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**THE THIRD SESSION OF THE SIXTH PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA**

**REPORT OF THE
COMMITTEE ON TRADE, INDUSTRY AND TOURISM**

ON THE

RATIFICATION OF THE SEVEN (7) UNESCO CONVENTIONS

JULY, 2015

REPUBLIC OF BRAZIL
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1.0 INTRODUCTION

The domestic ratification of the Seven (7) Conventions of UNESCO on Culture Development was laid in Parliament on 18th November, 2014. The Rt. Hon. Speaker referred the Conventions to the Committee on Trade, Industry and Tourism for consideration and report pursuant to Article 75 of the 1992 Constitution and Order 159 of the Standing Orders of the House.

2.0 ACKNOWLEDGEMENT

The Deputy Minister for Tourism, Culture and Creative Arts, Hon. Abla Dzifa Gomashie, the Vice-chair of the Ghana Culture Forum (GCF), the technical team from the Ministry and the National Commission on Culture and officials of UNESCO were in attendance to assist the Committee in its deliberations on the convention. The Committee is grateful to them for their inputs.

3.0 REFERENCE DOCUMENTS

In its deliberations, the Committee availed itself of the 1992 Constitution of the Republic of Ghana, the Standing Orders of the Parliament of Ghana and the Seven UNESCO conventions.

4.0 BACKGROUND

UNESCO was created in 1945 with the understanding that World peace can be achieved not only through political and economic agreement, but that peace must be established on humanity's moral and intellectual solidarity. It operates on four pillars and these include the following:

- Mobilizing for education so that every child, boy or girl has access to quality education as a fundamental human right;
- Building inter-cultural understanding through protection for heritage and support for cultural diversity. World heritage sites of universal value were created to aid the process;
- Pursuing scientific co-operation such as early warning systems for Tsunamis or trans-boundary water management agreement, to strengthening ties between nations and societies;
- Protecting freedom of expression as an essential condition for democracy, development and human rights.

Ghana joined UNESCO on the 11th of April, 1958 and has since played significant roles in the affairs of the organization. This is further buttressed by the fact that Ghana's Ambassador to Paris is a permanent Delegate to UNESCO.

The creation of a formal organization to protect the world's cultural and natural heritage began in 1965 when the Johnson Administration of the United States of America hosted a conference for the creation of a "World Heritage Trust". This led to the Convention Concerning the Protection of the World Cultural and Natural Heritage which was passed by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1972 and the creation of the World Heritage Committee in 1976.

Since the creation of the World Heritage Committee, a number of UNESCO Conventions have not been ratified by the Government of Ghana (with the exception of the Convention on the Protection of the World Cultural and Natural Heritage, (1972) and this unfortunately has delayed development assistance in various areas. The Conventions that have not been ratified by Government of Ghana include the following:

- i. Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, 17th October 2003);
- ii. Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Paris, 20th October 2005);

- iii. Convention on the Protection of Cultural Property in the Event of Armed Conflict with Regulation for the Execution of the Convention (The Hague, 14th May 1954);
- iv. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14th November 1970);
- v. Convention on the Protection of Underwater Cultural Heritage (Paris, 2nd November 2001);
- vi. Convention for the Protection of Procedures of Phonograms against unauthorized Duplication of their Phonograms (Geneva, 29th October 1971);
- vii. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 24th June 1995).

The ratification of the seven Conventions is a requirement of member States who have acceded to the Conventions. In view of this, UNESCO strongly encourages its Member States to consider joining its international conventions for the protection of cultural heritage in its different forms so that legal protection of cultural heritage is strengthened at the national level and developed uniformly at the international level, among State Parties.

5.0 SUMMARY OF THE SEVEN (7) UNESCO CONVENTIONS

5.1 CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE, PARIS 17TH OCTOBER, 2003.

Intangible cultural heritage refers to the practices, representations, expressions, knowledge, skills as well as objects, artifacts and cultural spaces associated with common groups and individuals as part of their cultural heritage. This heritage is transmitted from generation to generation, and in most cases is recreated in response to environmental changes. This provides the community with a sense of belongingness, identity and continuity.

