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Destruction of cultural sites perpetrated by ISIS/Da'esh

Greens/EFA motion for resolution

Tabled by ***Michèle Rivasi, Pascal Durand, Helga Trüpel, Ernest Maragall, Michel Reimon, Jordi Sebastià, Yannick Jadot, Alyn Smith, Jean Lambert, Davor Škrlec*** *on on behalf of the Greens/EFA group*

The European Parliament,

– having regard to the questions to the Council and to the Commission on the destruction of cultural sites perpetrated by ISIS/Da'esh (O-000031 – B8 0115/2015 and O-000032 – B8 0116/2015),

– having regard to Article 167 TFEU, which provides that 'action by the Union shall be aimed at encouraging cooperation between Member States', notably in the area of 'conservation and safeguarding of cultural heritage of European significance' and that 'the Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture',

– having regard to Council Regulation (EC) No 116/2009[1] of 18 December 2008 on the export of cultural goods,

– having regard to Council Regulation (EC) No 1210/2003[2] of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96[3],

– having regard to Council Regulation (EU) No 1332/2013[4] of 13 December 2013 amending Regulation (EU) No 36/2012[5] concerning restrictive measures in view of the situation in Syria, adopted on the basis of Council Decision 2013/760/CFSP[6] of 13 December 2013 amending Decision 2013/255/CFSP[7] concerning restrictive measures against Syria and, in particular Article 11c concerning import, export or transfer of Syrian cultural property goods,

– having regard to Council Joint Action 2001/555/CFSP[8] of 20 July 2001 on the establishment of a European Union Satellite Centre, amended by Council Joint Action 2009/834/CFSP[9],

– having regard to Council Resolution 14232/12 of 4 October 2012 on the creation of an informal network of law enforcement authorities and expertise competent in the field of cultural goods (EU CULTNET),

– having regard to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954,

– having regard to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970,

– having regard to the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972,

– having regard to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 17 October 2003,

– having regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 20 October 2005,

– having regard to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995,

– having regard to UN Security Council Resolution 2199 of 12 February 2015 on threats to international peace and security caused by terrorist acts by Al-Qaida[10],

– having regard to the Venice Charter of 1964 for the Conservation and Restoration of Monuments and Sites, which gives an international framework for the preservation and restoration of ancient buildings,

– having regard to the Rome Statute of the International Criminal Court adopted on 17 July 1998, and, in particular, to Article 8(2)(b)(ix), which recognises the act of 'intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives' as a war crime,

– having regard to its resolution of 12 March 2015[11] on the annual report on human rights and democracy in the world 2013 and the EU policy on the matter, which states, in paragraph 211, that 'intentional forms of destructions of cultural and artistic heritage, as it is currently occurring in Iraq and in Syria, should be prosecuted as war crimes and as crimes against humanity',

– having regard to the Joint Communication of 6 February 2015 to the European Parliament and the Council on elements for an EU regional strategy for Syria and Iraq as well as the Da'esh threat (JOIN(2015)2), in which the Commission and the VP/HR recognised the seriousness of destruction and looting of cultural heritage in tackling the crises in Syria and Iraq and the threat posed by Da'esh,

– having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas numerous archaeological, religious and cultural sites in Syria and Iraq have recently been subject to targeted destruction perpetrated by groups of extremists linked particularly to the Islamic State in Iraq and Syria (ISIS/Da'esh) and whereas these systematic attacks against cultural heritage were described by UNESCO Director-General Irina Bokova as 'cultural cleansing';

B. whereas according to UNESCO the term 'cultural cleansing' refers to an intentional strategy that seeks to destroy cultural diversity through the deliberate targeting of individuals identified on the basis of their cultural, ethnic or religious background, combined with deliberate attacks on their places of worship, memory and learning, and whereas the strategy of cultural cleansing that can be seen in Iraq and Syria is reflected in attacks against cultural heritage that are both against physical, tangible and built expressions of

culture, such as monuments and buildings, and against minorities and intangible expressions of culture, such as customs, traditions and beliefs[12];

C. whereas some acts of destruction of cultural heritage have been considered, under certain circumstances, as crimes against humanity[13]; whereas when these acts are directed towards members of a religious or ethnic group in particular, they can be assimilated to the crime of persecution, as set forth by Article 7(1)(h) of the Statute of the International Criminal Court;

D. whereas such acts of destruction of cultural and historical sites and objects are not new and are not confined to Iraq and Syria and whereas according to UNESCO 'cultural heritage is an important component of the cultural identity of communities, groups and individuals, and of social cohesion, so that its intentional destruction may have adverse consequences on human dignity and human rights'[14]; whereas, according to UNESCO and others, the looting and smuggling of cultural and religious sites and objects in Iraq and Syria by Assad's Regime, opposition groups and in particular by ISIS/Da'esh and other groups involved in the conflict are being used to help fund conflict and terrorist activities, with the result that artistic and cultural goods are transformed into 'war weapons';

