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Cultural Organization

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Item 31 of the provisional agenda

PROTECTION OF IRAQI HERITAGE

SUMMARY

This item has been included in the provisional agenda of the 195th session of the Executive Board at the request of France and Iraq.

An explanatory note together with a proposed draft decision is attached.

Action expected of the Executive Board: decision in paragraph 7.

Explanatory note

1. Faced with the situation in Iraq, the international community is being mobilized.
2. After the United Nations Security Council in New York on political aspects, the Commission on Human Rights in Geneva has recently adopted a resolution on human rights (resolution S-22/L.1).
3. Given its mandate and mission, UNESCO is well-founded to address this issue from the fundamental perspective of the protection of Iraq's cultural heritage. Within the United Nations, UNESCO's role in alerting and coordinating is essential for the protection of heritage and cultural diversity.
4. The crisis in Iraq has in this area appalling consequences. Destruction, threats of pillaging and trafficking are a reality.
5. The inclusion of this item on the agenda of the next Executive Board is requested.
6. In this context, the proposed draft resolution, which may be adopted by the Executive Board, would, at an operational level, aim to:
 - Call for a strong mobilization of the international community, alongside the Iraqi authorities, to protect Iraqi heritage and fight against the threat of pillaging and trafficking in cultural property
 - Strengthen UNESCO's Emergency Response Action Plan to safeguard Iraqi heritage adopted in July 2014
 - Request the Director-General to ensure a reactive monitoring by sending a mission on site and to report as soon as possible
 - Invite UNESCO's Member States to make voluntary financial contributions for this purpose.

Proposed decision

7. In view of the foregoing, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling that the purpose of the United Nations Educational, Scientific and Cultural Organization (UNESCO) is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are reaffirmed for the peoples of the world, without distinction of race, gender, language or religion, by the Charter of the United Nations,
2. Reaffirming its commitment to respect the sovereignty, unity and territorial integrity of Iraq within its internationally recognized borders,
3. Recalling the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of Intangible Cultural Heritage (2003), the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

(1995), the UNESCO Universal Declaration on Cultural Diversity (2001) and other relevant international legal agreements,

4. Recalling United Nations Security Council resolution 1483 (2003) of the United Nations Security Council, in particular OP 7 on the return of Iraqi cultural property, United Nations Security Council resolution 1546 (2004), United Nations Security Council resolution 2056 (2012), United Nations Security Council resolution 2170 (2014), in particular OP 2 regarding the destruction of cultural and religious sites, and Human Rights Council resolution S-22/L.1 (2014) on the situation of human rights in Iraq,
5. Recalling that the parties to an armed conflict should refrain from committing any act of hostility, directed against cultural property, that they should seek to prevent damage that could be caused to cultural property incidentally, and that the use of cultural property, its immediate surroundings or of the appliances in use for its protection, for purposes which are likely to expose it to destruction or damage in the event of armed conflicts, is prohibited and may be waived only in cases where military necessity imperatively requires such a waiver,
6. Reaffirming that violations of archaeological, historical, cultural and religious material and intangible heritage are damages to the cultural heritage of all humankind, and that under the Rome Statute of the International Criminal Court adopted on 17 July 1998, intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, or against historical monuments, provided they are not military objectives, is considered to fall within the meaning of war crimes for the purpose of the Statute, both in the framework of international armed conflicts and armed conflicts not of an international character,
7. Stressing the need to respect the archaeological, cultural and religious heritage of Iraq, to continue to protect it, as well as Iraqi museums, libraries and monuments, to ensure the protection of social practices, rituals and cultural expressions recreated by Iraqi communities, and to provide accountability for the destruction of such heritage,
8. Recalling the adoption by UNESCO's General Conference, on 17 October 2003, of the Declaration concerning the Intentional Destruction of Cultural Heritage,
9. Condemns the destruction of Iraq's cultural heritage, notably by Daesh (ISIL) and associated armed groups, whether such destruction is incidental or deliberate, and including targeted destruction of religious sites and objects;
10. Condemns the use of cultural properties for military purposes, and calls for the respect of the obligations applicable under international law, in particular international humanitarian law, including the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;
11. Condemns attacks on the country's cultural diversity and on the practices, representations, expressions and knowledge that groups and communities recognize as part of their intangible cultural heritage;
12. Calls for the immediate halt to the destruction of Iraqi cultural heritage and for the preservation of such heritage by protecting cultural properties and sites in Iraq, in accordance with United Nations Security Council resolution 2170, adopted on 15 August 2014;
13. Calls for State Parties to relevant international agreements on the protection of cultural heritage including the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), and the Convention Concerning the Protection of the World Cultural and

Natural Heritage (1972), to respect their obligations under such international agreements;

14. Calls for all parties to ensure respect for the practices, rituals and cultural expressions practised by different ethnic and religious communities in Iraq and ensure respect for the its safeguarding, according to the Convention for the Safeguarding of the Intangible Cultural Heritage (2003);
15. Supports the new Iraqi Government in promoting the protection of its heritage, by involving, in the respect of cultural diversity, all components of Iraqi population in a spirit of unity and national reconciliation, and ensuring that all perpetrators of violations of international agreements on the protection of cultural heritage are held to account;
16. Calls upon the international community to assist the Iraqi authorities, in the respect of cultural diversity in the country, in protecting the Iraqi heritage and in fighting against trafficking in cultural property illegally excavated from archaeological sites, and taken from museum collections, libraries and manuscripts;
17. Requests States Parties to the World Heritage Convention to inform the World Heritage Committee at its next session in 2015 in Germany, as well as the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions and the Subsidiary Committee of 1970 Convention, at their respective sessions to come, of all actions they have undertaken for the protection and safeguard of cultural diversity of Iraq, and its material and intangible cultural heritage;
18. Calls upon all countries and all professional groups involved in the areas of customs and trade, as well as individuals and tourists, to verify the origin of cultural property that may have been imported, exported or offered for sale illegally, and calls upon Member States that are not already Parties, to consider joining the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit import, Export and Transfer of Ownership of Cultural Property signed in 1970;
19. Calls for the urgent implementation and strengthening of the UNESCO Emergency Response Action Plan on Iraq adopted in July 2014 which provides for close monitoring of the conservation status of Iraqi heritage, training of professional curators and support for staff in place including by taking emergency measures for the transfer of any cultural property at risk, in particular library collections and manuscripts;
20. Requests the Director-General of UNESCO to send a mission to Iraq as soon as possible, to be funded by voluntary contributions, to assess, in consultation with national and local authorities, the extent of damages and identify urgent needs in terms of conservation and safeguard, and that this mission presents a preliminary report on the situation at an information meeting of the Executive Council to be convened for this purpose, followed by a written report at its April 2015 session and submits it to the UNESCO committees mentioned in paragraph 6 above;
21. Calls for international organizations, particularly in the United Nations system, to strengthen, in their policies and actions on the ground, their consideration for the safeguard of cultural diversity and cultural heritage in Iraq;
22. Requests the Director-General of UNESCO to engage the Secretariat in a collaboration with the above-mentioned organizations to assist them in the development of these policies, and if appropriate, in their implementation;
23. Invites Member States to make voluntary financial contributions for this purpose.