

## **REVISED PROJECT PROPOSAL**

### **UNESCO Cultural Heritage Laws Database**

#### Basic Information

UNESCO's Section of Museums and Cultural Objects, in the Division of Cultural Objects and Intangible Cultural Heritage (CLT/CIH), is responsible for the **UNESCO Cultural Heritage Laws Database**, which permits users to access national legislation protecting cultural heritage on the UNESCO Web site (<http://www.unesco.org/culture/natlaws>), as provided by UNESCO Member States.

For an efficient fighting against illicit trafficking in cultural property, and in order to protect cultural heritage in general, it is very useful to have current national cultural heritage legislation easily available on the Web. Law-makers, lawyers, police and customs officers, art and antiquities dealers, especially in the international art market, as well as private individuals need to consult the laws and regulations related to importation, exportation and ownership of cultural property in any given State.

The Database provides a quick international access to national cultural heritage legislation, offering better protection to cultural property. In addition to the legislation, contact information and Web links, if made available, are also provided for each State.

To date, about **802 legislations of 114 Member States** are published on line on the UNESCO Cultural Heritage Laws Database Website.

The usefulness and success of the database greatly depend on three factors:

1. User-friendly home page, fast response to the request and easy navigation based on search patterns and word search through legislation;
2. Linguistic diversity (original language of the legislation completed by an official translation in English, French and other languages);
3. Active promotion strategy among Member States (for inclusion of complete cultural heritage legislation from as many countries as possible, and, especially, all major source countries) and the general public.

Based on these priority requirements, this proposal has been elaborated to present the methodology and a budget estimate of the project to support the improvements of the current database on four major levels:

#### 1. Upgrading of the Database software

The Database software was upgraded to include multi-lingual word searching, a security mechanism to prevent the copying of files and user-friendly search patterns.

A French company recommended by UNESCO IT specialists, Excellent Rameur (located in Montpellier, France), was awarded a contract to develop a customized database that will meet our purposes and needs.

A Fee Contract will be issued very soon to this company (Excellent Rameur) in order to simplify the procedure for the addition of files (administration interface). Moreover, the Software Developer will be in charge of adding ISO codes for countries and creating a geographical map to facilitate the search in the Website.

#### 2. Official Translation of Legislation

Member States are requested to provide their legislation in its original language and are strongly encouraged to provide an official translation into English and/or French.

Therefore obtaining official translations into one of these two languages is extremely important but very time-consuming.

The funds requested will be used to finance translations into English of texts dealing with tangible and preferably movable cultural property. In reference to the list of Priority Countries established by the US Department of State and following the approval of the additional budget, translation contracts will be issued for approximately 11 countries to produce English version of their national legislation.

Several UNESCO Member States have indicated that they require UNESCO's assistance to produce official translations of their national legislation. UNESCO would like to finance translations that would then be officially approved by the State in question, and thereafter posted on the database.

The global cost of translation is difficult to estimate as it depends obviously on the total number of texts submitted and their length.

### 3. Promotion

In December 2003, UNESCO's Director-General issued a circular letter to all Member States announcing the establishment of the database and requesting the submission of legislation in electronic format to the UNESCO Secretariat for inclusion on the database. Additionally, the Assistant Director-General for Culture sent two circular letters in December 2006 and August 2007 to all Member States reminding them to submit their legislation as well as an Information Letter to all UNESCO Field Offices requesting their assistance in this endeavour.

The Database has also been promoted at several international meetings hosted by UNESCO, such as the thirty-four session of UNESCO General Conference (October-November 2007), the third plenary session of International Coordination Committee for the Safeguarding of the Cultural Heritage in Iraq (November 2007), the Information Meeting on the 2001 Convention of the Protection of the Underwater Cultural Heritage (November 2007), the closing Session of the Conference on restitution of Cultural Heritage (December 2007) and the Athens International Conference on the "Return of Cultural Property to its Country of Origin" (March 2008).

