



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

9th DRAFT

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PRELIMINARY

Preamble

The Preamble shall be an integral part of this Law and shall have the same force as any other provision thereof.

The African Union,

RECALLING Executive Council Decision EX.CL/Dec. 921(XXIX) on the development of the African Union Model Law on the Protection of Cultural Property and Heritage;

RECALLING FURTHER 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); and the African Union Agenda 2063;

NOTING 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); the UNESCO Convention for Protection of the World Cultural and Natural Heritage (1972); the International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects (1995); 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);

CONVINCED that 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; therefore its protection and preservation is the responsibility of citizens, communities, societies and States;

RECOGNISING the importance of the protection of cultural diversity and the promotion of cultural pluralism through safeguarding tangible and intangible cultural property and heritage;

COMMITTED to the African Union Agenda 2063; placing culture at the heart of human-centred, inclusive and sustainable development, as an essential investment tool towards achieving poverty eradication;

CONSCIOUS of the need to effectively protect cultural property and heritage in times of war and armed conflicts;

RESOLVED to devise ways and means for the full protection and preservation of cultural property and heritage;

Hereby formulates the following Model Law as a Guide for African Union Member States:

Article 1

Title

This law shall be cited as “AU Model Law on the Protection of Cultural Property and Heritage” (hereinafter referred to as “the Law”).

Article 2

Definitions

In this Law, unless the context otherwise requires:

“acquisition” means acquiring or gaining possession of a cultural property and heritage;

“community” means a small or large social unit that share common norms, religions, values or identity;

“copy” means a reproduced version or recreated identical or almost identical version of an original 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” the meaning assigned to it in the UNESCO 1970 “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property”;

“cultural rights” means the freedom for each human being to choose and express one's cultural identity, appreciate and participate in cultural expressions

and access cultural references, as necessary resources in one's identification process;

“Custodian” means a person or a community entrusted with safeguarding and, in possession of and is guardian or caretaker of a cultural property or heritage;

“de-accession” means the official removal of cultural items from a public collection;

“de-registration” means the removal of a cultural property and heritage previously listed in a register

“digitization” means conversion of analogue information such as text, photographs, voice, into digital form;

“easement rights” means the right to use real estate adjacent or immediate surroundings the area of cultural property and heritage;

“excavation” means the exposure, retrieval, processing and recording of archaeological remains;

“expropriation” means an act by the State taking ownership and possession of a privately-owned property for public interest;

“inspector” means a person appointed by the competent authority to serve as an officer responsible for enforcing any aspect of the law regarding the protection of cultural property and heritage;

“inventory” means a list containing vital information of cultural property and heritage;

“lending” means approval to temporarily displace, exchange or move a cultural property or heritage from its place of origin to another;

“licence” means an official document granting permission to use, displace, excavate or exhibit cultural property and heritage;

“object ID” means an international minimum standard for describing cultural objects developed by J. Paul Getty Trust in 1993, and adopted by the International Council of Museums (ICOM) in 2004;

“register” an official record of information about cultural property and heritage;

“registration” means the process of documenting cultural property and heritage in the national register;

“repatriation” means the process of retrieving and returning illegally acquired cultural property and heritage to its country or place of origin;

“replica” means a reproduced professional copy of an original cultural and heritage item;

“rescue archaeology” means the process of excavating or collecting archaeological data and materials from a site in danger of imminent destruction;

“restitution” means payment of compensation and restoration of cultural property and heritage to its original condition;

“trafficking” means illegal dealing or trading in cultural property and heritage;

“underwater cultural heritage” bears the same meaning assigned to it under Article 1 of the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001);

“undiscovered object” means cultural property and heritage not yet discovered, including those located under the soil or water of archaeological, pre-historical, literary or scientific value to people;

“warden” means a person entrusted with the oversight of cultural property and heritage in a community.

Article 3 Objectives

The objectives of this Law are to institute, regulate and strengthen the protection of cultural property and heritage, including those that are yet to be discovered, and to establish State ownership thereof.

Article 4 Scope

This Law applies to protection and preservation of cultural property and heritage in the Member States of the Africa Union.

