
Fifth session
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17-19 May 2017

Item 8 of the Provisional Agenda: Actions taken by UNESCO’s Partners

This information document summarizes the main points of discussion of the presentations on the Actions taken by UNESCO’S Partners.
I. Introduction

1. With the support of the Subsidiary Committee, the Secretariat worked to develop and strengthen cooperation with the relevant international and United Nations bodies. This matter was also reiterated in Recommendations 22 and 25 of the IOS Evaluation Report, which considered it essential to sustain dialogues with the partners (but also the research institutions) particularly in order to strengthen the complementarity of the activities. The strengthened cooperation between UNESCO, INTERPOL, UNIDROIT, the World Customs Organization (WCO), the United Nations Office on Drugs and Crime (UNODC) and the International Council of Museums (ICOM), as well as with the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS), the Financial Action Task Force (FATF), the German institution Stiftung Preußischer Kulturbesitz (Prussian cultural heritage foundation), the International Organization of la Francophonie, the specialized Carabinieri unit for the protection of cultural heritage (Italy), the Office Central de lutte contre le trafic des biens culturels (OCBC, France) and the Guardia Civil (Spain), is also boosted by the European Union, the European Parliament, the Council of Europe, the United Nations Security Council Analytical Support and Sanctions Monitoring Team.

II. Studies and projects relating to the prevention of illicit trafficking - European Union

2. The European Union (EU) legislation regulates only the export of cultural goods (Council Regulation (EC) No 116/2009) and the return of cultural objects unlawfully removed from the territory of a Member State (Directive 2014/60/EU).

3. The lack of harmonised rules for the control of imports has been identified as one of factors that contribute to the inflow of illicit cultural goods into the EU territory. Following the Conclusions of the Council on the fight against the financing of terrorism and the Commission’s Action Plan to strengthen the fight against terrorist financing of February 2016, a proposal for a regulation on control of imports of cultural goods is currently under preparation and should be ready for adoption by the Commission in July.

4. However, to efficiently confront illicit trade, a comprehensive set of measures is needed. The European Parliament called on the Commission to devise a coordinated approach in this regard in its resolution of April 2015. Moreover, the EU activities need to be internationally coordinated, due to the cross-border nature of this crime.

5. The fight against illicit trafficking is one of the priorities of EU international cooperation on cultural heritage. The commitment of the EU to the protection of cultural heritage against looting and illicit trafficking has been clearly expressed on 8 June 2016, when the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy issued the Joint Communication ‘Towards an EU Strategy for International Cultural Relations’. Furthermore, the current EU policy cycle for organized serious and international crime 2014-2017 consists of nine priorities one of them being ‘Organized Property Crime Priority committed by mobile organised criminal groups’ which also addresses issues linked to trafficking in cultural goods.

6. Concerning training and awareness raising activities the EU is currently looking into the possibility of setting up training modules and delivering trainings to relevant professional groups. Recently, the EU has joined forces with UNESCO for a project
“Engaging the European art market in the fight against illicit trafficking of cultural property”. The objective is to reinforce due diligence conduct in the European art trade and sensitize relevant stakeholders to the different implications of illicit trafficking in cultural property.

7. Additionally, the European Commission financially supports innovative projects that promote the prevention and fight against illicit trafficking of cultural property. These projects include the Observatory on illicit trafficking in cultural goods set up by the International Council of Museums (ICOM) and the Commission is looking into COPERNICUS satellite imagery for the monitoring of cultural heritage.

8. The EU also supports projects targeting cultural heritage professionals in third countries on protection, preservation and safeguarding of cultural heritage. Including two flagship projects, in Mali and Syria that are financed by the EU and implemented by UNESCO.

III. Operation PANDORA/international cooperation of law enforcement agencies - INTERPOL

9. Operation Pandora was led by the Cypriot and Spanish police and organized in the framework of the EMPACTs (European Multidisciplinary Platform Against Criminal Threats). Since Operation Pandora has come into force 75 people have been arrested and 92 new investigations opened. Additionally, 3561 works of art and cultural goods were seized, almost half of them were archeological objects. 48,588 people, 29,340 vehicles and 50 ships were checked, along with 2,949 inspections in antiques shops, art galleries and auction houses; 95,327 borders, ports and airports were also checked.

10. INTERPOL made available full support of specialized police to check the Stolen Works of Art Database in several countries involved in the operation. EUROPOL offered technical support to the participants. UNESCO provided a network of experts to identify the provenance of the inspected objects of art and WCO communicated the ongoing operations to the involved customs officers to be ready to support the participating countries. The communication between the various law enforcement agencies were based on three international platforms: INTERPOL’s I 24/7, EUROPOL SIENA and to support customs officers, WCO’s ARCHEO.

IV. Means of improving capacities of customs at national level - World Customs Organization

11. In July 2016, the World Customs Organization (WCO) Council Resolution on the role of Customs in preventing illicit trafficking of cultural objects was unanimously adopted. It provides a solid stepping stone for action in this area both for the Secretariat and its Members, showing both the commitment of the global Customs community and the delivery of concrete activities in order to fulfil it.

   a. The Resolution encourages Customs and other competent authorities to introduce new Export Certificates or revise existing Certificates, in line with the UNESCO-WCO Model Export Certificate for cultural objects;

   b. It calls on Customs administrations to enhance efforts and continue raising awareness on the problem of illicit trafficking and its impact;
c. The Resolution also highlights the WCO instruments designed to assist Customs administrations in their mission, particularly, WCO ARCHEO platform and WCO Customs Enforcement Network (CEN) seizure database.

