



Inter-Parliamentary Union
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132nd IPU Assembly

Hanoi (Viet Nam), 28 March - 1 April 2015



Assembly
Item 2

A/132/2-P.1
5 March 2015

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 132nd Assembly of the Inter-Parliamentary Union submitted by the delegation of Morocco

On 4 March 2015, the President of the IPU received from the Speaker of the House of Representatives of the Kingdom of Morocco and from the President of the House of Councillors of the Kingdom of Morocco, a request for the inclusion in the agenda of the 132nd Assembly of an emergency item entitled:

"Ensuring enhanced protection for the cultural heritage of humanity threatened with destruction or pillage by terrorist groups in the Middle East and North Africa: The role of the IPU and national parliaments".

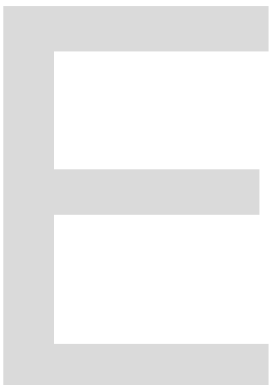
Delegates to the 132nd Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 132nd Assembly will be required to take a decision on the request of the delegation of Morocco on Sunday, 29 March 2015.

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 ADRESSED TO THE PRESIDENT OF THE IPU BY
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF
THE KINGDOM OF MOROCCO AND THE PRESIDENT OF
THE HOUSE OF COUNCILLORS OF THE KINGDOM OF MOROCCO**

Rabat, 2 March 2015

Dear Mr. President,

In accordance with Article 14.2 of the IPU Statutes and Assembly Rule 11.1, we have the honour to convey to you this request for the inclusion in the agenda of the 132nd IPU Assembly, which will take place in Hanoi (Viet Nam) from 28 March to 1 April 2015, of an emergency item entitled:

"Ensuring enhanced protection for the cultural heritage of humanity threatened
with destruction or pillage by terrorist groups in the Middle East and North Africa:
The role of the IPU and national parliaments".

We enclose a brief explanatory memorandum and a draft resolution outlining the scope of the subject of our request.

Yours sincerely,

(signed)

Rachid TALBI ALAMI
Speaker of the House of Representatives
of the Kingdom of Morocco

Mohamed Cheikh BIADILLAH
President of the House of Councillors
of the Kingdom of Morocco

**ENSURING ENHANCED PROTECTION FOR THE CULTURAL HERITAGE OF HUMANITY
THREATENED WITH DESTRUCTION OR PILLAGE BY TERRORIST GROUPS IN THE MIDDLE
EAST AND NORTH AFRICA: THE ROLE OF THE IPU AND NATIONAL PARLIAMENTS**

Explanatory memorandum submitted by the delegation of Morocco

Terrorism continues to pose a serious threat to international peace and security. It is becoming an increasingly determining factor in situations of conflict and instability in several parts of the world, in particular the Middle East and North Africa.

Terrorist organizations such as the Islamic State in Iraq and the Levant (ISIL, also known as "Daesh"), al-Nusra Front and other groups associated with Al-Qaida, taking advantage of the unstable political and security situation in several countries in the Middle East and North Africa, continue to be very active in the region. They are steadily strengthening their networks and expanding the scope of their criminal activities in close collusion with transnational organized crime networks; this allows them to profit from various criminal activities such as arms and drug trafficking, human trafficking, the abduction of innocent people to demand a ransom and the plundering and illicit trafficking of cultural objects registered, for the most part, on world cultural heritage lists.

The international community, which remembers the tragic fate of the majestic Buddhas of Bamiyan in Afghanistan, destroyed by the Taliban in 2001, has witnessed a worrisome increase in recent years in the number of acts of deliberate destruction and systematic pillage of cultural heritage items in several parts of the world affected by political unrest and armed conflicts, especially in North Africa and the Middle East.

