



General Conference

34th session, Paris 2007
Draft resolution

Генеральная конференция

34-я сессия, Париж 2007 г.
Проект резолюции

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United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Conférence générale

34^e session, Paris 2007
Projet de résolution

المؤتمر العام

الدورة الرابعة والثلاثون، باريس ٢٠٠٧
مشروعات القرارات

Conferencia General

34^a reunión, París 2007
Proyecto de resolución

大会

第三十四届会议，巴黎，2007年
决议草案

34 C/DR.22*
(COM.CLT)
3 October 2007
Original: English

Item 4.2 of the provisional agenda

Amendment to the Draft Programme and Budget for 2008-2009 (34 C/5 2nd version)

Submitted by **INDIA**

Co-sponsored by **ALBANIA, BENIN, ETHIOPIA, GREECE, ITALY, IRAQ, LIBYAN
ARAB JAMAHIRIYA**

Part II.A – Programmes:

Major Programme: IV CULTURE

Resolution No.: 04000

Biennial sectoral priority 1 Promoting cultural diversity through the safeguarding of heritage in its various dimensions and the enhancement of cultural expressions

Paragraph: (a)(iii)

Budgetary implications indicated by the sponsor: None

Source of financing proposed by the sponsor: –

Proposed modification:

- (iii) strengthening the protection of cultural property through the conservation of collections and improved protection of endangered movable cultural property; promoting heritage conservation practices and museum policy development in particular through the publication of the review *MUSEUM International*; to ensure that there is no deviation and unauthorized shift from UNESCO policy and decision of the General Conference at its 33rd session as being made to propagate that cultural objects were safer in developed countries and countries of origin could have access through digitization or digital images of the work as it would go against the very spirit of the 1970 Convention; promoting the fight against illicit trafficking in cultural property and the return or restitution of such cultural property to its country of origin in the spirit of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1995

* This proposal was received by the Secretariat on 31 August 2007.

UNIDROIT Convention; strengthening the protection of the underwater cultural heritage in the framework of, in particular, the 2001 Convention; highlighting the role of IGC for promoting the return of cultural property to its countries of origin or its restitution in case of illicit appropriation as a useful forum to take up cases that could complement the bilateral mechanisms for promoting the return of the cultural property in the process since the provision of the 1970 Convention and the UNIDROIT Convention are not retroactive.

Explanatory note:

Article 11 of the 1970 Convention clearly defines “as illicit, the export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power”. We should try to negotiate and impress in the IGC for acceptance of this principle. It is in the interest of India to give sanctity to IGC in implementation of the 1970 Convention and also relating to negotiations under ICPRCP since the provisions of the 1970 Convention and the UNIDROIT Convention are not retroactive. The negotiations in IGC of ICPRCP remains the most interesting of UNESCO channels for India and other developing countries since it has wide scope and is not bound by time period limitations hence it can take up the cases for restitution of cultural property removed during the colonial period no matter under what circumstances. It could be a useful forum to take up cases that could complement, although definitely not replace, the bilateral mechanisms and could serve as a sort of “fall back option”.

A public debate was organized by UNESCO in February 2007 on new challenges facing museums which was attended by directors of three leading museums of the world including the British Museum and the Louvre. The representative of the British Museum was of the view that cultural objects were safer in developed countries and countries of origins could have access through digitized or digital images of the work. This is a deviation and unauthorized shift from UNESCO policy and decision of the General Conference at its 33rd session. We need to ensure that this shift in UNESCO policy does not take effect. We must ensure that museums in developing countries need all the support from UNESCO so as to ensure the preservation and return of cultural objects to the country of origin.