12. The ARCHEO platform, dedicated to information exchange in the area of cultural heritage protection, has been actively used by its Members. Currently ARCHEO has 135 users from 49 countries. In terms of information flow, the exchanges of open source information are observed on a regular basis. At the same time, ARCHEO is being used both to send alerts and warnings on possible trafficking as well as during investigations for support/consultation inquiries to identify objects. The WCO Secretariat has facilitated the identification of cultural objects through the engagement of the experts of the ARCHEO network. The library is being continuously updated due to users’ input and Secretariat’s research.

13. Due to numerous reports of pillaging and destruction of cultural heritage in the MENA region and the fragile security situation that may facilitate illicit trafficking of cultural objects, and in light of the two UN Security Council Resolutions 2199/2015 and 2253/2015, WCO is planning to organize the first regional workshop on the role of Customs in security and development: the function of cultural heritage protection, from 24 to 28 April 2017 in Tunis, Tunisia.

14. The workshop will analyse the role of Customs in the fragile borderlands and how this role can be translated for the fight against illicit trafficking in cultural objects. This workshop will be an opportunity for senior Customs officers to discuss their national practices and policies regarding security, terrorism and cultural heritage protection so that they could envision their specific role in border security management in areas affected by or neighboring conflicts to address the smuggling of cultural heritage in particular. The workshop will also present an opportunity to develop an efficient regional approach to assist Customs administrations in countering trafficking of cultural objects.

15. It is envisaged that a follow-up practical training for MENA region will be organized in autumn 2017 in order to equip Customs officers with specific tools and instruments for prevention and counter-smuggling activities in this domain.

V. ICOM Red Lists, an Effective Tool to Protect Cultural Objects at Risk - ICOM

16. Since 2000, the International Council of Museums (ICOM) has published 16 Red Lists of Cultural Objects at Risk that cover more than 35 countries where cultural heritage is in danger of looting and trafficking. The ICOM Red Lists, describing typologies of vulnerable objects, aim at being both a practical tool for law enforcement agencies as well as an awareness raising instrument for a larger public. They have recently been at the forefront of the fight against illicit traffic in art and heritage worldwide. Among the groundbreaking recent developments concerning the programme, the Red Lists have been namely included in the new Act on the Protection of Cultural Property in Germany.

17. While there is still much to do to increase the systematic use of the Red Lists by customs and police around the world, as well as by buyers and dealers, the notoriety of the Red List programme has not ceased to grow since its creation. Seeking to maximize good practices in the protection of cultural heritage, ICOM is considering the challenges ahead in order to expand and reinforce the use of the Red List. Upcoming developments will include a new online tool to facilitate the search for and identification
of categories of objects included in all the existing – and constantly expanding – ICOM Red Lists of Cultural Objects at Risk.

VI. UN Security Council Resolution updates - UN Security Council Analytical Support and Sanctions Monitoring Team

18. Regarding the illicit trade of antiquities as a source of terrorism financing, the 1267 Committee included works of art and cultural property in the illustrative list of assets in 2014 as a suggestion of the Monitoring Team. In its report S/2014/815 (November 2014) on the threat posed by ISIL and ANF, the Monitoring Team, noting that those groups may generate revenue from the smuggling and sale of antiquities illegally removed from the Syrian Arab Republic or Iraq, and recommended the Chair request the Security Council to mandate a world-wide moratorium on the trading of antiquities from Syrian Arab Republic or Iraq that lack clear, certified provenance. In paragraph 17 of UNSC resolution 2199 (2015) and reconfirmed in UNSC 2253 (2015), such a ban was introduced. Furthermore, the Monitoring Team is mandated to conduct impact assessment of the new measures including measures related to illicit trade of antiquities and to report to the Committee in order to track progress in implementation, identify unintended consequences and unexpected challenges. Finally, the Monitoring Team is called to facilitate further adjustments to the sanctions regime through its regular assessments and report and has developed contacts with representatives of the art market, museums and a strong cooperation with relevant organizations, in particular UNESCO. In 2016, the Monitoring Team published two specific reports (S/2016/2010 and S/2016/213).

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1 The ISIL (Da’esh) and Al Qaida Sanctions Committee (1267) and the 1988 Sanctions Committee (Taliban) are supported by the analytical Support and Monitoring Team established pursuant to resolution 1526 (2004). The mandate of the Monitoring Team is fully described in paragraph 88-95 and annex I of United Nations Security Council 2253 (2015). The mandate includes inter alia to report to the SC Committees on the changing nature of the threat posed by ISIL (Da’esh), Al Qaida, Taliban and affiliates; to consult in confidence with Member States’ intelligence and security services as mandated; to make recommendations to assist Member States to implement measures and to consult with member States, UN agencies and other relevant organisations and representatives of the private sector to promote awareness of and compliance with the measures and to develop recommendations.