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*Plenary sitting*

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27.4.2015

B8-0375/2015

## MOTION FOR A RESOLUTION

further to Questions for Oral Answer B8-0115/2015 and B8-0116/2015

pursuant to Rule 128(5) of the Rules of Procedure

on the destruction of cultural sites perpetrated in Syria and Iraq  
(2015/2649(RSP))

**Fernando Maura Barandiarán, Ilhan Kyuchyuk, Juan Carlos Girauta Vidal, Marietje Schaake, Marielle de Sarnez, Urmas Paet, Gérard Deprez, Ivan Jakovčić, Dita Charanzová, Petr Ježek, Filiz Hyusmenova**  
on behalf of the ALDE Group

**European Parliament resolution on the destruction of cultural sites perpetrated in Syria and Iraq  
(2015/2649(RSP))**

*The European Parliament,*

- having regard to the Questions for Oral Answer to the Council and the Commission on the destruction of cultural sites perpetrated in Syria and Iraq (O-000031/2015 – B8-0115/2015 and O-000032/2015 – 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 of 18 December 2008 on the export of cultural goods<sup>1</sup>,
- having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96<sup>2</sup>,
- having regard to Council Regulation (EU) No 1332/2013 of 13 December 2013<sup>3</sup> amending Regulation (EU) No 36/2012<sup>4</sup> concerning restrictive measures in view of the situation in Syria, adopted on the basis of Council Decision 2013/760/CFSP of 13 December 2013 amending Decision 2013/255/CFSP concerning restrictive measures against Syria<sup>5</sup>, and in particular Article 11c thereof concerning import, export or transfer of Syrian cultural property goods,
- having regard to Council Joint Action 2001/555/CFSP of 20 July 2001 on the establishment of a European Union Satellite Centre<sup>6</sup>, amended by Council Joint Action 2009/834/CFSP<sup>7</sup>,
- having regard to the Council Resolution of 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

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<sup>1</sup> OJ L 39, 10.2.2009, p. 1.

<sup>2</sup> OJ L 169, 8.7.2003, p. 6.

<sup>3</sup> OJ L 335, 14.12.2013, p. 3.

<sup>4</sup> OJ L 16, 19.1.2012, p. 1.

<sup>5</sup> OJ L 335, 14.12.2013, p. 50.

<sup>6</sup> OJ L 200, 25.7.2001, p. 5.

<sup>7</sup> OJ L 297, 13.11.2009, p. 18.

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<sup>1</sup>,
- having regard to the Venice Charter for the Conservation and Restoration of Monuments and Sites of 1964 that provides 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, paragraph 2 b) ix thereof, 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 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union’s 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’<sup>2</sup>,
- having regard to the Joint Communication to the European Parliament and the Council of 6 February 2015, entitled ‘Elements for an EU regional strategy for Syria and Iraq as well as the Da’esh threat’, JOIN(2015)0002, in which the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy 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,

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<sup>1</sup> <http://www.refworld.org/docid/54ef1f704.html>

<sup>2</sup> Texts adopted, P8\_TA(2015)0076).

- A. recalling that numerous archaeological, religious and cultural sites in Syria, Iraq and Tunisia 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 that these systematic attacks against the cultural heritage were defined by UNESCO Director-General Irina Bokova as 'cultural cleansing';
- B. stressing that, 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 that the strategy of cultural cleansing that can be witnessed in Iraq and Syria is reflected in attacks against cultural heritage, that is, against physical, tangible and built expressions of culture such as monuments and buildings, as well as against minorities and intangible expressions of culture such as customs, traditions and beliefs<sup>1</sup>;
- C. recalling that certain acts of destruction of cultural heritage have been considered, under certain circumstances, as crimes against humanity<sup>2</sup>; in particular, when directed towards members of a religious or ethnic group, 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. emphasising that such acts of destruction of cultural and historical sites and objects are not new, and are not confined to Iraq and Syria, and that, 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'<sup>3</sup>; stressing that, as stated by UNESCO amongst others, the products of looting and smuggling of cultural and religious sites and objects in Iraq and Syria by Bashar al-Assad's regime, the Free Syrian Army (FSA) and the 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 becoming 'war weapons';
- E. recalling that, 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 notably at ensuring emergency protection of the Syrian cultural heritage;
- F. recalling that the European Union has ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, signed on 20 October 2005, which is 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. emphasising that the UNESCO Convention on the Means of Prohibiting and Preventing

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<sup>1</sup> [http://www.unesco.org/new/en/media-services/single-view/news/conference\\_report\\_heritage\\_and\\_cultural\\_diversity\\_at\\_risk\\_in\\_iraq\\_and\\_syria/](http://www.unesco.org/new/en/media-services/single-view/news/conference_report_heritage_and_cultural_diversity_at_risk_in_iraq_and_syria/)

<sup>2</sup> International Criminal Tribunal for Yugoslavia, *Kordić & Čerkez*, 26 February 2001, IT-95-14/2; paragraphs 207-8.