Article 5 Protection

(1) Any cultural property and heritage shall be protected against any form of violation, including:

- (a) trafficking and illicit transactions;
- (b) theft;
- (c) damage, destruction or disfiguration caused either intentionally, or negligently;
- (d) unauthorised export or commercial or non-commercial transactions involving cultural property and heritage;
- (e) any form of treatment or disposal of cultural property and heritage deemed to be intentionally, or negligently offensive of any cultural, religious, non-religious, ethnic and spiritual traditions of its place of origin; or
- (f) Any other type of illegal activity involving cultural property and heritage as defined under this Law.

Article 6 **National Body**

- (1) A National Body shall be established that possesses legal personality.
- (2) The National Body shall be functionally and financially accountable to the relevant competent Authority of the State.
- (3) The National Body shall consist of the following organs:
 - (a) Governing Board; and
 - (b) Secretariat.

Article 7 **Governing Board**

(1) Composition

- (a) The Governing Board (hereinafter referred to as the Board) shall comprise a Chairperson and members appointed by the Head of State or Government, subject to approval by Parliament.
- (b) Members of the Board shall be persons of proven integrity, knowledgeable in cultural property and heritage matters.
- (c) Members appointed under sub-article (1) shall discharge their official duties in person.
- (d) The Chief Executive Officer of the National Body shall serve as the Secretary of the Board.

(2) Tenure of Office and Vacancies

- (a) Members of the Governing Board shall hold office for a period of five (5) years, renewable once.
- (b) A seat on the Board shall be vacant under the following circumstances:
 - (i) death;
 - (ii) resignation;
 - (iii) removal from office; and
 - (iv) three (3) consecutive absences from meetings of the Board without justification

(3) Powers

The Governing Board shall:

- (a) establish rules of procedure governing the conduct of its business;
- (b) establish a Scientific and Technical Committee, appoint and remove its members;
- (c) grant and revoke licences with regard to cultural property and heritage;
- (d) formulate regulations and guidelines to govern the registration, management, preservation and protection of cultural property and heritage;
- (e) investigate any misconduct that may amount to violation of the provisions of Article 5;
- (f) regulate the possession and management of cultural property and heritage;
- (g) oversee and regulate the financial management related to cultural property and heritage;
- (h) institute and defend administrative, civil or criminal proceedings;
- (i) grant and revoke permits to establish, equip, maintain and manage museums, galleries, and other outlets related to cultural property and heritage;
- (j) acquire and dispose of any assets and properties deemed appropriate;

- (k) exercise such other powers as necessary for the discharge of its functions; and
- (l) any other committees as established by the Governing Board.

(4) Functions

The following shall be the general functions of the Governing Board:

- (a) establish national principles, standards and policy for the identification, recording and management of cultural and heritage resources;
- (b) coordinate the management of the cultural and heritage resources by all agencies of the State and other bodies and monitor their activities to ensure that they comply with national principles, standards and policies;
- (c) identify, register and manage cultural property and heritage;
- (d) promote and encourage public awareness and appreciation of cultural property and heritage;
- (e) recruit, promote and discipline staff of the National Body;
- (f) ensure that relevant public institutions incorporate into their work programmes, contents for sensitization on the correct and proactive attitude towards cultural property and heritage;
- (g) regulate all matters pertaining to cultural property and heritage, museums, databases, storage and exhibitions;
- (h) regulate the establishment of production units for replicas of tangible cultural property for trade and distribution; and
- (i) perform any other relevant functions.

Article 8

Secretariat of the National Body

The Secretariat of the National Body shall consist of the chief executive officer and other employees.

(1) Chief Executive Officer of the National Body

- (a) The Governing Board shall appoint the chief executive officer of the National Body on such terms and conditions as it may determine;

- (b) the chief executive officer shall perform such duties as the Governing Board assigns to his/her office and ensure the effective administration and implementation of this Law; and
- (c) without prejudice to the generality of the responsibilities and duties of the chief executive officer conferred under (1), the chief executive officer shall be responsible for the day-to-day administration of the National Body.

(2) Staff of the Secretariat

- (a) The Governing Board shall appoint, on such terms and conditions as it may determine all staff as it deems necessary for the performance of the functions of the National Body; and
- (b) the Governing Board may delegate to the chief executive officer the appointment of staff as it deems appropriate.

