



**CONSIDERATION OF REQUESTS FOR THE
INCLUSION OF AN EMERGENCY ITEM IN THE ASSEMBLY AGENDA**

**Request for the inclusion of an emergency item
in the agenda of the 129th Assembly of the Inter-Parliamentary Union
submitted by the delegation of Morocco**

On 12 July 2013, the President of the Inter-Parliamentary Union received from the Speaker of the House of Councillors of the Kingdom of Morocco a request for the inclusion in the agenda of the 129th Assembly of an emergency item entitled:

"Addressing criminal acts of deliberate destruction of world cultural heritage:
The role of parliaments".

Delegates to the 129th Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 129th Assembly will be required to take a decision on the request of the delegation of Morocco on Monday, 7 October 2013.

Under the terms of Assembly Rule 11.1, any Member of the IPU may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a major event of international concern on which it appears necessary for the IPU to express its opinion. Such a request must receive a two-thirds majority of the votes cast in order to be accepted;
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted;
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject;
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

**COMMUNICATION ADDRESSED TO THE PRESIDENT OF THE INTER-PARLIAMENTARY
UNION BY THE SPEAKER OF THE HOUSE OF COUNCILLORS OF
THE KINGDOM OF MOROCCO**

Rabat, 12 July 2013

Dear Mr. President,

In accordance with the relevant rules of the Inter-Parliamentary Union, in particular Assembly Rule 11.1, I am honoured to submit a request for the inclusion of an emergency item in the agenda of the 129th IPU Assembly, which will take place in Geneva (Switzerland), from 7 to 9 October 2013 entitled:

"Addressing criminal acts of deliberate destruction of world cultural heritage:
The role of parliaments".

Please find attached a brief explanatory memorandum as well as a draft resolution on the scope of the topic.

Please accept, Mr. President, the assurance of my highest consideration.

Yours sincerely,

(signed)

Mohamed Cheikh BIADILLAH
Speaker, House of Councillors
Kingdom of Morocco

ADDRESSING CRIMINAL ACTS OF DELIBERATE DESTRUCTION OF WORLD CULTURAL HERITAGE: THE ROLE OF PARLIAMENTS

Explanatory memorandum submitted by the delegation of Morocco

The parliamentary delegation of the Kingdom of Morocco to the Inter-Parliamentary Union wishes to propose the inclusion of an emergency item in the agenda of the 129th Assembly entitled "Addressing criminal acts of deliberate destruction of world cultural heritage: The role of parliaments" for the reasons set forth below.

For close to two decades now, we have been witnessing a disturbing rise in acts of deliberate and systematic destruction of cultural sites, most of which are part of the cultural heritage of humanity. The international community has memories of the tragic fate of the majestic Buddhas of Bamiyan in Afghanistan, destroyed in 2001, and the serious attacks on historical monuments and cultural buildings committed in the former Yugoslavia in 1993. Once again, it is faced with new acts of destruction, vandalism and desecration of various historical, cultural and religious sites in several regions of the world, particularly in North Africa and the Middle East, which have been jolted by the political unrest of the Arab Spring.

In Libya, the destruction of the Sufi shrines and libraries in 2011 in Zliten, Misrata and Tripoli has alarmed the international community. Similarly, in Syria, a number of invaluable historical monuments, including the old city of Aleppo, on the UNESCO World Heritage List since 1986, have been the target of warring factions in the conflict that is ravaging this country. In Mali, since 1 April 2012, the city of Timbuktu, inscribed on the UNESCO List of World Heritage in Danger, has been subjected to systematic acts of pillaging and vandalism.

The parliamentary delegation of the Kingdom of Morocco would like the IPU to join in the efforts of the United Nations and the other international organizations concerned to develop a framework convention for the effective protection of world cultural heritage, particularly in countries in a situation of armed conflict.