<sup>3</sup> UNESCO Declaration on Intentional Destruction of Cultural Heritage, 2003.

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 the global cultural heritage;

- H. recalling that illicit trade in cultural goods is now the third most significant illegal trade after drugs and arms, that this illicit trade is dominated by organised criminal networks and that current national and international mechanisms are neither adequately equipped nor supported to tackle the issue<sup>1</sup>;
  - I. drawing attention to the fact that 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 that nevertheless this fight against illicit trade comes under several fields of competence of the EU, such as the internal market, the Area of Freedom, Security and Justice (AFSJ), culture and the Common Foreign and Security Policy (CFSP);
  - J. recognising the 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, the 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. recalling that in October 2012, a Council Resolution created an informal network of law enforcement authorities and expertise competent in the field of cultural goods (EU CULTNET), whose main objective is 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. recalling that on 28 March 2015, UNESCO's Director-General Irina Bokova launched the #Unite4Heritage campaign in Baghdad, which aims to mobilise global support for the protection of cultural heritage, using the power of social networks;
1. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (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 armament for Bashar al-Assad's regime, the Free Syrian Army (FSA), the ISIS/Da'esh and other groups involved in the conflict for terrorist activities;
  2. Calls on the VP/HR to use cultural diplomacy and intercultural dialogue as a tool when it comes to reconciling the different communities and rebuilding the destructed sites;

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<sup>1</sup> <http://www.africa-eu-partnership.org/newsroom/all-news/morocco-africa-eu-workshop-fight-against-illegal-trafficking-cultural-goods>

3. Calls on the VP/HR and the Commission to implement security measures at the EU borders to prevent cultural goods from Syria and Iraq being smuggled across the borders, and calls on the Member States to effectively cooperate in a joint action against the trading of artefacts of Syrian and Iraqi origin in Europe, since a high concentration of the trade in Middle Eastern art is actually designed for the European market, together with the United States and the Gulf area;
4. Suggests, in this context, that the Commission envisage creating, in line with paragraph 17 of UN Security Council Resolution 2199 of 12 February 2015, a cross-cutting department which would be in charge of the prevention of and the fight against illicit trade in cultural artefacts, with a unit dedicated specifically to items of cultural heritage illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011; suggests also that this department should devise a coordinated approach to 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);
5. Calls on the Commission to make a request to the VP/HR to involve the European Union Satellite Centre in Torrejón, which supports the decision-making of the Union in the context of the 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 the Syrian archaeologists, with the aim of preventing further lootings and preserving civilians' lives;
6. 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 customs officers, such as Interpol's dedicated database 'I-24/7' on Stolen Works of Art and the WCO's online communication tool, ARCHEO;
7. Calls for European training programmes to be put in place, aimed at judges, police and customs officers, government administrations, and market players more generally, 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, providing information on disaster risk management, first aid to cultural collections and documentation technique;
8. Calls on the Commission to provide stronger support to the ICOM's International Observatory on Illicit Traffic in Cultural Goods, that has produced Emergency Red Lists of Syrian and Iraqi Antiquities at risk, designed as a tool for museums, customs officials, police officers, art dealers and collectors that plan to use satellite imagery to

monitor the situation on the ground, in cooperation with the UN Institute for Training and Research (UNITAR);

9. 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 the products of looting are used to finance terrorist activities, and of the possible penalties associated with the illegal import of cultural goods coming from these countries, or from other third countries;
10. 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 Council Resolution 14232/12 in 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 from Syria and Iraq into the EU;
11. Calls on the Council to envisage the creation, within Eurojust and Europol, of a section specialising in 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;
12. Calls for 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;
13. Calls on the Member States which have not already done so to ratify the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, the UNIDROIT Convention of 1995 and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954;
14. 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 Director-General of UNESCO, 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.