E. whereas, thanks to the funding provided by the European Union, UNESCO with other strategic partners launched on 1 March 2014 a three-year project called 'Emergency Safeguarding of the Syrian Heritage', aiming in particular at ensuring emergency protection of the Syrian cultural heritage;

F. whereas the European Union has ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions signed on 20 October 2005, the first international instrument to recognise the dual economic and cultural nature of cultural goods, which 'must therefore not be treated as solely having commercial value';

G. whereas the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property signed on 17 November 1970 and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects signed on 24 June 1995 are essential instruments for strengthening protection of global cultural heritage;

H. whereas illicit trade in cultural goods is now the third most significant illegal trade after drugs and arms; whereas this illicit trade is dominated by organised criminal networks and whereas current national and international mechanisms are neither adequately equipped nor supported to tackle the issue[15];

I. whereas combating the illicit trade in cultural goods is not a specific competence of the European Union, insofar as it is not laid down as such in the treaties, but whereas nevertheless this fight against illicit trade falls within several fields of competence of the EU, such as the internal market, the area of freedom, security and justice (AFSJ), culture and common foreign and security policy (CFSP);

J. whereas there is an urgent need to better coordinate the fight against illicit trade of cultural artefacts and to work closely together in order to promote awareness raising and information sharing and to achieve a strengthening of legal frameworks, recalling in this context that in December 2011, Council conclusions on preventing and combating crime against cultural goods recommended, inter alia, that the Member States strengthen cooperation between law enforcement officials, cultural authorities and private organisations;

K. whereas in October 2012, a Council resolution created an informal network of law enforcement authorities and expertise competent in the field of cultural goods, whose main objectives are to improve the exchange of information related to the prevention of illicit trade in cultural goods and to identify and share information on criminal networks suspected of being involved in illicit trade;

L. whereas on 28 March 2015, UNESCO Director-General Irina Bokova launched in Bagdad the

campaign #Unite4Heritage, which aims to mobilise global support for the protection of cultural heritage through the power of social networks;

1. Strongly condemns the destruction of cultural, archaeological and religious sites perpetrated by conflicting parties, notably the so-called ISIS and government forces, in Syria and Iraq;

2. Denounces the destruction of cultural heritage by Assad's warfare and, to a lesser extent, by other warring parties; recalls the responsibility of the Assad's regime for this destruction and warns that this will add to the list of charges against him before a future international court; highlights also the destruction in Iraq by groups other than IS, notably Shia militias and Iraqi forces in the fight against IS;

3. Calls on the VP/HR to take appropriate action at political level, in accordance with UN Security Council Resolution 2199 of 12 February 2015, in order to put an end to the illegal trade in cultural property from the territories of Syria and Iraq during periods of conflict in those territories, thereby preventing them from being used as a source of financing;

4. Calls on the international coalition, in particular participating EU Member States, not to cause damage to Syrian and Iraqi cultural heritage in the course of their air strikes and reminds them of their obligations under international law;

5. Calls on the VP/HR to use cultural diplomacy and intercultural dialogue as a tool for rebuilding the destroyed sites;

6. Calls on the VP/HR and the Commission to implement security measures at the EU's external borders to prevent cultural goods from Syria and Iraq from being smuggled into the Union and calls on the Members States to effectively cooperate in a joint action against the trade of artefacts of Syrian and Iraqi origin in Europe, since a high concentration of the trade in Middle Eastern art is destined for the European market, together with the United States and the Gulf area;

7. Suggests in this context that the Commission, in line with paragraph 17 of UN Security Council Resolution 2199 of 12 February 2015, focus on the fight against illicit trade in cultural artefacts, specifically as regards items of cultural heritage illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011; calls on the Commission to devise a coordinated approach for combating that illegal trade, working together with those responsible at national level in the investigation services and in close cooperation with UNESCO and other international organisations such as ICOM (International Council of Museums), the ICOM's International Committee of the Blue Shield (ICBS), Europol, Interpol, UNIDROIT (International Institute for the Unification of Private Law), WCO (World Customs Organisation), ICOMOS (International Council on Monuments and Sites) and ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property);

8. Calls on the VP/HR to involve the Torrejón European Union Satellite Centre, which supports the Union in the context of its CFSP by providing material resulting from the analysis of satellite imagery, for the purpose of monitoring and listing archaeological and cultural sites in Syria and Iraq and supporting the activities of Syrian archaeologists with the aim of preventing further lootings and preserving civilians' lives;

9. Calls on the Commission to set up a rapid and secure exchange of information and sharing of best practices between the Member States to effectively combat the illicit trade in cultural artefacts illegally removed from Iraq and Syria and to urge the Member States to use international tools against illicit trafficking in cultural goods for police and custom officers, such as Interpol's dedicated database 'I-24/7' on stolen works of art and the online communication tool of the ARCHEO programme of the World Customs Organisation (WCO);

10. Calls for consideration to be given to putting in place European training programmes for judges, police and customs officers, government administrations and other relevant public and private stakeholders in order to enable those involved in combating illicit trade in cultural goods to develop and improve their expertise and to support initiatives such as the e-learning course for Syrian Heritage Professionals promoted by ICOMOS in January 2013, teaching information on disaster risk management, first aid measures for cultural collections and documentation technique;

