

The Destruction of Memory: Cultural Crimes and the National and International Efforts to Combat Them

Thursday, May 18, 2017 | Program 6:15 p.m. – 9:30 p.m.¹

Great Hall, The Association of the Bar of the City of New York, 42 West 44th St. NY, NY

This program screens the award-winning documentary *The Destruction of Memory*, which chronicles the "genocidal war against culture" over the last century and the battle to save it. Tim Slade's 85-minute film will be followed by a distinguished panel of diplomats and experts, who will focus on international efforts to define the destruction of culture as a war crime; international efforts by UNESCO, the UN Security Council, UNIDROIT and the Council of Europe to combat the illicit traffic in conflict antiquities, including efforts to link the funding of terrorism and the illicit antiquities trade; initiatives by Italy, Jordan, France, the United Arab Emirates and other governments to deal with the current crisis arising from ISIS's massive destruction of world heritage sites; and recommendations for how art-market stakeholders can and should stem the illicit traffic in antiquities. The program is particularly timely in view of the historic unanimous Security Council Resolution 2347 on March 24, which reflects a new recognition of the Security Council's Article 7 mandate to protect the world's heritage to maintain international peace and security, and a coordinated effort by states and international adjudicators to combat its destruction.

Director/Producer

Tim Slade

Director/Producer of The Destruction of Memory

Tim Slade's films have screened throughout North and South America, the UK, Europe, Asia, Australia and New Zealand on television, at film festivals, and theatrically. He has directed documentaries such as the feature length '4', which won a Gold Plaque at the Chicago HUGO Television Awards, and was nominated for awards at the Banff World Television Festival, the International Documentary Association Awards, and the Australian Film Institute Awards. Other documentary films include 'Blank Canvas' and 'Musical Renegades' and the short dramas 'Every Other Weekend' and 'I Was Robert Mitchum'. His films have screened at more than 70 international film festivals. He studied film at the College of Fine Arts, University of New South Wales.

An interview with Tim Slade can be found at this link:

<http://www.unite4heritage.org/en/news/interview-tim-slade>

¹ Program Produced by **Subcommittee on Cultural Heritage**, Art Law Committee, Barbara Hoffman, Chair, Members: Megan Noh, Joelle Milov, Darlene Fairman, Diana Poussin, David Lowden; Committee Sponsors: **Art Law Committee**, Steven Schindler, Chair; **International Human Rights Committee**, Anil Kalhan, Chair; **Middle Eastern & North African Affairs Committee**, Robert Michael, Chair; **United Nations Committee**, Michael D. Cooper, Chair

We acknowledge with gratitude the Association of the Bar of the City of New York's assistance of staff, as well as the Art Newspaper for its contribution of online advertising, the Art Newspaper's May issue, and its consistently excellent reportage of news in the art and cultural heritage sphere.

Thanks also to Tim Slade for making possible the screening of *The Destruction of Memory*.

Panelists

Marie Paule Roudil

Director of UNESCO Liaison Office New York, June 2015-Present.

Marie Paule Roudil was Head of the UNESCO Liaison Office in Brussels and the UNESCO Representative to the European Union having been appointed to that position in October 2010.

Marie Paule Roudil began her career in 1986 as a lawyer at the Cour de Paris (Paris Court). She then joined UNESCO in 1990, as a consultant in the Social and Human Sciences Sector. In this capacity, she participated in, and contributed to the design and launching of, the joint UN programme on HIV/AIDS (UNAIDS). In March 1993, she was appointed Programme Specialist within the Natural Sciences Sector. As part of her responsibilities, she acted as UNESCO's AIDS focal point, promoting a UNESCO interdisciplinary approach, ensuring cooperation with UNAIDS and developing joint activities with Professor Luc Montagnier's, Nobel Prize in Physiology or Medicine, Fondation Mondiale Recherche et Prévention Sida.

In April 2001, she joined the International Standards Section of the Culture Sector, assisting in the final stages of the negotiations that led up to the adoption of the Convention on the Protection of the Underwater Cultural Heritage. She also carried out preparatory work on the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted in 2003.

