

RECOMMENDATION 148/2015¹

Combating illicit trafficking of cultural heritage in the BSEC region

1. The Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC) is aware of the fact that the illicit import, export and transfer of ownership of cultural property are one of the main causes of the impoverishment of the cultural heritage of the countries of the origin of such property and that international cooperation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting therefrom.
2. The PABSEC recalls the *Istanbul Summit Declaration on the Occasion of the Twentieth Anniversary of BSEC*, wherein the Heads of State and Government underlined the essential "role of culture in the development of the region" and took into consideration that "cooperation in the spheres of culture, tourism and youth policy creates better understanding among our peoples". The BSEC Member states consider that cultural property constitutes one of the basic elements of civilization and national culture and that its true value can be appreciated only in relation to the fullest possible information regarding its origin, history and traditional setting.
3. The PABSEC also recalls its Recommendation 119/2010 on "Cultural Cooperation in the BSEC region: Experiences, Opportunities and Challenges", which recommends that the Parliaments and Governments of the PABSEC Member Countries need to "*further strengthen* the existing co-operation within the BSEC in the field of culture and work together with international organizations concerned, especially the Council of Europe and UNESCO, as well as with other regional and international bodies and non-governmental networks for cultural co-operation". The Recommendation 136/2013 on "Tangible and Intangible Cultural Heritage – Challenge of Linking

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Assembly debate on 26 November 2015 (see Doc.: GA46/CC45/REP/15, Report of the Cultural, Educational, and Social Affairs Committee *Combating illicit trafficking of cultural heritage in the BSEC region*, discussed in Tirana on 19 October 2015; *Rapporteur*: Mrs. Polina KARASTOYANOVA, Member of the Committee – Bulgaria).

Text adopted by the 46th General Assembly in Bucharest on 26 November 2015.

Cultural and Tourist Routes in the Countries of the Black Sea Region of the Parliamentary Assembly of the Black Sea Economic Cooperation” stresses the importance of establishing priorities in the protection of cultural heritage in the region. Also, this Recommendation contains useful suggestions for the implementation of the measures that strengthen the fight against the illicit trafficking of cultural property taking into account all possible risk factors.

4. The PABSEC notes that the system of standard registration of cultural goods, which is implemented in a few Member States is not a uniform system for documentaring the collections possessed and there is a lack of harmonized approach for recording missing items of cultural goods in national databases. Member States emphasize that the rapid exchange of information and sharing best practices between them would improve the effectiveness of combating crime against cultural goods.
5. The PABSEC stresses the important role of the international and regional instruments in the field of combating illicit trafficking of cultural heritage and recalls the provisions of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. It also welcomes the initiatives taken in the BSEC Working group on culture on 21 April 2015 and the Draft Memorandum of Understanding on cooperation in this field and expresses its full support to ongoing discussions and future projects in this area of cooperation.

6. Therefore, the PABSEC recommends that the parliaments and the governments of the BSEC Member States:

- i) *redouble efforts* to cooperate more closely with UNESCO on preventing crimes against cultural goods by taking common action (consider shared training programs, exchange of good practices, existing legal frameworks and participation in information and awareness campaigns);
- ii) *strengthen coordination* between law enforcement and culture authorities and private organizations (e.g. antique shops, auction houses, online auctions) with a view to facilitating the exchange of information, in accordance with relevant legislation, and best practice at national and international level and for that purpose designate contact points for preventing and combating crime against cultural goods;
- iii) *consider the necessity* of introducing specific provisions in their national legislation for crimes committed against cultural goods;
- iv) *consider the possibility* of developing transaction registers to be maintained by dealers in works of art, in order to increase the traceability of important cultural goods and prevent trafficking;
- v) *promote* effective internal cross-sectoral cooperation among public authorities dealing with cultural and criminal issues in order to ensure greater awareness of the social and economic role of culture;
- vi) *raise* awareness campaigns, in order to draw everyone’s attention and to underline the importance of fighting against the illicit trafficking of cultural heritage;