ADDRESSING CRIMINAL ACTS OF DELIBERATE DESTRUCTION OF WORLD CULTURAL HERITAGE: THE ROLE OF PARLIAMENTS

Draft resolution submitted by the delegation of MOROCCO

The 129th Assembly of the Inter-Parliamentary Union,

- (1) *Deeply concerned* at the increase in the number of acts of deliberate destruction of the cultural heritage in several countries in a situation of armed conflict, in particular Libya, Mali and Syria,
- (2) *Alarmed* at the serious damage caused by acts of vandalism and desecration carried out frequently on religious buildings, cultural symbols and/or funerary monuments perpetrated in different regions of the world by extremist groups of every persuasion and religious belief,
- (3) *Considering:*
 - a) resolution 2085 adopted by the United Nations Security Council at its 6898th meeting on 20 December 2012, in which it (condemned) "strongly all abuses of human rights in the north of Mali by armed rebels, terrorist and other extremist groups, including those involving violence against civilians, notably women and children, killings, hostage-taking, pillaging, theft, destruction of cultural and religious sites and recruitment of child soldiers", (reiterated) "that some of such acts may amount to crimes under the Rome Statute and that their perpetrators must be held accountable and (noted) that the Transitional authorities of Mali referred the situation in Mali since January 2012 to the International Criminal Court on 13 July 2012",
 - b) the resolution adopted unanimously by the 127th IPU Assembly in Quebec City (Canada) on 26 October 2012, entitled *The institutional and security situation in Mali*, in which the Assembly "condemned the serious human rights abuses and violations of international humanitarian law committed in the north of the country by armed rebels and groups of terrorists, fundamentalists and separatists, in particular acts of violence against civilians, notably women and children, murders, amputations and stoning, as well as pillaging and the destruction of cultural and religious world heritage sites",
 - c) the resolution adopted by consensus by the 105th Inter-Parliamentary Conference in Havana (Cuba) on 6 April 2001, in which the Conference "condemned the Taliban's decision to destroy Afghanistan's pre-Islamic and Buddhist cultural heritage and their implementation of that decision despite all the appeals by the international community",
 - d) the resolution adopted without a vote by the 89th Inter-Parliamentary Conference held in New Delhi (India) on 17 April 1993, in which the Conference deplored the conflict in the former Yugoslavia, especially in Bosnia and Herzegovina, and condemned atrocities against minorities, women and children, strongly condemned the practice of "ethnic cleansing" as a weapon of war, and declared that such violations of human rights were most heinous war crimes and must be considered crimes against humanity,

(4) *Recalling:*

- a) the human rights principles that the international community has undertaken to respect, which are established in various United Nations declarations, conventions and covenants on political, civil, economic, social and cultural rights, and which the Inter-Parliamentary Union has repeatedly reaffirmed,
- b) the principles on the protection of the cultural heritage in the event of armed conflict established by The Hague Conventions of 1899 and 1907,
- c) in particular, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols of 1954 and 1999 as well as Additional Protocols I and II to the four Geneva Conventions of 1949,

(5) *Reaffirming* one of the fundamental principles of the Preamble of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which stipulates that "damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world",

(6) *Recalling* the declaration adopted by UNESCO in Paris, on 17 October 2003, in which it was clearly stipulated that "States should take all appropriate measures, in accordance with international law, to establish jurisdiction over, and provide effective criminal sanctions against, those persons who commit, or order to be committed, acts of intentional destruction of cultural heritage of great importance for humanity, whether or not it is inscribed on a list maintained by UNESCO or another international organization",

(7) *Referring* to the provisions of Articles 8 (2) (b) (ix) and 8 (2) (e) (iv) of the Rome Statute of the International Criminal Court and, where necessary, those of Article 3 (d) of the Statute of the International Criminal Tribunal for the Former Yugoslavia, on the deliberate destruction of the cultural heritage,

1. *Strongly condemns* serious violations of the principles set forth in the 1954 Hague Convention and its two Protocols of 1954 and 1999 for the Protection of Cultural Property in the Event of Armed Conflict, in particular pillaging and deliberate and systematic destruction of cultural and religious monuments that are part of world heritage, committed in Libya, Mali and Syria; and *considers* that some of these acts amount to crimes under the Rome Statute, and that those found guilty of such acts must be held accountable by all means, notably before the International Criminal Court;
2. *Salutes and welcomes* the decision taken by the Director-General of UNESCO, Ms. Irina Bokova, to set up a "special fund to help Mali safeguard its cultural heritage", and *urges* all the Member States of UNESCO, the Islamic Educational, Scientific and Cultural Organization and the Organization of Islamic Cooperation to contribute to the fund to ensure that it is effective and sustainable; *also welcomes* the decision taken by the UNESCO world heritage committee at its meeting in Phnom Penh (Cambodia) on 20 June 2013 to inscribe six sites in Syria on the list of World Heritage in Danger with a view to drawing attention to the risks to which they are exposed given the situation in the country;

3. *Invites* all parliamentarians and the IPU to join in the efforts of the United Nations and its specialized agencies, in particular UNESCO, to mobilize global political will to develop the legal instruments of an international law of culture with a view to criminalizing all serious damage to universal cultural property and for the elaboration of an international framework convention to guarantee the protection and promotion of the cultural heritage of humanity, in particular in countries in a situation of armed conflict;
4. *Also invites* the parliaments of States which have not yet done so to adopt positions in favour of ratifying the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols of 1954 and 1999, and *urges* parliaments to bring pressure to bear on their respective governments to mobilize resources for the Fund for the protection of cultural property in the event of armed conflict set up pursuant to Article 29 of the Second Protocol to the 1954 Hague Convention;
5. *Urges* parliaments to pass laws or amend existing laws to guarantee the protection of sites and buildings included in the lists of the cultural heritage of humanity; *also urges* parliaments to set up specialized commissions for the protection of the cultural heritage, to monitor the implementation and ratification of conventions, resolutions and declarations on the protection of cultural property; and *invites* parliaments to use the oversight tools at their disposal throughout the budget process, along with innovative financing methods, to ensure that adequate financial resources are allocated to the protection and promotion of the cultural heritage;
6. *Also urges* parliaments to pass laws making all forms of systematic damage to and deliberate destruction of the cultural heritage of humanity, including in situations of armed conflict, serious criminal offences;
7. *Entrusts* the IPU with conveying this resolution to all its Members, Associate Members and Observers, as well as other international organizations.