From January 2003 to September 2010, Ms Roudil has been Head of the Culture Section in the UNESCO Office in Venice, where she was responsible for developing and implementing a culture strategy for South-East Europe. In particular, she worked on UNESCO's contribution to the reconstruction of the Old Bridge of Mostar and to the rehabilitation of the Cultural Heritage in Kosovo, and the establishment of annual Ministerial Conferences on Cultural Heritage in South-Eastern Europe. She was also in charge of the Organization's Programme for the Safeguarding of Venice.

Ms. Roudil holds a "Licence en Droit public international", a "Maîtrise de Droit privé", and a "Diplôme d'études approfondies (DEA) de Droit des affaires et Droit économique".

Ms. Roudil is member of the European Academy of Sciences and Arts.

An example of UNESCO's involvement in cultural heritage protection can be found at the following link: <http://www.unite4heritage.org/en/news/g7-culture-2017>

Mr. Angelo Felicetti

Member of UN Security Council Monitoring Team 1267

Mr. Angelo Felicetti has wide international experience in customs risk analysis and controls, particularly with regard to security & safety purposes. He joined the UN Analytical Support and Sanctions Monitoring Team in October 2016.

In the framework of his responsibilities for the 1267 sanctions regime, Angelo participates in the overall work of the Monitoring Team and advises on the status of the nationals and entities on the 1267 Sanctions List. In addition, he advises the Security Council 1267 Sanctions Committee and the 1988 Sanctions Committee on the effective implementation of the global travel ban, asset freeze and arms embargo levied by the two sanctions regimes against listed individuals and entities.

Prior to his appointment, Angelo worked for Italian Customs Agency as Head of the Central Risk Analysis Office (2008-2016), senior customs officer in both Risk Analysis and Intelligence central offices (2003-2008), senior customs officer at the Customs local Office of Gorizia (1988-2003).

More information on *UN Security Council Monitoring Team 1267* can be found at the following link: <https://www.un.org/sc/suborg/en/sanctions/1267/monitoring-team/work-and-mandate>

Mr. Luigi Marini

Legal Advisor, Permanent Mission of Italy to the United Nations, 2014-Present.

Previous to this position, Mr. Marini served as prosecutor and judge from 1982 to 1996, with a specific dedication to organized crime and financial crime.

From 1996 to 2001 served as staff member of the Ministry of Justice, inter alia heading the National Office of judicial statistics. From 2002 to 2006 served as elected member at the High Council of the Judiciary, with a special dedication to judicial training and international relations.

In 2006-2007 led the European Twinning Project aimed at strengthening the institutional role and the performances of the High Council of the Judiciary in Albania.

In following years, Member of the Board and Professor at the Doctorate Programme in Philosophy and Sociology of Law, Law School, University of Turin.

Starting 2006 served as justice at the High Court in Rome, with specific dedication to criminal matters, until his appointment as legal adviser in 2014.

He is an author of various publications on legal and criminal matters and publications dedicated to the culture of lawfulness.

More information on Italy's involvement with the UN Security Council and its position with respect to looting of cultural heritage can be found at the following links:

http://www.italyun.esteri.it/rappresentanza_onu/resource/doc/2017/01/dgap.pdf

http://www.italyun.esteri.it/rappresentanza_onu/resource/doc/2016/09/protect.pdf

Tess Davis

Executive Director of the Antiquities Coalition

Tess Davis, a lawyer and archaeologist by training, is Executive Director of the Antiquities Coalition. Davis oversees the organization's work to fight cultural racketeering worldwide and also manages the day-to-day operations of the institute's staff in Washington. She has been a legal consultant for the Cambodian and US governments and works with both the art world and law enforcement to keep looted antiquities off the market. She writes and speaks widely on these issues — having been published in the *New York Times*, the *Wall Street Journal*, the *Los Angeles Times*, *CNN*, *Foreign Policy*, the *Diplomat*, the *Cambodia Daily*, and various scholarly publications — and featured in documentaries in America and Europe. In 2015, the Royal Government of Cambodia knighted Davis for her work to recover the country's plundered treasures, awarding her the rank of Commander in the Royal Order of the Sahametrei. She is admitted to the New York State Bar and an Affiliated Researcher at the University of Glasgow.