(1) Functions of the Secretariat

The functions of the Secretariat shall include:

- (a) running the day-to-day activities of the National Body as approved by the Board;
- (b) executing the organisational strategy in line with the mandate of the Board;
- (c) managing the financial resources of the organisation in accordance with the approval of the Board, subject to financial regulations;
- (d) keeping proper records of proceedings of every meeting of the National Body: and
- (e) monitoring and evaluating services and operations regarding the protection and preservation of cultural property and heritage.

Article 9

Scientific and Technical Committee

- (1) The Scientific and Technical Committee (hereinafter referred to as “the Committee”) shall comprise:
 - (a) experienced independent cultural property and heritage experts;
 - (b) senior scholars or experienced researchers in the cultural sector;
 - (c) representatives of national law enforcement agencies; and

- (d) heads of technical directorates of the Secretariat.
- (2) The members of the Committee shall be appointed by the National Body.
- (3) The Committee shall advise the other organs of the National Body on all technical matters.
- (4) The Committee shall be accountable to the National Body and shall exercise the following functions:
 - (a) deal with all technical assignments referred to it by the Governing Board;
 - (b) advise and assist the National Body in the performance of the scientific and technical aspects of its functions, powers, and duties;
 - (c) be involved in monitoring and analysis of trends, national policies and international regulations related to the protection of cultural property and heritage;
 - (d) identify and classify cultural property and heritage as may be required from time to time;
 - (e) verify and advise the National Body on newly discovered cultural property and heritage; and
 - (f) advise the National Body on the activities relating to the protection, promotion and mainstreaming of cultural property and heritage within the context of sustainable development.

Article 10

Other Committees of the National Body

- (1) The National Body may, for the purpose of discharging its functions under this Law, establish such other committees and delegate to any such committee any of its functions as it deems necessary.
- (2) The National Body may appoint, as members of a committee established under (1), persons who are or are not members of the National Body and such persons shall hold office for such period as the National Body may determine.

- (3) Subject to any specific or general direction of the National Body, a committee established under (1) may regulate its own procedure.

Article 11 **National Forum**

- (1) The Secretariat shall convene a National Forum annually for the purpose of inclusive participation of stakeholders.
- (2) The National Forum shall comprise stakeholders in the promotion and protection of cultural property and heritage including: experts, researchers, civil society organisations and local communities who are involved in safeguarding of cultural property and heritage.
- (3) The National Forum shall exercise the following functions:
- (a) consider updates from the Secretariat on activities with respect to the protection of cultural property and heritage;
 - (b) appraise the activities of the Secretariat with respect to the conservation of national cultural property and heritage;
 - (c) exchange information on matters relating to the protection of cultural property and heritage;
 - (d) recommend to the Secretariat methodologies and mechanisms for the development and improvement of the system for protection of cultural heritage; and
 - (e) support the Secretariat in fundraising activities.

Article 12 **Community Forum**

- (1) The Secretariat shall convene, at the local level, quarterly community fora for the purpose of inclusive participation of stakeholders.
- (2) The community forum shall comprise stakeholders at the local level, including: local councils, community leaders, and opinion leaders.
- (3) The community forum shall be convened across the country at locations accessible to members.
- (4) The community forum shall:
- (a) provide local authorities and communities with a participatory platform to be involved in the promotion and protection of cultural property and heritage;

- (b) serve as an advisory assembly to the Secretariat on, environmental sustainability and integrity of cultural property and heritage located within its locality;
- (c) advocate for and raise public awareness on the importance of cultural property and heritage;
- (d) advise on the economic benefits of protecting cultural property and heritage to local communities;
- (e) organize volunteer services for intelligence gathering for safeguarding of cultural property and heritage; and
- (f) recommend to the Secretariat individuals that could be appointed as wardens.

Article 13 **Finances and Records**

(1) Sources of Funds

- (a) The sources of funds for the National Body shall include:
 - (i) public funds;
 - (ii) grants;
 - (iii) donations;
 - (iv) Loans; and
 - (v) other funds vested in or accruing to the National Body;
- (b) The State shall adequately fund the National Body to enable it to function effectively and efficiently.

