

Special event on “Promoting and Strengthening the international legal framework for the protection of cultural heritage-the 1995 UNIDROIT Convention and other relevant legal instruments and initiatives”

Tuesday 28 February 2017, 10:30-13:00, CR6

Opening speech, PR Cyprus, Mr. Kornelios Korneliou

1. Opening speech by the PR of Cyprus

Excellency Mr. Faria Estrella, Excellency Mrs Battaini-Dragoni, dear panelists, Excellencies Ambassadors, distinguished delegates and guests,

We wish to welcome you today to our special event focusing on the international legal framework on the protection of cultural heritage.

In the last few years, we have been increasingly witnessing the destruction, looting and trafficking of cultural objects around the world, especially in areas affected by conflict, such as Iraq and Syria, as well as the increasing sophistication of the methods used to conduct such activities. Leading academics report that looting nowadays is greater in scale than any carried out in the past, with results that are usually irreversible.

The destruction and looting of cultural objects is not only linked, with immense negative repercussions, to the financing of terrorism and to the underpinning of criminal activities. It also seeks to distort the sense of belonging to a culture and to erase the collective memory of a civilization. Indeed, it aims at “cultural cleansing” as the UNESCO Director-General has put it.

Cyprus has a long history of its cultural heritage being looted and exported, dating back to the 19th century and continuing until today, significantly exacerbated due to the occupation of Cyprus. More than 60.000 cultural objects have been smuggled out of Cyprus and presumably sold in the black market, with only a small percentage of these having been located and repatriated. Our unfortunate experience and our geographic proximity to other countries that also experience looting of their cultural objects have led Cyprus to develop a number of national policies, to acquire significant expertise over the years and to prioritize the issue in our foreign policy.

In this framework we have promoted a resolution by the Human Rights Council on cultural rights and the protection of cultural heritage last September, with cross-regional support. The protection of cultural property is also a priority issue for Cyprus for the duration of its Chairmanship of the Council of Ministers of the Council of Europe and Cyprus will do its utmost to support the efforts of the Council of Europe to finalise the new Convention on Offences related to Cultural Property, expected to be open for signing in Nicosia this coming May.

The efforts of the international community in this area are being greatly assisted by the international legal framework and by the increasing activities of international organisations, as will be showcased today by our esteemed keynote speakers and panelists.

Today's event, co-organized with the Mission of Italy and UNIDROIT, aims, firstly at exchanging views on the main differences in domestic legal systems hindering effective restitution of illicitly traded artefacts and on appropriate reforms to deal with this issue; secondly, discussing the synergies between relevant international instruments and the benefits of ratifying the 1995 UNIDROIT Convention and thirdly, establishing a Task Force aimed at the promotion of the ratification of the 1995 UNIDROIT Convention, open to all member states.

2. Closing remarks by the PR of Cyprus

Dear guests and speakers,

-This has been a very interesting, insightful and thought-provoking discussion. Let me try to summarize what we can take away from the meeting.

- There is an understanding that a holistic, multidisciplinary approach is needed and this is evident by the various efforts of organisations such as UNESCO, UNODC and INTERPOL, focusing on international cooperation and information sharing, creation of databases, on awareness, and on fighting trafficking of cultural objects. Awareness about the work of these organisations and cooperation by as many member states as possible will be of great help.

-Also, what can be called country "activism" is invaluable. Countries with specialization in the matter, providing experts, training and help in special missions have proved very useful.

-The importance of the relevant international legal framework and its effective implementation cannot be stressed enough. The significance of the Conventions and Protocols of UNESCO on the protection of Cultural Property was discussed and the relevant UN SC and UN GA resolutions were also noted. Special mention has also been made to the synergies and complementarity between relevant international instruments and organisations for the protection of cultural objects.

-We discussed the usefulness of criminal law in dealing with cultural property offences, in particular the work of the ICC with its seminal case Al Mahdi, on Mali, where for the first time, a person has been found guilty of the war crime of attacking historic and religious buildings, in Timbuktu. Furthermore, we have talked about the potential of criminal law to assist in the area of cultural heritage protection, in particular through the Convention of the Council of Europe under preparation, on Offences related to Cultural Property.

-It has also been reported that, despite the increasing attention of the international community to the issue, it is evident that there is still great room for improving the effectiveness of our actions. As commonly said, although a strong international legal framework exists, there lacks sufficient and effective implementation. Additionally, discrepancies across national laws of different countries hinder the effective protection and restitution of cultural objects.

-Efforts to address this issue could be aimed at promoting as much uniformity as possible in the relevant national legislation of states: (1) Firstly, through signing, ratifying and implementing international legal instruments related to the protection of cultural property, (2) Secondly, through adopting relevant model laws provided by international organisations.

-It has been mentioned that uniformity exists already within the European Union member states, with relevant legislation on return of cultural property to EU member states and to the export of cultural goods.

-Thirdly, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects provides a strong framework for the protection of cultural property and complements the 1970 UNESCO Convention from the perspective of private law. The Convention contains provisions that would greatly assist in the return or restitution of stolen cultural objects, such as the provision on exercising due diligence by a possessor, in order to be allowed compensation (article 4) and the provision on the statute of limitations for cultural heritage of a State that lies at the heart of its national identity (article 3 para. 4). Ratifying and duly implementing the Convention is crucial for effectively protecting cultural objects from looting and trafficking.

-To this aim, today's event also serves to announce the establishing of a Task Force for the promotion of the ratification of the 1995 UNIDROIT Convention. The Task Force will be under the supervision of UNIDROIT and will be organizing a yearly meeting in New York.

-I wish to thank you all for being here and to encourage you to join the Task Force for the promotion of the ratification of the 1995 UNIDROIT Convention.