More information on Tess can be found at the following link:

<https://theantiquitiescoalition.org/about-us/tess-davis/>

Moderator**Barbara Hoffman**

The Hoffman Law Firm

Barbara T. Hoffman is recognized internationally and nationally as a preeminent art, intellectual property, and cultural heritage lawyer. With more than thirty five years of practice in every aspect of the field, Hoffman's expertise has been acknowledged by her peers with leadership positions in the New York City Bar Association including Chair of the Art Law Committee, and the International Bar Association as Chair of the Art, Cultural Heritage, and Cultural Institutions Committee. She has been elected to Super Lawyers, Best Lawyers in New York, Best Lawyers in the United States, and named to Art and Auction's 51 Power Women in the Art World 2016. She is a

frequent invited speaker and the author of many publications, including *Art Cultural Heritage: Law, Policy and Practice*, Barbara T. Hoffman Cambridge University 2006, paperback 2012.

<http://www.hoffmanlawfirm.org/Blog-and-Recent-News/>

Ms. Hoffman began her law career as a civil rights lawyer with the City of New York. She then was a full-time associate professor of law from 1975-1985 at Seattle University School of Law. In 1985, she returned to New York to develop a unique boutique legal practice providing transactional, litigation and consulting services to individual, institutional and governmental clients in the areas of art, cultural heritage, copyright and sustainable cultural development.

She has taught courses on copyright and on the Art Market in the Master of Law Program, Jean Moulin III, Lyon, France and in 2007, developed an international art law course for a university in Rome, Italy. She is a WIPO/ICOM mediation panel member.

Hoffman was awarded a BA with honors from Brown University, and MA with honors from Johns Hopkins SAIS, Science Po and The London School of Economics, and a JD from Columbia University School of Law where she was a Harlan Fiske Stone Scholar. She speaks French, Spanish, and Italian. See: www.hoffmanlawfirm.org

Selected Documents and References

I. INTERNATIONAL LEGAL CONVENTIONS FOR PROTECTING CULTURAL HERITAGE AND PROHIBITING THE TRADE IN ILLICIT ANTIQUITIES

- Hague Convention Concerning the Laws and Customs of War on Land, October 8, 1907, 36 Stat. 2277, 15 U.N.T.S. 9. <https://ihl-databases.icrc.org/ihl/INTRO/195>
- Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954
http://portal.unesco.org/en/ev.phpURL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, November 14, 1970
unesdoc.unesco.org/images/0013/001333/133378mo.pdf
- Convention Concerning the Protection of the World Cultural and Natural Heritage, November 23, 1972
<http://whc.unesco.org/en/conventiontext/>
- UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, June 24, 1995
<http://www.unidroit.org/instruments/cultural-property/1995-convention>
- Convention on the Protection of the Underwater Cultural Heritage, November 6, 2001
unesdoc.unesco.org/images/0012/001260/126065e.pdf
- Convention for the Safeguarding of the Intangible Cultural Heritage, October 17, 2003
http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html
- Convention on the Protection and Promotion of the Diversity of Cultural Expression, October 20, 2005
http://portal.unesco.org/en/ev.phpURL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html

