DRAFT CONCEPT NOTE FOR THE CONTINENTAL CONSULTATIONS ON THE RESTITUTION OF CULTURAL PROPERTY AND HERITAGE

THE EXPERTS’ WORKSHOP ON THE RESTITUTION OF CULTURAL PROPERTY AND HERITAGE DAKAR, SENEGAL 30TH NOVEMBER – 2ND DECEMBER 2021
I. BACKGROUND

1. Since its inception as the Organization of African Unity (OAU) in 1963, African Union has placed culture at the heart of human-centred, inclusive and sustainable development and as an essential investment tool towards achieving poverty eradication. The process took into cognizance national, regional, continental and global initiatives in the promotion, protection and restitution of cultural property and heritage.

2. These initiatives include international laws/instruments and mechanisms such as the United Nations Educational Scientific and Cultural Organization (UNESCO) Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its First Protocol (1954) and Second Protocol (1999); the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970); ECOWAS Regional Action Plan for the Return of African Cultural Artefacts to their Countries of Origin (2019-2023); the International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects (1995); among others and encourage ratification and domestication of those instruments to its Member States.

3. There are several other legislations which protect Cultural Property such as the UNESCO Convention for Protection of the World Cultural and Natural Heritage (1972); the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001); the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003); International Council of Museums (ICOM) Code of Ethics for Museums (2004); the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The importance of protection of cultural property and heritage is also stipulated in the Charter for African Cultural Renaissance (2006); the African Union Plan of Action on Cultural and Creative Industries (2008); the 2nd Pan-African Cultural Congress (PACCII) Report and Consensus Statement on the Inventory, Protection and Promotion of Cultural Goods (2009); as well as the African Union Agenda 2063.

4. African Union Agenda 2063, the Africa We Want Aspiration 5 is to have an ‘Africa with a strong cultural identity, common heritage, shared values and ethics’. The importance of the protection of cultural diversity and the promotion of cultural pluralism through safeguarding tangible and intangible cultural property and heritage has been clearly stipulated in the Charter for African Cultural Renaissance (2006). The charter calls upon Member States to take steps to put an end to the pillage and illicit traffic of African cultural property and ensure that such cultural properties are returned to their countries of origin. The Charter also calls upon African States to ratify the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Convention for the Safeguarding of the Intangible Cultural Heritage.
5. Following the Executive Council Decision EX.CL/Dec. 921(XXIX), the process to develop the African Union Model Law on the Protection of Cultural Property and Heritage was initiated. According to the AU Model Law on the Protection of Cultural Property and Heritage, cultural property and heritage means movable and immovable cultural property including any object, as well as any monument, group of buildings, site or structure of any other kind, whether situated on land or underwater or removed thereof, which is on religious or secular grounds, classified or defined as archaeology, prehistory, ethnology, history, literature, art or science. Cultural property and heritage represents aspects of our natural environment, political, social, economic and religious dimensions of our ways of life and provides a diversity of indispensable sources of information for the education, study and research for the evolution of humankind.

6. With such safeguarding broad legal frameworks regionally and globally, what is lacking is the roadmap on how to enforce such laws, regulations and treaties in the protection of cultural property. Hence the Continental Experts’ Workshop on the Restitution of Cultural Property and Heritage is expected to develop key instruments and guidelines to facilitate the return of illicitly trafficked cultural property from the continent.

II. RATIONALE
7. Cultural property in Africa have been plundered and acquired illegally through trafficking and mostly during wars and armed conflicts. Lack of mechanisms and systemic structures on how to protect them has been a fundamental challenge. In order to holistically protect and preserve cultural property in Africa, there should be mechanisms in which cultural property protection becomes the responsibility of citizens, communities, societies and states. One of the proposed mechanisms is to have a framework for action on the negotiations for the return of illicitly trafficked cultural property from the continent. The process of developing such a framework should be supported by a position paper which articulates the importance of restitution of cultural property.

III. THE AIM OF THE EXPERTS’ WORKSHOP ON THE RESTITUTION OF CULTURAL PROPERTY AND HERITAGE
8. The aim of the Expert’s Workshop on the Restitution of Cultural Property and Heritage is to bring together continental experts in the area of restitution of cultural property and heritage to draft a position paper on the restitution of cultural property as well as to produce a framework for action on the negotiations for the return of illicitly trafficked cultural property from the continent. Both documents will be submitted to the high level event for endorsement.

IV. SPECIFIC OBJECTIVES OF THE EXPERTS’ WORKSHOP ON THE RESTITUTION OF CULTURAL PROPERTY AND HERITAGE
9. The objectives of the Experts Workshop on the Restitution of Cultural Property and Heritage are to:
   i. Develop a position paper on the Restitution of Cultural Property
ii. Produce a Framework for Action on the Negotiations for the return illicitly trafficked Cultural Property from the Continent;
iii. Support restitution policies for cultural property in Africa.
iv. Establish networks of African cultural experts, policy makers, dealers, auctioneers, museum curators and individual buyers among others, working in the area of combating illicit trafficking in cultural property and heritage

V. EXPECTED OUTCOMES
10. The expected outcomes of the Expert Workshop on the Restitution of Cultural Property are:
   i. The position paper on the Restitution of Cultural Property developed;
   ii. Framework for Action on the Negotiations for the return of illicitly trafficked Cultural Property from the Continent produced;
   iii. Restitution policies for cultural property in Africa supported;
   iv. Networks of African cultural experts, policy makers, dealers, auctioneers, museum curators and individual buyers among others, working in the area of combating illicit trafficking in cultural property and heritage established.

VI. PROGRAMME, PROPOSED DATES AND VENUE
11. The proposed dates for the Experts’ Workshop on the Restitution of Cultural Property are 30 November to 2nd December 2021 in Dakar, Senegal.

IV. PARTICIPANTS
12. Participants will be experts and decision makers from Member States working in cultural heritage protection, policy, museums among others.

V. LANGUAGES
13. The languages of Continental Consultations on the Restitution of Cultural Property and Heritage will be English, French, Portuguese and Arabic.

VI. CONTACTS
14. For any additional information kindly contact:
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