

File No. NECT.426/65

MEMORANDUM TO CABINET BY THE HON MINISTER OF COMMONWEALTH
AND FOREIGN AFFAIRS AND THE HON MINISTER OF EDUCATION,
CULTURE AND TOURISM

"Recommendation concerning the preservation of cultural property endangered by public or private works", adopted by the General Conference of Unesco at its fifteenth session held in Paris on November 19, 1968

The scope of the Recommendation is that Governments should assume the duty of ensuring the protection and the preservation of all monuments, groups of monuments and sites of cultural value existing in their territory, by taking the necessary action when such monuments, etc., are threatened by public or private works involved in town and country planning, building, re-building, repairs and alterations. The Recommendation makes no distinction regarding the ownership and date of the monuments, groups of monuments and sites with which it is concerned.

A Committee appointed to examine the Recommendation and consisting of representatives of the Museum Department, Crown Advocate-General's Office, Public Works Department, Land Department and Ministry of Commonwealth and Foreign Affairs has reported that:

- (1) the contents of the Recommendation were found to be generally in line with existing local legislation and in the Committee's view only a few amendments to the latter would be necessary to make the two instruments coincide;
- (2) the provisions of the Antiquities (Protection) Act should be extended to cover

(a)/....

- (a) the property owned by the Church;
- (b) groups of monuments and sites of cultural value, in addition to individual monuments as at present;
- (3) several sections and paragraphs of the Recommendation concerned various ministries and departments and the Committee therefore made recommendations in respect of each of these sections and paragraphs;
- (4) The Committee also underlined the shortage of staff at all levels in the services devoted to the preservation and salvage of cultural property; fines for offences against the provisions of the Antiquities (Protection) Act should be revised and the minimum established at £50, the maximum at £500; in addition, reinstatement and payment of damages to the state should be provided for by a pertinent amendment to the same Act;
- (6) there should be, in line with paragraph 20a of the Recommendation, a co-ordinating or consultative body chaired by the Administrative Secretary and composed of representatives of the Ministry of Education, Culture and Tourism, Museum Department, Public Works Department, P.V.D. Town Planning Section, Royal University of Malta, and Chamber of Architects, with the primary function of recommending a solution where the interests of these or other authorities will be in conflict anywhere throughout the Maltese Islands/....

Islands, the Committee strongly recommended that Government should implement this part of the Unesco document even before taking action on any of the other sections.

It is to be noted that acceptance of the Recommendation would not ipso facto commit Government to any additional expense because the Unesco document leaves member states at liberty whether or not to implement any or all of its clauses. Moreover, in view of the fact that it would be in the national interest to give effect to the provisions of the Recommendation for their short and long-term value to the local problem concerning the preservation of cultural property.

Hon Ministers are invited to approve accession to the Recommendation.

7 FEB 1970