II. SPECIFIC INTERNATIONAL AND REGIONAL LEGISLATION RELATED TO THE MIDDLE EAST ANTIQUITIES TRADE AND ISIL

- United Nations Security Council Resolution 1483
[www.un.org/Docs/journal/asp/ws.asp?m=s/res/1483\(2003\)](http://www.un.org/Docs/journal/asp/ws.asp?m=s/res/1483(2003))
- On October 17, 2003, UNESCO General Conference adopted the Declaration Concerning the Intentional Destruction of Cultural Heritage http://portal.unesco.org/en/ev.php-URL_ID=17718&URL_DO=DO_TOPIC&URL_SECTION=201.html
- United Nations Security Council Resolutions 2199 (12 February 2015) and 2253 (December 2015)
Unanimously adopting resolution 2199 under the binding Chapter VII of the United Nations Charter. The Council condemned any trade with the Islamic State in Iraq and the Levant (ISIL, also known as Daesh), the Al-Nusrah Front and other entities designated to be associated with Al-Qaida. The resolution was co-sponsored by more than 35 countries, and it targets the three key areas of revenue for ISIS and other terrorist organizations - oil, antiquities and ransom from kidnappings. On 17 December 2015, concerned with the implementation by Member States, the Security Council issued Resolution 2253. It calls upon Member States to fulfill their existing commitments under Resolution 2199, while reinforcing and expanding these obligations. unesdoc.unesco.org/images/0023/002321/232164e.pdf
<https://www.un.org/sc/suborg/en/s/res/2253-%282015%29>
- The European Parliament: Joint Resolutions on the Destruction of Cultural Sites Perpetrated by ISIS <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B8-20150393&language=EN>
- The Cairo Declaration, May 2015 <http://theantiquitiescoalition.org/wp-content/uploads/2015/05/Cairo-Declaration-final-version-May-2015.pdf>

III. U.S. LEGISLATION RELATED TO THE PROTECTION OF INTERNATIONAL CULTURAL HERITAGE

- The Convention on Cultural Property Implementation Act 1983 (Public Law 97-446, 19 U.S.C. 2601 et seq., as amended) <https://eca.state.gov/files/bureau/97-446.pdf>
- The 1954 Hague Convention
On September 25, 2008, the United States Senate voted to ratify the Convention for the Protection of Cultural Property in the Event of Armed Conflict, May 14, 1954, 249 U.N.T.S. 240. http://www.unesco.org/culture/laws/hague/html_eng/page1.shtml
- The National Stolen Property Act (NSPA) <https://eca.state.gov/files/bureau/18-2314.pdf>
- Recent U.S. Efforts to Deal with Cultural Heritage Protection and Conflict Antiquities in Iraq and Syria
The Protect and Preserve International Cultural Property Act (H.R. 1493/ S. 1887)

IV. 2016-2017 DECLARATIONS, RESOLUTIONS AND MEETINGS

- December 2, 2016 Abu Dhabi Conference on Safeguarding Endangered Cultural Heritage http://www.unesco.org/new/en/media-services/singleview/news/director_general_opens_conference_for_safeguarding_cultural/
- Council of Europe Convention on Offenses relating to Cultural Property (Strasbourg, 2 March 2017) [pc-ibc/documents/2017/pc-ibc\(2017\)Conv1_Rev4_en](http://pc-ibc/documents/2017/pc-ibc(2017)Conv1_Rev4_en)

- March 24, 2017 UN Security Council Resolution 2347 (See attachment)
- UNESCO Art Market Round Table, 30 March 2016
<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/meetings/art-market-round-table/>
- March 31, 2017 Joint Declaration of the Ministers of Culture of G7 on the Occasion of the Meeting "Culture As An Instrument For Dialogue Among Peoples" <http://www.g7italy.it/en/news/g7-ministers-culture-signed-florence-declaration>
- May 3, 2017 Antiquities as Global Contraband conference at the University of Chicago's Neubauer Collegium For Culture and Society
http://neubauercollegium.uchicago.edu/events/uc/antiquities_as_global_contraband_what_do_we_know_and_what_can_we_do/

