



Resolution 2234 (2018)¹

Deliberate destruction and illegal trafficking of cultural heritage

Parliamentary Assembly

1. Cultural heritage has social and political value, as well as intrinsic worth. It stands for the ideas and achievements which have shaped human development; throughout history, it has been celebrated as a manifestation of creativity, but it has also been targeted in times of conflict as a symbol of identity to be attacked in order to demoralise, defeat and eradicate populations.

2. Due to its intrinsic worth, cultural heritage has been legitimately commissioned, displayed, bought and sold, but it has also been stolen, looted, trafficked and forged for illicit financial gain. Notably, in Iraq and Syria, Daesh has been plundering the region's cultural heritage, deliberately destroying important archaeological sites and profiting from the sale of valuable excavated artefacts.

3. Illegal trafficking in cultural heritage has always been transnational, feeding into a black market trade in antiquities, art and artefacts. Nowadays, the black market is moving away from the traditional means of trading towards social media and the internet. Moreover, the Assembly is concerned that these illicit financial gains are used to fund corruption, terrorism and violence.

4. In this context, the Parliamentary Assembly refers to its [Resolution 2057 \(2015\)](#) and [Recommendation 2071 \(2015\)](#) on cultural heritage in crisis and post-crisis situations, and the Namur Declaration adopted at the 6th Council of Europe Conference of Ministers responsible for Cultural Heritage (2015) and welcomes the work undertaken as a result of this decision which has led to the new Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221), adopted in Nicosia in May 2017.

5. The new convention builds on the existing legal framework, following the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Protection of Cultural Property in the Event of Armed Conflict ("the Hague Convention") (1954) and its two protocols (1954 and 1999), the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects (1995) and the various regulations and directives of the European Union; it therefore aims to close the gaps which remain in criminal law.

6. Accordingly, the Assembly recommends that the member States of the Council of Europe:

6.1. sign and ratify the Council of Europe Convention on Offences relating to Cultural Property;

6.2. sign and ratify, if they have not yet done so, the UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict and its protocols, the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects;

6.3. establish close co-operation between relevant ministries, involving also public agencies, the police, customs and specialists in the trade in art and antiquities, and set up a central national authority which would also be a focal point for international co-operation;

1. *Assembly debate* on 29 June 2018 (27th Sitting) (see [Doc. 14566](#), report of Committee on Culture, Science, Education and Media, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 29 June 2018 (27th Sitting). See also [Recommendation 2139 \(2018\)](#).



6.4. engage in international co-operation (on gathering evidence, convicting perpetrators and recovering objects) between source, transit and final destination countries, enabling the exchange of information, the harmonisation of laws and the standardisation of procedures and expectations of due diligence at all levels of the marketing chain; and in particular:

6.4.1. establish regularly maintained digital inventories for the safeguarding of cultural property with regulated, differential levels of access and common standards in denomination and description of objects and sites to facilitate international co-operation, *inter alia* through Interpol's Stolen Works of Art database;

6.4.2. introduce mandatory "passports" for cultural objects in order to facilitate object identification and data exchange, by using the Object ID standard (including photographs as part of the record) developed by the Getty Information Institute and hosted by UNESCO;

6.4.3. harmonise mandatory import and export procedures (including the photographic requirement) to combat widespread falsification of documentation;

6.4.4. develop accredited training programmes for all those professionally concerned with the protection of cultural property, including museum staff, military personnel, police, customs officers and archaeologists;

6.4.5. create incentives for the legitimate art market to participate in all substantive discussions in combating trafficking and creating a more open and transparent market, urging adherence to codes of practice, explaining proper procedures to the wider public and participating fully in eradicating contraband;

6.5. engage in co-operation activities with the Council of Europe, UNESCO, UNIDROIT and other relevant international organisations, with a view to:

6.5.1. codifying the international requirement of due diligence for auction houses, dealers (with an obligation to establish records of transactions) and individual purchasers, following the creation of the Code of Ethics for Museums by the International Council of Museums (ICOM); and develop guidance for private buyers in co-operation with established dealers and auction houses;

6.5.2. creating incentives for internet marketing platforms, such as eBay, to regulate internet transactions and use the procedures which are required for the legitimate art market, namely to publicise and prevent potential illegality in transactions and insist on the presentation of documentation on provenance alongside the object;

6.5.3. developing strategies required for the protection of threatened heritage in archaeologically sensitive potential combat zones, and, if feasible, provide technical and financial assistance to their effective implementation; participate in the training initiative launched by UNESCO and the Italian Government for the United Nations Emergency Taskforce for Culture (the "Blue Helmets for Culture") in Turin.