

# Report on the application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

## MAURITIUS

### I. Information on the implementation of the UNESCO Convention of 1970

#### 1. Ratification of the Convention

Acceptance – 27 February 1978

#### 2. Implementation in the national legal system and in the organization of services

(a) References of the principal national regulations adopted in order to implement the 1970 Convention.

The National Heritage Fund Act 2003 complies with some of the articles of the 1970 Convention but will be further strengthened with the amendment of this Act. The amendment will take into consideration the setting up of a “Heritage Police Unit”.

(b) Definition of “cultural property” used by the national laws

#### **Definition of some terms under National Heritage Fund Act(NHF) 2003:**

“Cultural significance” means aesthetic, anthropological, archaeological, architectural, botanical, ethnological, geological, historical, linguistic, paleontological, scientific, social, spiritual or technological value;

“Intangible heritage” means intangible aspects of inherited culture and includes culinary arts, cultural traditions, customs, festivities, oral history and traditions, performing arts, rituals, popular memory and skills and techniques connected with material aspects of culture;

“Monument” means-

- (a) any structure of cultural significance remains of such a structure, building or group of buildings which because of its homogeneity or its place in the landscape is of outstanding value; and
- (b) architectural work, work of monumental sculpture and painting, element or structure of an archaeological nature, inscription, cave dwelling which is of outstanding value;

“Site” means any area on land or underwater, with or without any structure, building, monument or object, thereon having a cultural significance.

(c) Specialized units

- There is no specialized unit in the Customs Department. However, Section 126(2) of the Customs Act provides that the Director-General of the Mauritius Revenue Authority has the power to enforce anywhere in Mauritius Customs Laws or any other enactment in so far as import or export of goods is concerned.
- The Police Department together with other agencies involved in border control at the port and airport are combating to curb down crime in all its forms, including the illicit import, export and transfer of ‘cultural property’ as defined in our legislation.

(d) Administrative coordination

Upon receipt of correspondence from the Ministry of Arts and Culture, a circular letter is issued to officers in case any illegal movement of cultural property is detected, clearance of same is not allowed and the Ministry is informed.

**4. Archaeological excavations**

(b) Illegal excavations, reasons, steps to combat it

Excavations are being carried out with the approval of the National Heritage Fund. Most archaeological excavations have being carried out at our 2 World Heritage sites namely Le Morne Brabant Mountain and Apravasi Ghat. Excavations at other national heritage site are monitored by the NHF.

**5. Monitoring of the export and import of cultural property**

(a) Estimate of the scale of the illicit export or import of cultural property (statistics)

No case of import or export of cultural property has been detected or brought to the knowledge of the Police.

(b) Problem of the illicit export of cultural property

No case of illegal export has been registered to date.

(c) Main rules for monitoring the export and import of cultural property

Section 16 of the National Heritage Fund Act 2003 provides that no person shall export, or cause to export, a national heritage without the prior approval of the Board.

(d) Rules provided for the restitution of illicitly imported cultural property

No

**6. System for trade-in, acquisition, ownership and transfer of cultural property**

(d) Existing legal system concerning ownership of cultural property:

**Ownership of national heritage**

According to Section 13 of the National Heritage Fund Act 2003,

- (1) The ownership of a national heritage shall remain vested in the owner.
- (2) Where the Minister designates a private property as national heritage, the Director shall forthwith give notice, in writing, to the owner of that property.
- (3) Any owner of a national heritage who intends to alter structurally or make any addition to any national heritage shall-
  - (a) give notice, in writing, of his intention to do so to the Director; and
  - (b) not commence any alteration or addition to the national heritage unless the Board has, with the approval of the Minister, authorized the said alteration or addition.

(4) Where the Board is of the opinion that a national heritage shall be compulsorily acquired for the public benefit, the Board may make a recommendation to that effect to the Ministry responsible for the subject of lands.

(5) Where the Minister responsible for the subject of lands is satisfied that the compulsory acquisition of a national heritage will be for the public benefit, he may acquire the national heritage in accordance with the Land Acquisition Act.

## **II. Code of ethics, awareness raising and education**

### **2. Awareness raising and education**

(c) Description of activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export.  
How far can UNESCO contribute to these activities?

Educating and sensitizing the public on cultural values, national heritage and to install a sense of belonging and civic pride with respect to national heritage is one the objective of the NHF appears in Article 4 of the NHF Act 2003.

## **IV. Other legislative, legal and administrative measures taken by the State**

### **1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**

No

### **2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation**

Mauritius follows the work of the UNESCO Intergovernmental Committee through the reports which are submitted after the meetings.