V. INTERNATIONAL PLATFORMS, TOOLS AND MODELS FOR ENFORCEMENT AND COLLABORATION

- The International Criminal Court (ICC) <https://www.iccsafe.org/>
The Prosecutor v. Ahmad Al Faqi Al Mahdi, ICC-01/12-01/15 <https://www.icc-cpi.int/mali/al-mahdi> (Al Mahdi was found guilty as co-perpetrator of the war crime consisting in intentionally directing attacks against religious and historic buildings in Timbuktu, Mali, in June and July 2012. He was sentenced to nine years' imprisonment.)
- The Kimberly Process (KP) <https://www.kimberleyprocess.com/>
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
CITES is an international treaty under which governments agree to restrict international trade in certain plants and animals, including elephants and rhinoceri, and products derived from them, eg US Endangered Species Act (15 U.S.C. § 1531 et seq.) www.cites.org
- AAMD Reports and Protocols
Best Practices, Standards, Applicable to Museum and Dealers
<https://aamd.org/document/aamd-protocols-for-safe-havens-for-works-of-cultural-significance-from-countries-in-crisis>
Code of Ethics <https://aamd.org/about/code-of-ethics>
- The International Association of Dealers in Ancient Art (IADAA) (First Searched by the Art Loss Register)
www.ladaa.org
- INTERPOL's Stolen Works of Art Database <http://www.interpol.int/Crime-areas/works-of-art/Database>
- UNESCO Database of National Cultural Heritage Laws <http://www.unesco.org/culture/natlaws/>
- World Customs Organization (WCO) ARCHEO Platform
<http://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/trafficking-of-cultural-objects.aspx>
- UNODC's SHERLOC Portal ("Sharing Electronic Resources and Laws on Crime")
<https://sherloc.unodc.org/>
- Emergency Red Lists of Cultural Objects at Risk <http://icom.museum/resources/red-lists-database>

- World Bank
Performance Standard 8, Cultural Heritage, World Bank
http://siteresources.worldbank.org/OPSMANUAL/Resources/OP4.03_PS8.pdf
Operational Manual, OP 4.03 - Performance Standards for Private Sector
Activities, World Bank
<https://policies.worldbank.org/sites/ppf3/PPFDocuments/090224b0822f7442.pdf>
Physical Cultural Resources Safeguard Policy Guidebook, World Bank
siteresources.worldbank.org/INTSAFEPOL/Resources/PhysicalCulturalGuidebook.pdf

VI. USEFUL LINKS AND RESOURCES

- Antiquities Coalition <https://theantiquitiescoalition.org/>
Culture Under Threat: Recommendations for the U.S. Government
<http://taskforce.theantiquitiescoalition.org/>
- Art + Law = Culture Blog and Recent News <http://www.hoffmanlawfirm.org/Blog-and-Recent-News/>
- United Nations Educational, Scientific and Cultural Organization (UNESCO) www.en.unesco.org
See also: UNESCO International Code of Ethics for Dealers in Cultural Property
unesdoc.unesco.org/images/0012/001213/121320m.pdf
UNESCO World Heritage Centre <http://whc.unesco.org/>
- United Nations Sustainable Development Goals
<http://www.un.org/sustainabledevelopment/sustainable-development-goals/>
- Bureau of Educational and Cultural Affairs <https://eca.state.gov/>
- Protecting Cultural Heritage: An Imperative for Humanity, United Nations, 22 September 2016
http://www.italyun.esteri.it/rappresentanza_onu/en/comunicazione/archivio-news/protecting-cultural-heritage-an.html
- State of Trafficking in Cultural Property in 2016 UNESCO, Paris, France, 30th March 2016, Dr. Samuel Andrew Hardy http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/S_Hardy_2016.pdf
- The International Foundation for Art Research (IFAR) www.ifar.org
- The World Bank www.worldbank.org
- The Council of Europe www.coe.int
- INTERPOL www.interpol.int
- United States Immigration and Customs Enforcement (ICE) www.ice.gov
- United Nations Office on Drugs and Crime (UNDOC) www.unodc.org
- Asian Initiatives www.asiainitiatives.org
- The International Council of Museums (ICOM) <http://icom.museum/>
- The International Council on Monuments and Sites (ICOMOS) <http://www.icomos.org/en/>



Resolution 2347 (2017)

**Adopted by the Security Council at its 7907th meeting, on
24 March 2017**

The Security Council,

Recalling its resolutions [1267 \(1999\)](#), [1373 \(2001\)](#), [1483 \(2003\)](#), [1546 \(2004\)](#), [2056 \(2012\)](#), [2071 \(2012\)](#), [2085 \(2012\)](#), [2100 \(2013\)](#), [2139 \(2014\)](#), [2170 \(2014\)](#), [2195 \(2014\)](#), [2199 \(2015\)](#), [2249 \(2015\)](#), [2253 \(2015\)](#) and [2322 \(2016\)](#), as well as its Presidential Statement [S/PRST/2012/26](#),