Regular promotion, frequent communication, and various kinds of assistance are required to obtain complete submissions for the Database in the requisite format and to inform the overall public of its usefulness. Such promotion must therefore be carried out among UNESCO Member States as well as targeted audiences. In particular, additional reminder letters, telephone contacts and general assistance to States are needed. Promotional activities (such as flyers on the Database, promotional packages, specific information briefs, articles, press releases and summaries of Database's documents for dissemination to the overall public) should also be designed and circulated.

Some other Member States did not provide complete legislation under its original language version or they did not specify the adequate necessary contact information and/or their Web links. Complete details are requested to enable users to contact the appropriate authorities in the State concerned if necessary. Likewise we can provide the user with a direct link to State's official websites for additional information. In order to better serve the needs of the Database users, it will be mentioned at what date every law was entered into force specifying if this has been achieved by a specific decree or directly defined by the law.

#### 4. Administrative and Technical support

A full-time Administrative Support Personnel is required to launch the promotion policy to assist with promoting the Database, to enter data, to provide technical database support, and to follow-up official translations. The administrative support personnel would contribute greatly to build a fully operational Database as a major international source of information on cultural heritage laws. A contract for a full-time position to achieve these tasks is estimated at an approximate amount of US \$126,000 for 18 months.

Some Member States have provided their legislation in hard copy. All these documents have been inventoried and should be scanned and OCRized to be integrated in the Database.

Some other Member States did not provide complete legislation in its original language version or they did not provide adequate contact information or their official web links. Complete contact and web site information is requested to enable users to contact the appropriate authorities in the State concerned if necessary or to open direct links to the State's official websites for additional information. Likewise we can provide the user with a direct link to State's official websites for additional information. In order to better serve the needs of the Database users, the date that each current law entered into force will be indicated, specifying if this was achieved by a specific decree or directly defined by the law.

Since the Database contains current cultural heritage laws submitted by Member States, but not earlier legislation and regulations which may have claimed state ownership of cultural objects or regulated their export, it will not be possible in some instances to determine the legal status of specific objects from the legislation submitted. For this reason, States will be asked to provide all legislative history bearing on determinations of legal exportation and/or ownership of cultural objects. Since this legislative history takes different forms and may be provided in different formats, the instructions to be provided to the submitting Member States will be formulated based on consultations with cultural heritage law specialists.

This issue will be brought to the attention of Database users by the following addition to the Disclaimers section of the Database web site:

*It is the responsibility of each Member State to make available to the United Nations Educational, Scientific and Cultural Organization (UNESCO), in the most accurate and up-to-date form possible, the laws in force, applicable import/export certificates, contact details for the competent national authorities and the full address of the official websites dealing with protection of the cultural heritage. In case any of this information changes, it is up to the Member State concerned to provide UNESCO with the new version to enable UNESCO to update its website.*

*It should be noted that since the Database contains current cultural heritage laws submitted by UNESCO Member States, but not earlier legislation and regulations which may have claimed ownership by the country of origin of cultural objects or regulated their export, additional research or contact with the national authorities of the source country may be necessary to determine the legal status of specific objects.*

**APPROVED ADDITIONAL BUDGET BREAKDOWN FY 2008-2009:**

1.	Translation of legislation from approximately 11 States <sup>1</sup>	US \$ 55,035
2.	Fee Contract for completing the Software upgrading	US \$ 3,000
3.	Contract for one full-time Administrative Support Personnel (P1-18 months)	US \$126,000
4.	Promotion (Leaflets and Posters)	US \$20,000
5.	Contract for OCRizing UNESCO archives	US \$ 8,000
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	Subtotal	US \$ 212,035
	13 % programme support cost of total to cover direct project costs and contribute to UNESCO expenses for technical and administrative supervision	US \$27,565
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	TOTAL	US \$239,600

<sup>1</sup> Countries to be contacted for translation contracts in 2008/2009 are: Algeria, Bolivia, Bulgaria, Burkina Faso, Cameroon, Columbia, Dominican Republic, El Salvador, Hungary, Ivory Coast, Macedonia, Panama, Syria, Vietnam