(2) Financial Year

The financial year of the National Body shall be as specified by the competent Authority and published in the official journal.

(3) Financial Records

- (a) The National Body shall maintain proper records relating to its financial transactions.
- (b) The competent authority shall appoint independent auditors annually to audit the accounts of the National Body.

(4) Annual Reports

- (a) As soon as practicable, but not later than six (6) months after the expiry of each financial year, the National Body shall submit to the competent authority a narrative and financial report of the preceding financial year.
- (b) The reports referred to in (4)(a) shall be in such form as the competent authority shall approve and, there shall be appended to the report:
 - (i) audited balance sheet;
 - (ii) audited statement of income and expenditure; and
 - (iii) narratives and such other information as the competent authority may direct.
- (c) The competent authority shall submit the report to parliament.

Article 14

Disclosure of Interest

- (1) In case a member of the Board or associated committees, immediate family member, professional or business partner has direct or indirect personal interest, the member shall disclose such interest related to his functions and duties to the Board.
- (2) Unless the Board or the associated committees otherwise directs, that person shall not take part in any proceedings, or vote on, any question conflicting with such interest.
- (3) A disclosure of interest made by a member of an associated organ, consultant or employee shall be made to the chief executive officer who shall take the appropriate decision in each case and submit a report thereon to the Board.

Article 15

Protection of Members

Members of the National Body shall enjoy immunity against any legal or judicial proceedings in respect of any act done in good faith in the course of carrying out the provisions of this Law.

Article 16
Invited Persons

The National Body may invite any person to attend any of its meetings as an observer.

Article 17
Prohibition of Publication and Disclosure of Information

- (1) A person shall not disclose any information of a confidential or restricted nature acquired in the exercise or performance of his/her functions under this Law.
- (2) Any person who contravenes this provision commits an offence.

Article 18
Ownership

- (1) Ownership of cultural property and heritage shall be vested in the State or any authorized person.
- (2) All undiscovered cultural property and heritage are owned by the State.
- (3) Any person who finds or discovers an unregistered cultural property and heritage shall promptly report to the National Body.
- (4) The state shall confiscate any unreported cultural property and heritage.
- (5) The National Body shall undertake the procedures necessary to register, preserve and protect the cultural property and heritage.
- (6) The National Body shall maintain a list of national cultural property and heritage in accordance with article (20) (1).
- (7) The National Body shall enter into agreements or make arrangements with private persons for the custodianship and management of cultural property and heritage.

Article 19
Possession

- (1) Notwithstanding any provision of any statutory law, the National Body may, in public interest, whenever it deems necessary, expropriate the cultural property and heritage from any person and shall pay compensation in accordance with the provisions of this Law.
- (2) Notwithstanding any existing right of ownership or possession the following conditions shall apply to cultural property and heritage:

- (a) A person shall not vandalise or destroy the whole or part of the cultural property and heritage;
- (b) A person shall not remove from the original site or export without written authorisation of the National Body any cultural property and heritage;
- (c) the National Body may expropriate land adjacent to the cultural property and heritage as it deems necessary for the protection of the cultural property and heritage;
- (d) subject to article 28, a person shall not grant easement rights to a third party in respect to any cultural property and heritage;
- (e) a person shall not refurbish or modify in any way any cultural property and heritage without the written approval of the National Body; and
- (f) when an unauthorised refurbishment, or modification of any feature or appearance occurs, the National Body shall restore such cultural property and heritage at the expense of the violator without prejudice to any other applicable sanctions provided under this Law.

Article 20

Registration

- (1) The National Body shall keep and maintain a single register of national cultural property and heritage, indicating, location, description and custodianship of the cultural property and heritage, using the Object ID for cultural property.
- (2) Any person in possession of any cultural property and heritage shall register such with the National Body in accordance with the provisions of this Law.
- (3) The National Body may make available a copy of the National Register, or any part thereof, to the public in accordance with the provisions of this law.
- (4) No person shall have access to the classified parts of the National Register or any specific information not disclosed in relation to the items contained therein, except with the written authorization of the National Body.
- (5) The National Body shall determine the terms and conditions for accessing the National Register.