Taking note of United Nations Educational, Scientific and Cultural Organization (UNESCO) General Conference's resolution 38 C/48, by which Member States have adopted the Strategy for the Reinforcement of UNESCO's Actions for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict, and have invited the Director General to elaborate an action plan in order to implement the strategy,

Reaffirming its primary responsibility for maintenance of international peace and security, in accordance with the Charter of the United Nations, and *reaffirming further* the purposes and principles of the Charter of the United Nations,

Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed,

Emphasizing that the unlawful destruction of cultural heritage, and the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, and the attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post-conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States,

Noting with grave concern the involvement of non-state actors, notably terrorist groups, in the destruction of cultural heritage and the trafficking in cultural property and related offences, in particular at the continued threat posed to international peace and security by the Islamic state in Iraq and the Levant (ISIL,



also known as Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and *reaffirming* its resolve to address all aspects of that threat,

Also noting with concern that the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities are generating income from engaging directly or indirectly in the illegal excavation and in the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites, which is being used to support their recruitment efforts and to strengthen their operational capability to organize and carry out terrorist attacks,

Noting with grave concern the serious threat posed to cultural heritage by landmines and unexploded ordnance,

Strongly concerned about the links between the activities of terrorists and organized criminal groups that, in some cases, facilitate criminal activities, including trafficking in cultural property, illegal revenues and financial flows as well as money-laundering, bribery and corruption,

Recalling Security Council resolution [1373 \(2001\)](#) which requires that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to individuals, groups, undertakings or entities involved in such acts, and other resolutions that emphasize the need for Member States to continue exercising vigilance over relevant financial transactions and improve information-sharing capabilities and practices, in line with applicable international law, within and between governments through relevant authorities,

Recognizing the indispensable role of international cooperation in crime prevention and criminal justice responses to counter trafficking in cultural property and related offences in a comprehensive and effective manner, *stressing* that the development and maintenance of fair and effective criminal justice systems should be a part of any strategy to counter terrorism and transnational organized crime and *recalling* in this respect the provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Recalling the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and its Protocols of 14 May 1954 and 26 March 1999, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970, the Convention concerning the protection of the World Cultural and Natural Heritage of 16 November 1972, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions,

Noting the ongoing efforts of the Council of Europe Committee on Offences relating to Cultural Property concerning a legal framework to address illicit trafficking in cultural property,

Commending the efforts undertaken by Member States in order to protect and safeguard cultural heritage in the context of armed conflicts and *taking note* of the Declaration issued by Ministers of Culture participating in the International Conference "Culture as an Instrument of Dialogue among Peoples", held in Milan

on 31 July-1 August 2015 as well as the International Conference on the victims of ethnic and religious violence in the Middle East, held in Paris on 8 September 2015, and the Conference on Safeguarding Endangered Cultural Heritage held in Abu Dhabi on 3 December 2016 and its declaration,

Welcoming the central role played by UNESCO in protecting cultural heritage and promoting culture as an instrument to bring people closer together and foster dialogue, including through the #Unite4Heritage campaign, and the central role of the United Nations Office on Drugs and Crime (UNODC) and INTERPOL in preventing and countering all forms and aspects of trafficking in cultural property and related offences, including through fostering broad law enforcement and judicial cooperation, and in raising awareness on such trafficking,

Also recognizing the role of the Analytical Support and Sanctions Monitoring Team of 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, in identifying and raising awareness on the challenges related to the illicit trade of cultural property as it relates to the financing of terrorism pursuant to resolutions [2199 \(2015\)](#) and [2253 \(2015\)](#), and *welcoming* the Financial Action Task Force (FATF) guidance on recommendation 5 on the criminalization of terrorist financing for any purpose, in line with these resolutions,

Expressing in this regard concern at the continuing use in a globalized society, by terrorists and their supporters, of new information and communications technologies, in particular the Internet, to facilitate terrorist acts, and condemning their use to fund terrorist acts through the illicit trade in cultural property,

Underlining the importance that all relevant United Nations entities coordinate their efforts while implementing their respective mandates,