The Intangible cultural heritage is manifested in the following domains:

- I. Oral tradition and expressions such as our folklore, story-telling sections, including language as a vehicle for intangible cultural heritage.
- II. Performing Arts- such as music, dance and drama. This promotes the manifestation of our culture, ensures continuity and serves as crucible for entertainment, knowledge gathering and information.
- III. Social Practices, ritual and festive event. This includes our traditional festivals, rites of passage; birth, puberty, marriage and death.
- IV. Knowledge and practices concerning nature and the universe. This includes practices for the protection of the environment, for example, taboo days set aside for fishing and farming, ban on noise making and setting up of sacred grooves.
- V. Traditional craftsmanship whereby most communities and families have specific talents in craftsmanship for instance;
 - a) Weaving of Kente and its unique patterns
 - b) Designing of traditional stools and linguist staff.

In general, this particular convention is supposed to give recognition to both individuals and community talents and ingenuity in transmitting its history from one generation to another as well as to provide the platform for the exchange and showcasing of the heritage of particular groups of people within the comity of nations.

5.2 CONVENTION ON THE PROTECTION OF UNDER WATER CULTURAL HERITAGE – 2ND NOVEMBER, 2001.

Under water cultural heritage, refers to all traces of human existence that has a cultural historical or archaeological character which has partially or totally been under water for at least 100years.

This refers to;

- I. Sites
- II. Building

- III. Artifacts and social remains
- IV. Vessels
- V. Aircrafts, other vehicles with their archaeological and natural content.

The convention seeks to protect these as part of their historical sites that lies within its national jurisdiction. The essence of this convention is to protect this historical evidence and to enable researchers to continue to discover the remains of objects and sites that have been sub-merged.

5.3 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT, IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY- PARIS 14TH NOVEMBER, 1970.

This Convention seeks to protect cultural objects covering archaeology, pre-historical, history, literature, art or science which are rare collections and specimen of plants, animals, minerals and anatomy, products of archaeological excavations, antiquities such as inscriptions on coins, original work of arts and sculpture, any material of original engraving, prints and lithographs, archival materials including sound, photography and cinematography. Articles of furniture, which are more than 100 years old and musical instruments, are included.

The convention recognizes that the illicit import and export and transfer of ownership of these properties could lead to the impoverishment of the cultural heritage of the countries of origin of such properties.

There is a booming market of cultural objects and artifacts in museums of arts and crafts and this if not organized legally could lead to a mass transfer of cultural heritage of weak states.

5.4 CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTIES IN THE EVENT OF ARMED CONFLICT WITH REGULATIONS FOR THE EXECUTION OF THE CONVENTION, THE HAGUE 14TH MAY, 1954.

The convention seeks to protect cultural properties and artifacts during armed conflict which may arise between two states. Cultural properties may be movable and immovable objects of important Cultural heritage. For

instance, in the recent attack in Mali (Timbuktu), the Library and other educational materials were deemed as unIslamic and therefore were pillaged and destroyed and the destruction of the ruins in Iraq are of archaeological significance and therefore need protection.

5.5 CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSION, PARIS 20TH OCTOBER, 2005.

The convention on the protection and promotion of the diversity of cultural expression seeks to protect and promote the diversity of cultural expressions. Cultural expressions are those expressions that result from the creativity of individual groups and societies that have cultural content.

Cultural diversity refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are important in promoting human development, self-confidence, self-identity and exchange of creative ideas.

Cultural expression is also found in the use of language as a pillar of identity and communication. Therefore it is important to also recognize the diverse modes of expression that is through artistic creation, production and distribution.

5.6 THE CONVENTION ON STOLEN OR ILLEGALLY EXPORTED OBJECTS - 24TH JUNE, 1995

The convention on stolen or illegally exported objects makes provision for the restitution of stolen cultural objects. Cultural objects in this context refer to the objects which are religious, or secular and are of importance to archaeology, pre-history, history, literature, art or science. This convention provides the platform for countries which were once in colonial bondage to negotiate and receive the returns of artifacts that were taken away by colonial masters and other traders in artifacts. The convention also makes provision

for both parties to arrange for the cost of restitution without resorting to unnecessary litigation.