Article 21

Underwater Cultural Property and Heritage

- (1) All objects of cultural, archaeological and historical nature found in the internal waters, archipelagic waters and territorial sea as well as in the contiguous and exclusive economic zones shall be preserved by the State as its cultural property and heritage.
- (2) Upon registration, the National Body may maintain confidential the name or exact location of underwater cultural property and heritage sites, including historical shipwrecks where appropriate *in situ* protection and monitoring cannot be guaranteed.
- (3) Without prejudice to article 20 (1) and 21 (2), registration of underwater cultural property and heritage may not include name or exact location to be valid.

Article 22

Management of National Database

- (1) The National Body shall compile and maintain a database, including an inventory of the national cultural property and heritage.
- (2) The National Body may establish a National Cultural Property and Heritage Library.
- (3) The National Body may grant access to the national cultural property and heritage database as it deems appropriate.
- (4) For the purposes of maintaining the database, the National Body shall undertake the digitisation of all national cultural property and heritage.
- (5) The National Body shall document all protected cultural property and heritage in line with the ICOM recommended descriptive Object ID standard.

Article 23

Audit of Collections

- (1) The National Body shall compile and submit to the relevant competent authorities a Condition Report annually.
- (2) The Condition Report referred to in (1) shall provide a detailed description of the condition of the cultural property and heritage including: destruction, damage, threats, and categories of cultural property and heritage, and where

applicable, an account of reports, offences, prosecution and findings obtained thereof.

Article 24

Education, Research and Training

- (1) The National Body may undertake, support and promote education, research and training in the areas of cultural property and heritage.
- (2) The National Body shall prepare and disseminate publications on cultural property and heritage, as well as promote relevant exhibitions nationally and internationally.
- (3) The National Body shall promote the integration of heritage education, into the national curriculum.
- (4) The National Body shall support the documentation and translation of materials on cultural property in African languages.

Article 25

Licensing

- (1) A person shall not, by means of excavation or any similar means, search for any cultural property and heritage unless authorised in writing by the National Body.
- (2) The National Body shall grant a licence for research to any competent person for scientific purposes to conduct excavation in designated sites.
- (3) Where a licensee contravenes the provisions of this Law or the conditions of the licence, the National Body shall revoke the licence.
- (4) Any licence granted by the National Body to study, depict or photograph any items discovered by the licensee within the licence period shall be subject to all the conditions as specified by the National Body.
- (5) A licensee shall not transfer to any other person the licence issued by the National Body.

Article 26

Expropriation and Compensation

- (1) Where the State expropriates cultural property and heritage, it shall compensate the person affected fairly and adequately in accordance with the guidelines provided by the National Body.

- (2) Where there is a dispute regarding the amount of compensation payable under this article, the dispute shall be referred to a competent judicial or an arbitral body.

Article 27

Restitution

- (1) The National Body shall coordinate, through relevant authorities, the restitution of movable cultural property and heritage, stolen or otherwise taken out of the country without authorization or illegally exported from the national territory.
- (2) Cultural property and heritage that has been duly bought or transferred *bona fide* by a third party shall be returned to the community of origin or body on the basis of a claim for restitution.
- (3) Where a claim for restitution is initiated, the third party concerned shall enter into negotiations with the National Body, in consultation with the community concerned with respect to the process of restitution of the cultural property and heritage.

Article 28

Easement Rights

- (1) The National Body shall grant easement rights on real estate adjacent or surrounding archaeological sites and historic structures in order to ensure preservation of their features or general appearance.
- (2) The National Body in granting the easement rights shall ensure that the cultural property and heritage are not adversely affected.
- (3) The grant of the easement rights shall be based on the payment of reasonable compensation by the grantee.

Article 29

Security

The State shall provide adequate security measures for the protection of cultural property and heritage.

Article 30

Heritage Impact Assessment

The National Body shall ensure the conduct of heritage impact assessment prior to any excavation or any works with respect to cultural property and heritage by authorised persons.

Article 31**Production and Trade in Replicas**

A person shall not produce on a commercial scale replicas of any cultural property and heritage unless otherwise authorized.