Noting the recent decision by the International Criminal Court, which for the first time convicted a defendant for the war crimes of intentionally directing attacks against religious buildings and historic monuments and buildings,

1. *Deplores and condemns* the unlawful destruction of cultural heritage, inter alia destruction of religious sites and artefacts, as well as the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites, in the context of armed conflicts, notably by terrorist groups;

2. *Recalls* its condemnation of any engagement in direct or indirect trade involving ISIL, Al-Nusra Front (ANF) and all other individuals, groups, undertakings and entities associated with Al-Qaida, and *reiterates* that such engagement could constitute financial support for entities designated by the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee and may lead to further listings by the Committee;

3. *Also condemns* systematic campaigns of illegal excavation, and looting and pillage of cultural heritage, in particular those committed by ISIL, Al-Qaida and associated individuals, groups, undertakings and entities;

4. *Affirms* that directing unlawful attacks against sites and buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments may constitute, under certain circumstances and pursuant to

international law a war crime and that perpetrators of such attacks must be brought to justice;

5. *Stresses* that Member States have the primary responsibility in protecting their cultural heritage and that efforts to protect cultural heritage in the context of armed conflicts should be in conformity with the Charter, including its purposes and principles, and international law, and should respect the sovereignty of all States;

6. *Invites*, in this regard, the United Nations and all other relevant organizations to continue providing Member States, upon their request and based on their identified needs, with all necessary assistance;

7. *Encourages* all Member States that have not yet done so to consider ratifying the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and its Protocols, as well as other relevant international conventions;

8. *Requests* Member States to take appropriate steps to prevent and counter the illicit trade and trafficking in cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance originating from a context of armed conflict, notably from terrorist groups, including by prohibiting cross-border trade in such illicit items where States have a reasonable suspicion that the items originate from a context of armed conflict, notably from terrorist groups, and which lack clearly documented and certified provenance, thereby allowing for their eventual safe return, in particular items illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, and *recalls* in this regard that States shall ensure that no funds, other financial assets or other economic resources are made available, directly or indirectly, by their nationals or persons within their territory for the benefit of ISIL and individuals, groups, entities or undertakings associated with ISIL or Al-Qaida in accordance with relevant resolutions;

9. *Urges* Member States to introduce effective national measures at the legislative and operational levels where appropriate, and in accordance with obligations and commitments under international law and national instruments, to prevent and counter trafficking in cultural property and related offences, including by considering to designate such activities that may benefit organized criminal groups, terrorists or terrorist groups, as a serious crime in accordance with article 2(b) of the UN Convention against Transnational Organized Crime;

10. *Encourages* Member States to propose listings of ISIL, Al-Qaida and associated individuals, groups, undertakings and entities involved in the illicit trade in cultural property to be considered by the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, that meet the designation criteria set forth in resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#);

11. *Urges* Member States to develop, including, upon request, with the assistance of UNODC, in cooperation with UNESCO and INTERPOL as appropriate, broad law enforcement and judicial cooperation in preventing and countering all forms and aspects of trafficking in cultural property and related offences that benefit or may benefit organized criminal groups, terrorists or terrorist groups;

12. *Calls upon* Member States to request and provide cooperation in investigations, prosecutions, seizure and confiscation as well as the return, restitution or repatriation of trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property, and judicial proceedings, through appropriate channels and in accordance with domestic legal frameworks as well as with the United Nations Convention against Transnational Organized Crime and the Protocols thereto and relevant regional, subregional and bilateral agreements;

13. *Welcomes* the actions undertaken by UNESCO within its mandate to safeguard and preserve cultural heritage in peril and actions for the protection of culture and the promotion of cultural pluralism in the event of armed conflict, and *encourages* Member States to support such actions;

14. *Encourages* Member States to enhance, as appropriate, bilateral, subregional and regional cooperation through joint initiatives within the scope of relevant UNESCO programmes;

15. *Takes note of* the UNESCO Heritage emergency fund as well as of the international fund for the protection of endangered cultural heritage in armed conflict as announced in Abu Dhabi on 3 December 2016, and of other initiatives in this regard, and *encourages* Member States to provide financial contributions to support preventive and emergency operations, fight against the illicit trafficking of cultural property, as well as undertake all appropriate efforts for the recovery of cultural heritage, in the spirit of the principles of the UNESCO Conventions;

