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STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE  
(CDCPP)

CONSIDERATION OF THE CDCPP'S WORK  
BY THE COMMITTEE OF MINISTERS

For adoption

Secretariat Memorandum  
prepared by the  
Directorate of Democratic Governance  
Democratic Institutions and Governance Department

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## Introduction

This document provides information regarding the consideration of the CDCPP's work by the Committee of Ministers of the Council of Europe or other instructions given by the latter to the Committee.

The Committee is invited to take note of the information provided and/or take action, as appropriate.

Meeting and date	Committee of Ministers' decision in respect of the CDCPP	Reference document	Action by the CDCPP
1244 <sup>th</sup> meeting, 13 January 2016	<p>"Cultural heritage in crisis and post-crisis situations" – Parliamentary Assembly Recommendation 2071 (2015)  <a href="#">CM/AS(2015)Rec2071-prov3</a></p> <p><i>Decision</i></p> <p>The Deputies adopted the reply to Parliamentary Assembly Recommendation 2071 (2015) on the "Cultural heritage in crisis and post-crisis situations", as it appears at Appendix 7 to the present volume of Decisions.</p>		For information (see Appendix 1). The Committee will consider under item 5.2 on the agenda the follow-up given to the Committee of Ministers' remark in the Strategy for the European Heritage in the 21 century.
1247 <sup>th</sup> meeting, 10-11 February 2016	<p>Steering Committee for Culture, Heritage and Landscape (CDCPP) – Draft Recommendation CM/Rec(2016)... of the Committee of Ministers to member States on the Internet of citizens  CM(2015)135, DD(2016)78, DD(2016)79</p> <p><i>Decision</i></p> <p>The Deputies adopted Recommendation CM/Rec(2016)2 of the Committee of Ministers to member States on the Internet of citizens, as it appears at Appendix 6 to the present volume of Decisions.</p>		For information
1249 <sup>th</sup> meeting, 2-3 March 2016	<p>European Committee on Crime Problems (CDPC)  ...  c. Draft terms of reference for the Committee on Offences relating to Cultural Property (PC-IBC)</p> <p><i>Decisions</i></p> <p>The Deputies  ...  2. adopted the terms of reference of the Committee on Offences relating to Cultural Property (PC-IBC), as they appear in document CM(2016)31.</p>		For information (see Appendix 2). The Secretariat will provide oral information on the outcomes of the first meeting (31 May-1 June) of the PC-IBC committee.

Meeting and date	Committee of Ministers' decision in respect of the CDCPP	Reference document	Action by the CDCPP
1251 <sup>st</sup> meeting, 17 March 2016	<p>Council of Europe Conference of Ministers responsible for Spatial Planning (CEMAT)</p> <p>...</p> <p>b. Proposals by the Secretary General on the functioning and possible future activities of the CEMAT</p> <p><i>Decisions</i></p> <p>The Deputies</p> <p>1. thanked the Secretary General for his document on the functioning and possible future activities of the European Conference of Ministers responsible for Spatial Planning (CEMAT) (document CM(2015)143);</p> <p>2. acknowledged the contribution of CEMAT senior officials – through their preparatory and follow-up activities – and ministers – through their resolutions and political statements – to achieving the goals of the Council of Europe;</p> <p>3. noted with interest that Resolutions Nos. 1 and 2 adopted at the 16th session of CEMAT (Nafplion, 16-17 June 2014) concern issues that are part of the current political agenda of the Council of Europe, such as democratic governance and citizen participation, and accordingly referred them to the European Committee on Democracy and Governance (CDDG) and to the Steering Committee for Culture, Heritage and Landscape (CDCPP), which constitute the appropriate fora, for information and possible comments;</p> <p>4. agreed to consider possible comments from CDDG and CDCPP at one of their forthcoming meetings, bearing in mind the Council of Europe Programme and Budget, as well as existing structures and bodies;</p>	<p><a href="#">CM(2014)91</a></p>	<p>The Committee is invited to consider the elements provided at Appendix 3 and agree on the comments it wants to submit to the Committee of Ministers.</p>

## APPENDIX 1

Reply to the Parliamentary Assembly Recommendation 2071 (2015) on "Cultural heritage in crisis and post-crisis situations"  
*(Adopted by the Committee of Ministers on 13 January 2016 at the 1244th meeting of the Ministers' Deputies)*

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2071 (2015) on "Cultural heritage in crisis and post-crisis situations". It has brought it to the attention of the governments of member States and forwarded it to the Steering Committee for Culture, Heritage and Landscape (CDCPP), for information and possible comments.