In the Syrian Arab Republic, for example, several historical monuments and cultural and religious buildings, in particular in the old town of Aleppo, a UNESCO World Heritage Site, have been the target of attack by various warring factions in the course of the conflict ravaging the country since 2011. Mosques, churches and other places of worship have been reduced to rubble, and with them, a thousand-year heritage of co-existence and exchange.

In Iraq, the recent attacks on the Mosul Museum and on archaeological sites in the Ninive region have shocked the international community. In February of this year, terrorists affiliated with the ISIL terrorist organization destroyed ancient cultural objects in the Mosul Museum, including a series of 3,000-year-old statues, on the pretext that they fostered idolatry. ISIL had invoked similar reasons several days earlier for destroying thousands of books in the public library in Mosul. "This tragedy is far from just a cultural issue: it's an issue of major security," declared the Director-General of UNESCO, Irina Bokova. "We see clearly how terrorists use the destruction of heritage in their strategy to destabilize and manipulate populations so that they can assure their own domination."

In Mali, in 2012 and 2013, thousands of rare historical manuscripts and documents conserved at the Ahmed Baba Institute of Higher Learning and Islamic Research, in Timbuktu, were burned by the jihadists who held sway over the region at the time. According to UNESCO, some 4,200 manuscripts, part of the Islamic-African heritage, were destroyed.

In the face of these increasingly worrying threats to the cultural heritage of all humanity, the delegation of Morocco again brings the matter to the attention of the IPU Assembly. It invites the Assembly to fully endorse the efforts being made by the United Nations and the other competent international organizations to draw up a global, integrated and multidimensional plan of action aimed at safeguarding and promoting the cultural sites and buildings currently registered on world cultural heritage lists and threatened with intentional destruction or systematic pillage by terrorist organizations and transnational organized crime networks, especially in the countries of the Middle East and North Africa.

The delegation of Morocco considers that the fresh threats to world cultural heritage lend added urgency to the need to ensure enhanced protection for today's imperilled world cultural heritage, particularly in countries threatened by terrorism and/or in a situation of armed conflict, and in accordance with the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols of 1954 and 1999.

**ENSURING ENHANCED PROTECTION FOR THE CULTURAL HERITAGE OF HUMANITY
THREATENED WITH DESTRUCTION OR PILLAGE BY TERRORIST GROUPS IN THE MIDDLE
EAST AND NORTH AFRICA: THE ROLE OF THE IPU AND NATIONAL PARLIAMENTS**

Draft resolution submitted by the delegation of MOROCCO

The 132nd Assembly of the Inter-Parliamentary Union,

- (1) *Affirming* that terrorism, in all its forms and all its manifestations, constitutes one of the most serious threats to international peace and security, and that all acts of terrorism are criminal and unjustifiable, no matter what the motivation or context and who the perpetrators,
- (2) *Also affirming* that terrorism must not be associated with any religion, nationality or civilization,
- (3) *Emphasizing* that terrorism can only be vanquished through global, integrated and multidimensional action involving the participation and active collaboration of all States and international, regional and subregional bodies and aimed at countering, weakening, isolating and neutralizing the threat it represents,
- (4) *Strongly reasserting* that every means must be used to fight the threat that terrorist acts constitute for international peace and security, with due regard for the Charter of the United Nations and international law, in particular international human rights law, international refugee law and international humanitarian law,
- (5) *Reiterating* one of the fundamental principles of the preamble to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, namely 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) *Referring* to the 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in particular the provisions relating to enhanced protection of the cultural property of humanity threatened with intentional destruction or systematic pillage,
- (7) *Recalling* the principle set out in all UNESCO conventions, recommendations, declarations and charters for the protection of world cultural heritage, in particular the Declaration concerning the Intentional Destruction of Cultural Heritage, which was adopted on 17 October 2003 and which stipulates 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*",
- (8) *Referring* to Articles 8(2)(b)(ix) and 8(2)(e)(iv) of the Rome Statute of the International Criminal Court, which relate to the intentional destruction of cultural heritage, and to Article 3(d) of the Statute of the International Criminal Tribunal for the former Yugoslavia, which stipulates that the International Tribunal has jurisdiction to prosecute persons committing violations of the laws and customs of war, including seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science,
- (9) *Gravely concerned* by the growing incidence observed in several countries of the Middle East and North Africa, ravaged by armed conflict, of acts of intentional destruction and systematic pillage of cultural heritage sites and items, most of them registered on the World Heritage List, by terrorist organizations such as the Islamic State in Iraq and the Levant (ISIL, also known as "Daesh"), al-Nusra Front and other groups associated with Al-Qaida, and *recalling* that most of these organizations are on the Al-Qaida Sanctions List established by the United Nations Security Council Sanctions Committee pursuant to its resolutions 1267 (1999) and 1989 (2011),
- (10) *Also gravely concerned* by the very close and increasingly manifest ties that these terrorist organizations are developing with transnational organized crime networks, and which enable them to profit from high added-value criminal activities such as arms and drug trafficking, human trafficking, abduction for the purposes of demanding a ransom and the plundering and unlawful trade in cultural objects,