16. *Also encourages* Member States to take preventive measures to safeguard their nationally owned cultural property and their other cultural property of national importance in the context of armed conflicts, including as appropriate through documentation and consolidation of their cultural property in a network of “safe havens” in their own territories to protect their property, while taking into account the cultural, geographic, and historic specificities of the cultural heritage in need of protection, and notes the draft UNESCO Action Plan, which contains several suggestions to facilitate these activities;

17. *Calls upon* Member States, in order to prevent and counter trafficking of cultural property illegally appropriated and exported in the context of armed conflicts, notably by terrorist groups, to consider adopting the following measures, in relation to such cultural property:

(a) Introducing or improving cultural heritage’s and properties’ local and national inventory lists, including through digitalized information when possible, and making them easily accessible to relevant authorities and agencies, as appropriate;

(b) Adopting adequate and effective regulations on export and import, including certification of provenance where appropriate, of cultural property, consistent with international standards;

(c) Supporting and contributing to update the World Customs Organization (WCO) Harmonized System Nomenclature and Classification of Goods;

(d) Establishing, where appropriate, in accordance with national legislation and procedures, specialized units in central and local administrations as well as

appointing customs and law enforcement dedicated personnel, and providing them, as well as public prosecutors, with effective tools and adequate training;

(e) Establishing procedures and where appropriate databases devoted to collect information on criminal activities related to cultural property and on illicitly excavated, exported, imported or traded, stolen, trafficked or missing cultural property;

(f) Using and contributing to the INTERPOL Database of Stolen Works of Art, UNESCO Database of National Cultural Heritage Laws, and WCO ARCHEO Platform, and relevant current national databases, as well as providing relevant data and information, as appropriate, on investigations and prosecutions of relevant crimes and related outcome to UNODC portal SHERLOC and on seizures of cultural property to the Analytical Support and Sanctions Monitoring Team;

(g) Engaging museums, relevant business associations and antiquities market participants on standards of provenance documentation, differentiated due diligence and all measures to prevent the trade of stolen or illegally traded cultural property;

(h) Providing, where available, to relevant industry stakeholders and associations operating within their jurisdiction lists of archaeological sites, museums and excavation storage houses that are located in territory under the control of ISIL or any other group listed by the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee;

(i) Creating educational programmes at all levels on the protection of cultural heritage as well as raising public awareness about illicit trafficking of cultural property and its prevention;

(j) Taking appropriate steps to inventory cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance which have been illegally removed, displaced or transferred from armed conflict areas, and coordinate with relevant UN entities and international actors, in order to ensure the safe return of all listed items;

18. *Encourages* Members States, relevant United Nations entities, in accordance with their existing mandate, and international actors in a position to do so to provide assistance in demining of cultural sites and objects upon request of affected States;

19. *Affirms* that the mandate of United Nations peacekeeping operations, when specifically mandated by the Security Council and in accordance with their rules of engagement, may encompass, as appropriate, assisting relevant authorities, upon their request, in the protection of cultural heritage from destruction, illicit excavation, looting and smuggling in the context of armed conflicts, in collaboration with UNESCO, and that such operations should operate carefully when in the vicinity of cultural and historical sites;

20. *Calls upon* UNESCO, UNODC, INTERPOL, WCO and other relevant international organizations, as appropriate and within their existing mandates, to assist Member States in their efforts to prevent and counter destruction and looting of and trafficking in cultural property in all forms;

21. *Requests* the Analytical Support and Sanctions Monitoring Team of the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee to continue, within its existing mandate, to provide the Committee with relevant information regarding the illicit trade of cultural property;

22. *Also requests* the Secretary-General, with the support of UNODC, UNESCO and the Analytical Support and Sanctions Monitoring Team of the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, as well as other relevant United Nations bodies, to submit to the Council a report on the implementation of the present resolution before the end of the year;

23. *Decides* to remain actively seized of the matter.