- vii) *finalize the negotiations* of the Memorandum of Understanding on cooperation in combating illicit trafficking of cultural property belonging to the archaeological, historical, ethnographical heritage and arts among the BSEC Member States;
- viii) *promote* cultural heritage protection as a central factor in the mutually supporting objectives of sustainable development, cultural diversity and contemporary creativity;
- ix) *consider* specific arrangements for cooperation with third countries on protection of cultural heritage and combating international trafficking, particularly in the event of natural disasters, and on procedures for the return of stolen goods;
- x) *strengthen* the juridical status of the inventory, in order to facilitate the research and also the traceability of the items;
- xi) *encourage* the police specialized in the illicit trafficking of cultural goods to raise the awareness of local police forces by offering seminars, conferences in order to be better prepared to fight against theft;
- xii) *enhance* organizing periodic training courses for law enforcement officials related to the combating of crime against cultural goods within the BSEC Member States, including cooperation with relevant partners, e.g. UNESCO and taking into account this subject in exchange programs;
- xiii) *commit* to cooperate through exchange of relevant information to facilitate the return of the illicitly acquired, illicitly exported cultural property or illicitly obtained cultural property by clandestine excavations to the Country of origin with the scope of national legislation force;
- xiv) *strengthen* exchange and training personnel in the field of the prevention of the theft, clandestine excavations, and illicit import and export of cultural property
- xv) *take* steps based on the norms of international law and, in particular, on the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, aimed at preventing the destruction of cultural heritage in the areas of armed conflicts.
- xvi) *further strengthen* the existing co-operation within the BSEC in the field of culture and work together with international organizations concerned, especially the Council of Europe and UNESCO, as well as with other regional and international bodies and non-governmental networks for cultural co-operation;
- xvii) *activate* the existing measures at the customs gates and inform via related customs authorities or other competent authorities the authorities of the Member State to which cultural assets might belong when their origin is not clear or suspected;
- xviii) *exchange* experience and best practices on the ways of preventing illicit trafficking of cultural properties, within the context of national and regional policy development;
- xix) *promote* the creation of information exchange network of information and consultancy centers in the Member states;

- xx) *prevent* by all appropriate means transfer of ownership of cultural property likely to promote the illicit import or export of such property;
- xxi) *create* comprehensive network of ministerial communication aiming to strengthen the policies in protecting the cultural heritage, in fostering the mobility of youth and artists, in studying the best practices and in having joint projects as those mentioned above;
- xxii) *encourage* organizing activities in cooperation with the civil society including events and initiatives aimed to popularize culture (for example, the organization of cultural heritage days and the establishment of cultural awards, school competitions and art camps) in the spirit of this BSEC Action Plan of the BSEC Working Group;
- xxiii) *take* measures to combat corruption in the sphere of trafficking of objects of cultural heritage, improving the efficiency of public authorities and law enforcement agencies;
- xxiv) *imply* incentive measures for owners of the objects of cultural heritage who carry the burden of the contents, these incentives may be tax benefits, rent benefits, subsidies for the restoration of the monuments;
- xxv) *elaborate* a set of measures aimed at creating an effective international system for examination and use of the best practices of the BSEC countries in the field of restoration activities in order to effectively counter the threat of destruction of monuments of culture and history;
- xxvi) *further strengthen* cooperation between the BSEC countries in the sphere of culture, in particular, by setting priorities, developing joint strategies and programs, as well as through partnership relations with other regional and international organizations and non-governmental networks on cultural cooperation, including in the field of combating illegal trade in objects of cultural heritage;
- xxvii) *enhance* cooperation between the PABSEC Cultural, Educational and Social Affairs Committee and the BSEC Working Group on Culture as well as with BSEC Related Bodies, with a view to implementing the relevant recommendations.

7. The PABSEC invites the Council of Ministers of Foreign Affairs to consider this Recommendation.