

African Union, African Regional Bodies

Recommendation on the draft African Union Model Law on Protection of Cultural Property and Heritage

Legislation as at 18 May 2017

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African Union

Recommendation on the draft African Union Model Law on Protection of Cultural Property and Heritage

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Commenced

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THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 (1) of the Constitutive Act of the African Union on the promotion of sustainable development at the economic, social and cultural levels; and the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to inter alia facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

RECALLING the African Union Charter for African Cultural Renaissance, the Universal Declaration of Principles of International Cultural Co-operation, the Pan-African Cultural Manifesto of Algiers, the Convention on the Protection of Cultural Property in the Event of Armed Conflict, the Convention Concerning the Protection of World Cultural and Natural Heritage, the Convention on the Protection and Promotion of Diversity of Cultural Expressions, and the Decision of OAU Summit on the establishment of the African Academy of Languages;

RECALLING also the African Union Agenda 2063 Aspiration 5, which envisages ‘an Africa with a Strong Cultural Identity, Common Heritage, Values and Ethics’;

RECALLING FURTHER Decision EX.CL/974 (XXIX) calling on AU Member States, the Pan-African Parliament, RECS and other stakeholders to engage in the process of development and popularization of the AU Model Law on the Protection of Cultural Property and Heritage;

DEEPLY CONCERNED by the depersonalisation and falsification of part of the African peoples and their history as well as cultural domination during the slave trade and the colonial era, the destruction, illicit trafficking and looting of African cultural property and heritage within the continent and beyond,

ACKNOWLEDGING that any African cultural policy should of necessity enable peoples to evolve for increased responsibility in its development; and that culture should be regarded as a set of distinctive linguistic, spiritual, material, intellectual and emotional features of the society or a social group, equally entitled to respect just as all individuals are equal as regards free access to culture;

CONVINCED that the African unity is founded first and foremost on its history, and that the protection and preservation of African cultural property and heritage is a shared and common priority for the African Union Member States, Civil Society Organizations and all peoples of Africa

NOTING the noble initiative taken by African Union Commission Department of Social Affairs to develop a Model Law on the Protection of Cultural Property and Heritage;

NOTING WITH SATISFACTION the presentation of the Draft African Union Model Law on the Protection of Cultural Property and Heritage made before the PAP’s Committee on Education, Culture, Tourism and Human Resources and to the Plenary;

IN ACCORDANCE WITH Rule 5 (d) of the Rules of Procedures of the PAP, which authorises the PAP to make recommendations and formulate resolutions on any matter relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;

NOW HEREBY RECOMMENDS THAT:

1. The African Union Policy Organs adopt the Draft AU Model Law on the Protection of Cultural Property and Heritage and urge AU Member States to adopt it and/or bring relevant national legislations in line with the AU Model Law;
2. The Regional Economic Communities (RECs) support the popularization of the AU Model Law on the Protection of Cultural Property and Heritage and urge also their respective Member States to adopt and/or bring their relevant national legislations in line with it:
3. All Member States to domesticate and mainstream the Model Law in their national legislations.
4. Encourage Member States to eliminate onerous clauses in their national laws impeding on cultural diversity rights or contributing to cultural domination and falsification;
5. The National Parliaments, Civil Society Organizations and all other stakeholders to ensure the protection and preservation of national cultural property and heritage;
6. The PAP to develop a framework to guide the collaboration with National Parliaments in monitoring and evaluating progress on the adoption and/or use of the Model Law on the Protection of Cultural Property.

Adopted at Midrand, South Africa 18 May 2017