(11) *Confirming* that States are bound by United Nations Security Council resolution 2161 (2014) to ensure that no funds, other financial assets or economic resources are made available, directly or indirectly, by their citizens or by persons on their territory, to ISIL, al-Nusra Front or any persons, groups, businesses or entities associated with Al-Qaida,

(12) *Recalling* that, in the resolution adopted by the 127th IPU Assembly (Quebec, October 2012), the IPU condemned the grave violations of human rights and international humanitarian law committed in northern Mali by armed rebels and terrorist, fundamentalist and separatist groups, in particular the pillage and destruction of cultural and religious monuments that are part of the world heritage,

(13) *Further recalling* that the recently adopted United Nations Security Council resolution 2199 strongly condemns the destruction of cultural heritage in Iraq and the Syrian Arab Republic, in particular at the hands of ISIL and the al-Nusra Front,

(14) *Underscoring* that the United Nations and the IPU have been bound by a Cooperation Agreement since 1996, and *noting* that, in United Nations General Assembly Resolution 55/2 (2000), Heads of State and Government decided to reinforce cooperation between the United Nations and national parliaments, represented by their world organization, the IPU, in various areas, notably the consolidation of international peace and security,

(15) *Also underscoring* the paramount role played by parliaments in the fight against terrorism, in particular by adopting appropriate legislation and adapting existing domestic legislation to the new requirements of that fight,

1. *Condemns in the strongest terms* the recent acts of intentional destruction and systematic pillage of various cultural sites and objects, most of which figure on the World Heritage List, perpetrated in various countries of the Middle East and North Africa experiencing armed conflict, in particular Mali, Iraq and the Syrian Arab Republic, by groups affiliated with Al-Qaida, ISIL and al-Nusra Front;
2. *Considers* that all these acts, no matter what their nature, are criminal and unjustified, that some of them could constitute war crimes under the provisions of the Rome Statute of the International Criminal Court and that the perpetrators should be held to account;
3. *Notes with concern* that ISIL, al-Nusra Front and other individuals, groups, companies and entities associated with Al-Qaida are generating revenues by directly or indirectly pillaging and smuggling objects that are part of the cultural heritage of humanity and that come from archaeological sites, museums, libraries, archives and other sites in Mali, the Syrian Arab Republic and Iraq, and that those revenues are subsequently used to finance their recruitment drives and to improve their operational capacity to organize and carry out terrorist attacks;
4. *Urges* UNESCO and the other competent international organizations to make representations to the authorities of the countries concerned to have the cultural buildings threatened by acts of intentional destruction and systematic pillage placed under enhanced protection, in accordance with the provisions of the 1999 Second Protocol to the 1954 Hague Convention;
5. *Confirms* that, in accordance with the decision made by the Security Council in paragraph 7 of resolution 1483 (2003), all States must take appropriate steps to prevent trade in Iraqi, Syrian and Malian cultural heritage sites and items of archaeological, historical, cultural or religious importance illegally removed from Iraq since 6 August 1990, from the Syrian Arab Republic since 15 March 2011 and from Mali since 1 April 2012, and to facilitate their return to the Iraqi, Syrian and Malian people, including by prohibiting transnational trade in such items; *calls upon* UNESCO, Interpol, the World Customs Union and other competent international organizations to facilitate the implementation of that decision;
6. *Invites* the national parliaments of States that have yet to do so to take positions in favour of ratification of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols, and *urges* parliaments to make representations to their respective governments with a view to mobilizing resources for the Fund for the protection of cultural property in the event of armed conflict established under Article 29 of the Second Protocol;