5.7 THE CONVENTION FOR THE PROTECTION OF PRODUCERS AND PHONOGRAMS, GENEVA 29TH OCTOBER, 1971.

This convention seeks to protect the creative works of individuals or parties from illegal duplication or piracy. It defines phonogram as exclusively oral fixation of sounds of a performance or of other sounds. Producer of phonograms means the person, or the legal entity which first fixes the sound or a performance or other sounds. Duplicate means an article which contains sounds taken directly or indirectly from a phonogram and which contains all or some essential part of the sounds fixed in that phonogram.

6.0 OBSERVATIONS

6.1 Financial Obligations of the Government of Ghana

The Committee observed that the ratification of the Seven (7) conventions does not impose additional financial obligations, apart from the existing dues which Ghana has been paying. The Committee noted that in 2013, Ghana paid US\$ 17,866 (Seventeen Thousand Eight Hundred and Sixty-Six Dollars) and €20,581 (Twenty Thousand Five Hundred and Eight One Euros) as its contribution to the UNESCO regular Fund.

The Committee further noted that Ghana again paid US\$ 457 as its contribution to the World Heritage Fund. It was brought to the attention of the Committee that each convention has a Secretariat which services its operations. In this regard, there are specific statutory payments that accrue to members yearly and it is determined by a formula based on the Nation's financial rating and the regular budget paid to UNESCO.

6.2 Legal Requirement

The Committee observed that the conventions, once ratified requires member States to either draft and pass new legislations or revise existing legislations dependent upon the existence of law or policies that are in conflict with the conventions so ratified. Fortunately for Ghana, the Committee was informed

that presently, there is no evidence that there is cause to revise or draft new legislations when Ghana ratifies these conventions. This is because the cultural policy of Ghana and the various decrees/laws setting up the various cultural institutions are in conformity with the requirement of the conventions.

6.3 Benefits to Ghana

The Committee observed the following benefits to Ghana if the seven Conventions are ratified;

- Promotion and sharing of information among Members States;
 - Provision of technical training to member states;
 - Access to funding of projects and programmes under specific conventions;
 - Access to technical and consultancy services from UNESCO;
 - Provision of sponsorship to cover seminars/workshops organized by UNESCO;
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- Provision of opportunity to serve on critical Committees and Governing bodies of UNESCO Sub-committees;
 - Creation of opportunity to member countries to contribute and make useful comments on issues of World affairs;
 - Creation of the platform for world stage publicity and presence as UNESCO operates on one state one vote principle irrespective of size and financial might.

In addition, it was brought to the attention of the Committee that in the next biennium, UNESCO will focus on the Creative Industry, especially mechanism that foster local production of cultural goods and services, the development of local markets and access to platform for the distribution/exchange worldwide. In this regard, direct financial and non-financial assistance would be provided on request to support the industry. This, the Committee noted will create job avenues for the teeming youth.


Moreover, the Committee noted that between 2014 and 2017, gender equality will be one of the priorities on the agenda of UNESCO. This is premised on

the fact that sustainable development and peace are best achieved through ensuring equality between women and men in all fields of social, political, economic and cultural life. In this regard, Ghana stands to benefit from UNESCO's programme on gender equality in the areas of vocational education, professional training, and the empowerment of women which UNESCO intends to vigorously pursue.

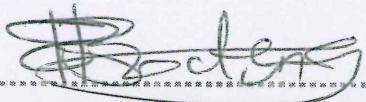
7.0 CONCLUSION AND RECOMMENDATION

The Committee has thoroughly examined the Conventions and is of the view that accession to the Seven (7) Conventions by Ghana will be beneficial to the nation's interest.

The Committee therefore recommends to the House to ratify the Seven (7) Conventions of UNESCO.



HON. GEORGE KWAME ABOAGYE
CHAIRMAN TO THE COMMITTEE



EVELYN BREFO-BOATENG (MS.)
CLERK TO THE COMMITTEE

the first of these is the fact that the number of people who are

able to read and write is increasing rapidly in many parts of the world.