2. The Committee of Ministers notes that the Council of Europe has already conducted several projects and activities under the Technical Co-operation and Consultancy Programme related to the integrated conservation of cultural and natural heritage, which have demonstrated the role of heritage in post-conflict reconciliation processes and in post-natural-disaster situations. The Council of Europe's approach places an emphasis on the preservation of cultural heritage in order to facilitate the reconciliation of communities, enriched by their diversity, strengthen social cohesion and pave the way for sustainable development.

3. Recent international events have reminded us of the dramatic impact at a cultural, social, environmental and economic level of the deliberate destruction of the cultural heritage. In this connection, the Ministers responsible for cultural heritage, meeting in Namur on 23 and 24 April 2015 for their 6th Council of Europe Conference, adopted the Namur Call which reiterates their condemnation of such destruction and the illicit trade in cultural property and works of art, and sets out their intention to address this issue by means of discussions initiated in the Council of Europe.

4. At this conference, the Ministers also adopted the Namur Declaration which calls for a European cultural heritage strategy for the 21st century to be drawn up. The Committee of Ministers has entrusted the CDCPP with the task of drafting this strategy. The CDCPP will bear in mind, in the course of its work, the Assembly's proposal that the CDCPP "draft guidelines for the protection and reconstruction of damaged or destroyed cultural heritage as part of a broader strategy for preserving cultural identity and diversity in crisis and post-crisis situations" (paragraph 3.1 of the Assembly recommendation).

5. The Assembly further recommends that the CDCPP provide “support for member States to exchange good practices based on the guidelines as well as on standards and principles of the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199), and provide assistance to member States in implementing these provisions.” In this connection, the Committee of Ministers informs the Assembly that work along the lines which it advocates is under way in the framework of the CDCPP and will be continued, in particular under the HEREIN system and as part of the implementation of the Action Plan on the Faro Convention. In this respect, the CDCPP co-operates also with the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNCHR), the European Union, the International Council on Monuments and Sites (ICOMOS) and other relevant and national aid agencies. The Committee of Ministers invites the CDCPP to contribute to the European Committee on Crime Problems’ (CDPC) work of updating the European Convention on Offences relating to Cultural Property (Convention of Delphi; ETS No. 119) and offer its expertise in this context.