Article 32**Control of Import and Export**

- (1) A person shall not export any cultural property and heritage without an export certificate issued by the National Body in accordance with this law or international agreements to which the State is a party.
- (2) A person shall not import into the national territory any foreign cultural property and or heritage without the required documentation from the competent authority of the country of origin.

Article 33**Acquisition and De-accessioning**

The National Body shall prescribe the acquisition and de-accessioning standards in accordance with the ICOM Code of Ethics, which shall be binding for all cultural property and heritage registered in, belonging to or originating from the country.

Article 34**Heritage Inspectors and Wardens**

The secretariat shall determine the eligibility of inspectors or community wardens and specify their respective duties for the purposes of this Law.

Article 35**Rescue Measures**

- (1) The National Body shall define and put in place urgent rescue programmes and measures to protect cultural property and heritage against any violation.
- (2) The programmes and measures referred to in (1) may include the National Body purchasing, seizing or ordering the holder to surrender the cultural property and heritage.
- (3) A person who fails to comply with rescue measures commits an offence.
- (4) A person who is aware of any violation to cultural property and heritage shall promptly report the violation to law enforcement agencies or other appropriate authorities stating the precise violation the specific cultural property and heritage has been exposed to.

- (5) A person who intentionally fails to report such a violation commits an offence.

Article 36

Lending

- (1) The National body shall issue guidelines for lending of, and movement of cultural property and heritage for exhibition and mutually agreed exchanges.
- (2) A request for lending or offer for exchange shall be accompanied by all necessary technical and legal documentation related to the cultural property and heritage being requested or offered.

Article 37

Inter-Agency Cooperation

- (1) All State institutions, including the national police, customs and immigration, shall provide the National Body with such assistance as is necessary in the discharge of its duties.
- (2) The State institutions shall provide the National Body with all information, related to cultural property and heritage.

Article 38

International Cooperation

- (1) The State may enter into bilateral and multilateral cooperation, agreements, on *inter alia*, protection, restoration, restitution and repatriation of its cultural property and heritage.
- (2) The National Body shall provide the competent authority with all necessary information to facilitate the execution of provisions of (1).
- (3) In case of urgency or emergency regarding the protection of cultural property and heritage, the National Body may seek assistance from international organisations or other foreign bodies to undertake rescue measures for culture property and heritage.
- (4) The National Body shall ensure prompt communication of precise details of losses of culture property and heritage to INTERPOL, ICOM and relevant international law enforcement agencies.

Article 39

War and Armed Conflict

- (1) The State shall, during war and armed conflict, as a matter of priority, take all necessary measures to protect cultural property and heritage.
- (2) The State shall ensure the training of armed forces personnel in the protection of cultural property and heritage; refraining from exposing such to risk of destruction or damage and refraining from acts of hostility directed thereto.

Article 40

Dispute Resolution Mechanisms

Without prejudice to the National laws, where there is a dispute arising from cultural property and heritage, the matter shall be settled through alternative dispute resolution mechanisms.

Article 41

Offences

- (1) Offences under this law shall include:
 - (a) smuggling;
 - (b) trafficking;
 - (c) unauthorised excavation;
 - (d) dealing in stolen cultural property and heritage;
 - (e) theft;
 - (f) concealment;
 - (g) non reporting of discovered cultural property and heritage;
 - (h) intentional damage to cultural property and heritage;
 - (i) unauthorized restructuring or remodeling of a cultural property and heritage;
 - (j) damaging or de-facing cultural property and heritage;
 - (k) non-registration of cultural property and heritage;
 - (l) trading in unregistered cultural property and heritage;
 - (m) unauthorised relocation of cultural property and heritage; and
 - (n) any other act that may be deemed detrimental for the purposes of application of this law.

Article 42
Civil wrongs

The State shall define what amounts to civil wrongs relating to cultural property and heritage.

Article 43
Intellectual Property Rights

The State shall ensure the protection of intellectual property rights and human rights with regard to cultural property and heritage.

FINAL PROVISION

Article 44
Entry into Force

- (1) This Law shall enter into force at such time as the State shall determine.
- (2) The State shall undertake the necessary measures, including transitional arrangements to ensure the effective entry into force of this Law.