



Inter-Parliamentary Union
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134th IPU Assembly

Lusaka (Zambia), 19 - 23 March 2016



Standing Committee on
Sustainable Development,
Finance and Trade

C-II/134/DR
15 January 2016

Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity

***Draft resolution submitted by the co-Rapporteurs
Mr. A. Destexhe (Belgium) and Mr. H. Kouskous (Morocco)***

The 134th Assembly of the Inter-Parliamentary Union,

(1) *Recalling* that several UNESCO Conventions already provide an international legal framework for the protection of heritage,

(2) *Also recalling* that a preliminary report containing the nine challenges on which the recommendations are based is available on the website of the Inter-Parliamentary Union,¹

Armed conflict and terrorism

(3) *Noting with regret* that in situations of armed conflict, there is an almost systematic destruction of cultural heritage, whether as collateral damage or intentional destruction,

(4) *Recalling* that the Convention for the Protection of Cultural Property in the Event of Armed Conflict (the 1954 Hague Convention) and its two Protocols already provide for the protection of cultural property in the event of armed conflict and are an integral part of international humanitarian law,

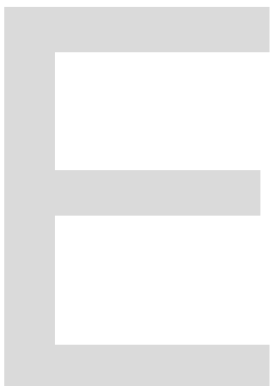
(5) *Regretting* that too few States have ratified that instrument, particularly the Second Protocol, which includes provisions in Article 11 *inter alia* for preventive measures to protect cultural heritage and to enhance that protection,

(6) *Strongly condemning* the intentional destruction of cultural heritage committed by armed groups, and *recalling* that Article 8.2 of the Rome Statute of the International Criminal Court defines such destruction, under certain circumstances, as a war crime, while Article 15 of the Second Protocol to the 1954 Hague Convention considers it an offence,

Looting, illicit trafficking and funding terrorism

(7) *Recalling* that looting and illicit trafficking are widespread in countries where there is a rich archaeological heritage and where there is either a weak legal and institutional framework or where looting and trafficking can be a significant source of income,

¹ <http://www.ipu.org/conf-f/133/2cmt-DESTEXHE.pdf>



(8) *Also recalling* that United Nations Security Council resolution 2199 (2015) establishes a direct link between illicit trafficking and the funding of terrorism,

(9) *Underscoring* the need to ensure that there is a mechanism in place to adequately protect underwater cultural heritage against intensive and systematic looting premised on the logic that those who first discover underwater heritage automatically become its owner,

Mass tourism

(10) *Convinced* that cultural heritage constitutes a unique tourist attraction and that mass tourism can be both promising for economic development and destructive for our heritage,

(11) *Noting* that mass tourism can have devastating effects on parts of our heritage that are ill-suited to deal with such large numbers of visitors,

(12) *Recalling* that tourists have a duty towards our common heritage, which should help to create visiting conditions that allow each and every one to enjoy that heritage and at the same time avoid using it inappropriately or untowardly,

(13) *Also recalling* that the necessary balance between encouraging tourism and preserving cultural heritage can only be struck by ensuring the development of "sustainable tourism,"

Population growth and urbanization

(14) *Noting* that population growth and concentration has led to urbanization policies that tend to distort heritage and its surrounding environment,

(15) *Considering* that spatial planning should not be driven by the objectives of tourism above all else,

Enhancing awareness

(16) *Recognizing* the importance of raising awareness from an early age among individuals and communities about the importance of preserving our cultural heritage, so as to trigger a process of assuming responsibility for the deterioration and destruction that jeopardize our cultural heritage,

Conservation of heritage

(17) *Considering* that restoration can breathe new life into heritage, or conversely damage it, if the techniques and materials used are inappropriate,

(18) *Also considering* the role that the conservation and restoration of heritage can play in the reconciliation of peoples and the promotion of cultural pluralism, which symbolically recognizes the identity of others,

Globalization

(19) *Further considering* that one of the effects of globalization is the standardization and homogenization all facets of heritage, which particularly threatens the protection of intangible cultural heritage,

Climate change

(20) *Recognizing* that climate change is expected to have repercussions on tangible, intangible and underwater cultural heritage,

Nominations for world heritage lists

(21) *Recalling* that greater protection can be provided to items declared and listed as national heritage, and that States should be made more aware of that fact,

(22) *Underscoring* the need to protect heritage as a whole, whether listed or not, against common threats,

(23) *Welcoming* the work already done in response to those threats by UNESCO as well as by all local, national and international bodies and organizations working in the field of cultural heritage,

(24) *Recalling* that, in order to avoid duplication, all the legal instruments relating to heritage should constitute a coherent whole rather than merely exist in parallel,

(25) *Considering* that only parliaments have the power to lead, legislate and oversee government action in order to enable all of the recommendations below to be effectively implemented,