11. Asks the Commission to link up with international projects from civil society on protecting and reporting on cultural goods in danger, such as the AAAS geospatial technologies project, and to continue to support research communities' activities such as Project Mosul, developed by the Initial Training Network for Digital Cultural Heritage (funded by a Marie Skłodowska-Curie actions grant);

12. Calls on the Commission to provide stronger support to the ICOM's International Observatory on Illicit Traffic in Cultural Goods, which has produced an emergency red list of Syrian and Iraqi antiquities at risk, designed as a tool for museums, customs officials, police officers, art dealers and collectors and which plans to use satellite imagery to monitor the situation on the ground, in cooperation with UNITAR;

13. Calls on the Commission to support UNESCO's #Unite4Heritage campaign by initiating an information campaign focused on Iraq and Syria, with the aim of raising awareness of the importance of their cultural heritage, of the way looting is used to finance government repression and terrorist activities, and of the possible penalties associated with the illegal import of cultural goods coming from these countries, or from other third countries;

14. Calls on the Commission to strengthen and improve the functioning of the informal network of law enforcement authorities and expertise competent in the field of cultural goods (EU CULTNET), created by the Council Resolution (14232/12) of October 2012, whose objective is to improve the exchange of information related to the prevention of illicit trade in cultural goods, and to envisage the creation of an additional instrument to control the import of cultural goods unlawfully removed by Syria and Iraq into the EU;

15. Calls on the Council to envisage the creation, in Eurojust and Europol, of a section specialising in the illegal trade in cultural goods, which would be responsible for coordinating, at European level, prosecutions and investigations by the different national authorities, as the existence of dedicated sections is a prerequisite for better use of resources for preventing and combating illegal trade and trafficking;

16. Calls on the European Union to take the necessary steps, in collaboration with UNESCO and the International Criminal Court, to extend the international law category of crimes against humanity in order to encompass acts which wilfully damage or destroy the cultural heritage of mankind on a large scale;

17. Calls on the Member States which have not already done so to ratify the UNESCO Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the UNIDROIT Convention of 1995;

18. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the UNESCO Director General, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Syrian National Coalition and the Government and Parliament of Iraq.

[1] OJ L 39, 10.2.2009, p. 1.

[2] OJ L 169/6, 8.7.2003, p. 6.

[3] OJ L 337, 27.12.1996, p. 1–3.

[4] OJ L 335, 14.12.2013, p. 3–7.

[5] OJ L 16, 19.1.2012, p. 1.

[6] OJ L 335, 14.12.2013, p. 50–51.

[7] OJ L 147, 1.6.2013, p. 14–45.

[8] OJ L 200, 25.7.2001, p. 5–11.

[9] OJ L 297, 13.11.2009, p. 18.

[10] http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2199%20%282015%29

[11] Texts adopted, P8_TA(2015)0076.

[12] http://www.unesco.org/new/en/media-services/single-view/news/conference_report_heritage_and_cultural_diversity_at_risk_in_iraq_and_syria/

[13] International Criminal Tribunal for Yugoslavia, *Kordić & Čerkez*, 26 February 2001, IT-95-14/2, paragraphs 207-8.

[14] UNESCO Declaration on Intentional Destruction of Cultural Heritage, 2003.

[15] http://www.africa-eu-partnership.org/newsroom/all-news/morocco-africa-eu-workshop-fight-against-illegal-trafficking-cultural-goods

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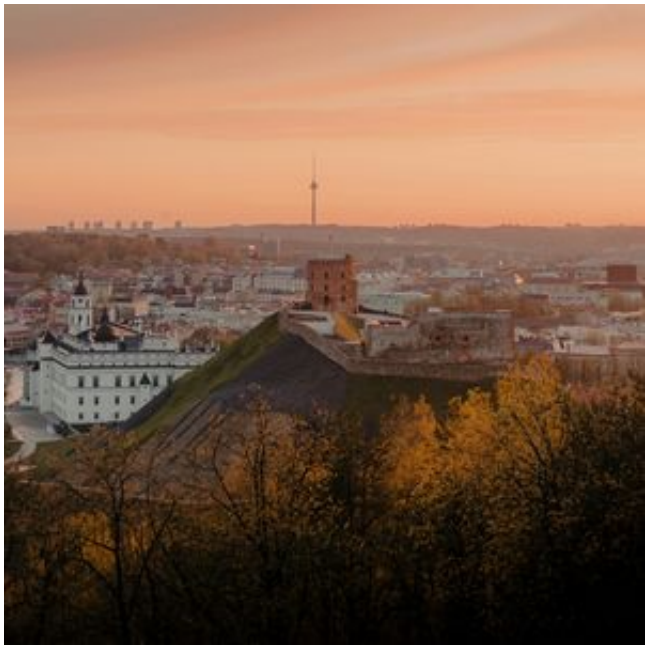
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