7. *Urgently appeals* to national parliaments to make representations to their respective governments to accede, if they have not yet done so, to the international conventions relating to the fight against terrorism associated with transnational organized crime, including the 2000 United Nations Convention against Transnational Organized Crime and the Protocols thereto, the 2003 United Nations Convention against Corruption and anti-terrorist international treaties and protocols, and to ratify and apply them;
8. *Encourages* national parliaments to work with the relevant international organizations, in particular UNESCO and Interpol, with a view to improving cooperation in the crafting and application of strategies aimed at preventing terrorists from profiting from transnational organized criminal activities relating to the plundering and illicit trade in cultural items, notably by reinforcing national, regional and global systems for collecting, analysing and sharing information;
9. *Welcomes* recent initiatives to bolster border security and police, in particular by the countries of the Middle East and North Africa, including the Tripoli Action Plan adopted by the first Regional Ministerial Meeting on Border Security (Tripoli, March 2012), the Regional Training Centre for Border Security established by the second Regional Ministerial Meeting on Border Security (Rabat, November 2013), and other subregional initiatives supported by the United Nations;
10. *Requests* the United Nations agencies concerned, notably UNESCO, and other competent international and regional organizations, such as the Islamic Educational, Scientific and Cultural Organization (ISESCO), to help bolster the capacity of national and regional institutions in the countries of the Middle East and North Africa to fight the plundering and unlawful trafficking of cultural objects;
11. *Calls upon* national parliaments to associate themselves with the efforts of the United Nations and its specialized agencies, in particular UNESCO, aimed at fostering the global political will needed to draw up the instruments of an international law of culture, in particular an international framework convention for the protection and promotion of cultural heritage in countries in situation of armed conflict;
12. *Urges* national parliaments to adopt domestic legislation, or to modify existing legislation, with a view to guaranteeing the protection of sites and buildings that are part of the cultural heritage of humanity; *also urges* them to set up specialized committees on the protection of cultural heritage in order to oversee implementation of conventions, resolutions and declarations on the protection and promotion of cultural heritage sites and items; *invites* them to use the oversight tools available to them throughout the budget process and innovative funding methods to ensure that sufficient funds are allocated to the protection and promotion of cultural heritage; *further urges* them to adopt legislation criminalizing all forms of international destruction or systematic pillage, particularly in situations of armed conflict, of the cultural heritage of humanity;
13. *Invites* the Secretary General to make available to the IPU's Member Parliaments a parliamentary guide on the protection and promotion of the cultural heritage of humanity in countries in armed conflict, in cooperation with the competent United Nations bodies, in particular UNESCO;
14. *Asks* that this guide contain recommendations on the best means for enhancing the capacity of parliaments to adopt appropriate legal provisions, adapting existing legislation to the new requirements of the fight against the intentional destruction of the cultural heritage of humanity, and fighting the pillage and unlawful trafficking of cultural objects;
15. *Requests* the Secretary General to convey this resolution to the IPU's Member Parliaments, Associate Members and Observers, and to the other international organizations.