Armed conflict and terrorism

1. *Urges* parliaments, if they have not already done so, to ratify and incorporate into their national legal framework the 1954 Hague Convention and its two Protocols;
2. *Calls upon* parliaments to ensure that all parties to armed conflict respect cultural property in accordance with the rules of international humanitarian law and the legal framework established by conventions governing cultural matters that they have ratified;
3. *Recommends* the establishment of mechanisms needed to systematically prosecute the perpetrators of intentional deterioration or destruction of cultural heritage and *also recommends* that intentional destruction should be defined in domestic law as a war crime, according to Article 8.2 of the Rome Statute and in line with United Nations Security Council resolution 2199;
4. *Stresses* in this regard the importance of developing a framework for cooperation with international criminal justice bodies and of facilitating the development of inter-State judicial cooperation procedures, which is essential for the prosecution of the perpetrators of the most serious crimes;
5. *Encourages* parliaments to advocate for greater efforts to be made in training staff at museums and other institutions in which cultural heritage is kept so that, in times of war, they are able to determine which objects should be saved first and how that should be done;
6. *Invites* parliaments to legislate in order to anticipate situations of potential armed conflict and establish an emergency plan for the storage or evacuation of tangible heritage from the country;
7. *Proposes* to systematically make the protection of cultural and historical sites part of peacekeeping operations;

Looting, illicit trafficking and funding terrorism

8. *Urges* parliaments to ratify the 1970 UNESCO Convention², the Convention on the Protection of the Underwater Cultural Heritage (2001), and the UNIDROIT Convention (2001);³
9. *Recommends* that parliaments to ensure that States keep an inventory of all of their heritage in the broadest sense, to record the entire inventory on microfiche and/or CD-ROM and to keep several secure copies;

² Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

³ UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (2001).

10. *Also recommends* that, on the basis of the inventory, that conditions be created to ensure that regular studies are conducted and that allegations of looting can be followed up;
11. *Invites* parliaments to establish a national body to combat trafficking in cultural property whose mandate would extend to the investigation of looting within countries' national borders and on the high seas;
12. *Calls for* each parliament to ensure that records are established for professional art dealers, which should indicate the origin of the items they purchase;
13. *Calls on* parliaments to recommend that special police and customs units be established to combat the theft of and suppress the illicit trafficking in works of art;
14. *Encourages* parliaments to support all bilateral or international cooperation initiatives in collaboration with Interpol and the World Customs Organization;
15. *Also encourages* parliaments to advocate for the effective implementation of United Nations Security Council resolution 2199 and to establish linkages between the illicit trafficking of cultural objects and the funding of terrorism;
16. *Invites* parliaments to adopt legislation that establishes a follow-up mechanism regarding suspicious sales transactions on the Internet;
17. *Recommends* that parliaments advocate for a monitoring system to be established, which would relate to the movement of cultural property and which would include a system of export certificates, without which it would constitute a criminal offence for cultural property to be moved out of a country;
18. *Also recommends* that urgent measures be adopted to prohibit imports when the heritage of a State Party is seriously threatened by intense archaeological and ethnological looting;

Mass tourism

19. *Invites* parliaments to take appropriate action in order to establish a system to regulate the numbers of tourists, using a daily visitor quota with time slots, after first having determined the cultural heritage to which such a system should apply;
20. *Encourages* a more systematic establishment of protection perimeters around certain sites in order to protect the most fragile parts of our heritage;
21. *Calls on* parliaments to consider the possibility of limiting the number of people visiting national museums and the most frequently visited sites, so as to both protect heritage and maintain the quality of visits;
22. *Invites* parliaments to engage in consultations with museum authorities in order to ensure that they are not only pursuing economic goals, but also doing all they can to ensure the quality of visits, the protection of objects and awareness of the cultural heritage on exhibit;
23. *Also invites* parliaments to establish an appropriate legal framework in order to enhance language training for guards at tourist attractions, so that they can communicate more easily with persons who do not follow the established rules;

Population growth and urbanization

24. *Further invites* parliaments to insist that impact assessments be systematically carried out in their respective countries wherever urban projects alter the environment that surrounds cultural heritage;

Enhancing awareness

25. *Strongly recommends* that information about the importance of respecting and protecting heritage be included in a cross-cutting manner in school curricula and military training programmes;
26. *Invites* parliaments to promote public awareness-raising events, such as heritage days, and to encourage all public and private initiatives that form part of the International Day for Monuments and Sites dedicated to World Heritage on 18 April;
27. *Also invites* parliaments to promote citizen participation in the process of managing heritage in line with the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (the Faro Convention);
28. *Further invites* parliaments to ensure that background information is made available to citizens on tangible, intangible and underwater cultural heritage located in their countries;

Conservation of heritage

29. *Encourages* parliaments to do everything possible to foster and organize high-quality training on the conservation and protection of cultural heritage in all its forms;
30. *Also encourages* parliaments to promote the regular maintenance of the heritage of their country;
31. *Calls on* parliaments to ensure that, where large-scale restoration projects occur, they receive automatic support from networks of national and international experts, so that an assessment can be made of best techniques to be used;

Climate change

32. *Recommends* that consultations with experts take place, including with specialists in cultural heritage and traditional construction techniques, in order to plan for climate change and its effects on cultural heritage, as well as to include traditional knowledge and techniques in conservation plans;
33. *Encourages* the establishment both of national listed heritage assessments and of potential climate-change-related risks in order to take measures to limit them;

Nominations for world heritage lists

34. *Also encourages* the authorities of each country to raise awareness about the benefits of registering elements of cultural property located inside their borders on the UNESCO World Heritage List;
35. *Urges* parliaments to do everything possible to assess whether, in accordance with the Second Protocol to the 1954 Hague Convention, certain segments of heritage do not deserve to benefit from higher levels of protection;
36. *Also urges* parliaments to ratify the Convention on the Protection of the Underwater Cultural Heritage (2001).