens) buying illegally found treasures.

All the finds and exavations should be occupied only by qualified and special ogranizations. To prevent amotoric searching, it is forbidden to use – for example – metal detectors without the authorization given by the State organs.

However the convenience does not limit the access of the citizens to the archeological studies – the boot is on the other leg. The aim is just protecting us – sometimes the treasures can be really dangerous, like the bombs from the second world war found in the woods- and the historical finds. And that is why there is the duty of the country to make this access possible to create the historical consciousness among the nation

Polish Act about the Protection of the Monuments

Alike about this protection says polish act from the 23rd of July 2003. Here also all the amateurish researches and studies are illegal.

However it is not said that it is impossible – if somebody wants to realize such studies, he has to ask for the authority from the provincial conservator of monuments - it refers to the studies and using implement as well (for example the metal detectors or diving implement) and if the studies refers to the territory of the sea the authority should be also accepted by the principal of the sea department.

Sanctions for not abiding to the law and the duties

Everyone who without such an authority makes any researches and studies is under the sanction of arrest, limit of freedom, fine or the used implement can be taken away (there is also the fine for not to informing the State organs about the find).

We also should have the consciousness that every conservator or archeological measures are financed by the person who got that authority and who those researches carried on. That is why lots of people who decide to initiate such researches are organized into associations (like for example the organization National Geographic, which thanks to huge financial means can make an expedition to almost every place on the Earth and provide all the researches and studies).

Profits from the find

Everytime the found thing becomes a State property (about what says also article 189 of the civil codex) and usually, if the protection of the monument can be guaranteed, it is given to the museum as a deposit.

If somebody who accidentally found any monument (is does not refer to professionals or organized to such researches groups), does one's duty (connected with informing State organs and basic protecting the find), can receive the prize (which base is also article 189 of the civil codex and 285 sea codex). But it is obligatory to immediately inform the State organ about wanting getting the price (about which says also article 290 sea codex).

This matter is also regulated by the command of the Minister of culture from the 1st of April 2004 in case of prizes for finding or discovering archeological monuments. Here also accented is completely accidental find.

Provincial conservator of monuments informs the General Conservator of monuments, who after valuation the worth of the find, at last 2 months after, informs the Minister of Culture. About the form of the prize – financial or a diploma decides the Minister in 2 weeks. Financial price is given when there is quite big worth of the treasure, though it cannot be more than 25 times medium payment in Poland. However, if the worth is really huge – then the price can get up to 35 times the medium payment. If few people take part in the discovering, the price is divided through them according to the contribution to a cause of each of them. And the money come from the State budget from the ministry of culture part. In other cases the diploma is the price

The obscure passage provoking evading the law

Here comes out a controversial element – from which concret worth the financial price is given? Moreover, the real worth of the monument or treasure is discovered after quite long time of renevation, studies and consultations – and here all of the notices are quite short.

What is more, lots of people know that very often by scarping the find, they can profit much more than from this prize given by the Minister – if they get anything at all.

However in this moment we should realize, that the historical and archeological find can be useful also for the next generations, maybe later it will become an important proof, element.

Worthy adventure

Searching for treasures is an incredible experience appealing lots of people. However it is necessary to ask ourselves if we can search in a really professional way, without any possibility and danger of demanging the find, do we have enough financial means and goodwill to have our own share in the culture and historical heritage of Poland and Europe – and not pursuing one's private interests.

It is amazingly important what we hand down to next generations – the wealth of sources of the past or poverty – also patriotic. That is why none should treat history like a play and the most primitive step to reach very prosaic aims. If we love the history of the continent where we live so much – let's respect its sources.

Bibliography

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2. The act about Protecting the Monuments, made on the 23rd of July 2003 (Polish official gazette announcing current legislation – “Dziennik Ustaw” number 162, position 1568),
3. The command of the Minister of Culture, from the 1st of April 2004,
4. The civil codex – the standardized act from the 23rd of April 1964,
5. The sea codex – the standardized act from the 18th of September 2001.

Searching for monuments and treasures – is it legal?

Abstract

Searching for monuments and treasures is treated like a hobby, season enjoyment by most of people. Unfortunately, sometimes dangerous and making more destruction and harms than usefulness. However existing richness of sources of the past is very important for people and that is why, to protect the security of people and monuments as well, there are gone lots of law acts out.

Beginning from the certainly binding international law – like European Convention of Protecting archaeological Heritage made in La Valetta on the 16th of January 1992, through the national acts – like in this case the act about protecting the monuments from the 23rd of July 2003, to the detailed acts like the command of the Minister of Culture about the prizes given for finding or discovering archaeological monuments from the 1st of April 2004.

All of those documents forbid amateur searching for treasures, but there is such a possibility, after an agreement of suitable State organ. Immediately it puts the person under lots of obligations and financial costs like in the case of having to do some conservatoring works. Moreover, the accidental finders are priced – proportionally to the worth of the found treasure.

All the acts want to build the co-operation with the people, team-work with the State organs and though there are some obscure passages and gaps, which paradoxically insist on obeying the law, they should make the development the interests of archeology and history, making the historical consciousness and patriotism. So the past serves the future.

Poszukiwanie zabytków i skarbów – czy to legalne?

Streszczenie

Poszukiwanie zabytków i skarbów przez większość osób jest traktowane jako hobby, wakacyjna przyjemność. Niestety, czasem niebezpieczna, a jednocześnie często powodująca więcej szkód i zniszczeń niż pożytku. Jednakże kwestia istnienia bogactwa śladów przeszłości jest bardzo ważna dla ludzi i dlatego też, by chronić bezpieczeństwo tak ludzi, jak i zabytków, zostają wydane różne regulacje prawne.

Począwszy od bezwzględnie wiążącego prawa międzynarodowego – jak Europejska Konwencja o ochronie dziedzictwa archeologicznego sporządzona w La Valetta 16 stycznia 1992 roku, poprzez ustawy krajowe – w tym wypadku ustawa o ochronie zabytków i opiece nad zabytkami z 23 lipca 2003 roku, aż do regulacji szczegółowych, jak rozporządzenie ministra kultury o nagrodach przyznawanych za znalezienie lub odkrycie zabytków archeologicznych z 1 kwietnia 2004 roku.

Wszystkie te dokumenty zabraniają amatorskiego poszukiwania skarbów, ale dopuszczają taką możliwość za zgodą odpowiednich organów. Jednocześnie powoduje to nałożenie wielu obowiązków i obciążeń finansowych w choćby przypadku konieczności przeprowadzenia prac konserwatorskich. Ponadto nagradzani są przypadkowi znalazcy – stosownie do wartości odkrytego skarbu.

Wszelkie akty nastawione są na współpracę z ludźmi, współdziałanie z organami państwowymi i mimo występujących niejasności oraz luk, czasem paradoksalnie zachęcających do omijania prawa, mają powodować rozwój zainteresowania archeologią i historią, tworzeniem świadomości historycznej oraz patriotyzmu. Tak by przeszłość służyła przyszłości.