## APPENDIX 2

## COMMITTEE ON OFFENCES RELATING TO CULTURAL PROPERTY (PC-IBC)

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods*

Type of committee: Subordinate body

Terms of reference valid from: 1 March 2016 until 31 December 2017

MAIN TASKS
Under the authority of the European Committee on Crime Problems (CDPC), in close co-operation with the Steering Committee for Culture, Heritage and Landscape (CDCPP), and on the basis of drafts prepared by the Secretariat, the Committee shall prepare a draft Convention superseding and replacing the European Convention on Offences relating to Cultural Property (ETS No.119), as well as its draft Explanatory Report.
PILLAR/SECTOR/PROGRAMME
Pillar: Rule of Law Sector: Strengthening the rule of law Programme: Development and implementation of common standards and policies
SPECIFIC TASKS
<p>(i) The Committee shall ensure that the draft Convention deals, inter alia, with the following issues:</p> <ul style="list-style-type: none"> <li>- Definition of cultural property;</li> <li>- Criminalisation of behaviour which has the potential to harm cultural property;</li> <li>- Criminalisation of illicit destruction of cultural property;</li> <li>- Criminalisation of trafficking in cultural property;</li> <li>- Prevention of offenses relating to cultural property;</li> <li>- International co-operation.</li> </ul> <p>(ii) The Committee shall ensure that the substantive criminal law provisions of the draft Convention are worded in such a way that they can be effectively implemented by States Parties and enable national criminal law provisions based on the draft Convention to be sufficiently clear and precise, so that individuals may ascertain which conduct constitutes a criminal offence.</p> <p>(iii) The Committee shall ensure that the aforesaid draft instrument is fully compatible with already existing, relevant international and supranational legally binding standards.</p> <p>(iv) The Committee shall consider the previous and current work carried out in this field by the relevant international and supranational organisations, notably the United Nations Educational, Scientific and Cultural Organisation, the European Union and the International Institute for the Unification of Private Law, as well as the previous work of the Council of Europe in this area.</p> <p>(v) In its work, the Committee should take into account the human rights and rule of law standards of the Council of Europe, the relevant jurisprudence of the European Court of Human Rights, as well as the best practices of member States and other international organisations and initiatives.</p> <p>(vi) In its work, the Committee should take into account the documents "Model provisions for Council of Europe criminal law conventions" and "Elements for an explanatory report".</p>

## COMPOSITION

## Members:

Governments of member States are invited to designate one or more representatives with recognised expertise in the relevant field of criminal law and cultural property.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Members of the Committee appointed by Governments of member States shall have one vote each. Where a government designates more than one member, only one of them is entitled to take part in the voting.

## Participants:

The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:

- the Parliamentary Assembly;
- the European Committee on Crime Problems (CDPC);
- the Committee of Experts on Terrorism (CODEXTER);
- the Steering Committee for Culture, Heritage and Landscape (CDCPP);
- the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL);
- other Council of Europe intergovernmental committees as appropriate.

The following may send representatives without the right to vote and without defrayal of expenses:

- the European Union;
- States with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America);
- the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- the United Nations Office for Drugs and Crime (UNODC);
- the Organisation for Security and Co-operation in Europe (OSCE);
- the International Criminal Police Organisation (INTERPOL);
- the International Institute for the Unification of Private Law (UNIDROIT).

## Observers:

States having been invited by decision of the Committee of Ministers to participate in the negotiations may send representatives without the right to vote or defrayal of expenses.

## External consultants:

In its work, the PC-IBC shall be assisted, within the limits of its budgetary appropriations, by four scientific experts, with specific knowledge of relevant legislation and legal practice, of international standards and conventions relating to matters related to cultural properties and of recent developments in research and practice in the States.

The Council of Europe budget will bear their travel and subsistence expenses.



**WORKING METHODS**

## Plenary meetings:

48 members, 2 meetings in 2016, 4 days.

48 members, 2 meetings in 2017, 4 days.

The Committee shall report to the Bureau of CDPC on a regular basis. The Bureau of CDPC may issue instructions to the Committee with regard to its work.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

## APPENDIX 3

## Elements for possible comments by the CDCPP to the Committee of Ministers

The Committee of Ministers has considered the outcomes of the 16th session of CEMAT (Nafplion, 16-17 June 2014) and noted that Resolutions No 1 and No 2 concern issues that are part of the current political agenda of the Council of Europe, such as democratic governance and citizen participation. Accordingly, they have referred them to the European Committee on Democracy and Governance (CDDG) and to the Steering Committee for Culture, Heritage and Landscape (CDCPP), which constitute the appropriate fora, for information and possible comments.

The CDDG will examine this request at its meeting on 19-20 May 2016 and adopt a response that will be communicated to the CDCPP.

Pending such a (possible) statement by the CDDG, the CDCPP could consider the following.

Resolution No 1 contains the Guidelines for public participation in spatial planning, adopted by the conference, which the Ministers "committed to follow..., within [their] means and competences, in accordance with the principle of subsidiarity".

The Guidelines reflect an approach to public participation in spatial planning which is based on such principles as access to information, meaningful consultation, open debate, responsiveness and accountability.

These principles are notably enshrined in the Strategy for Innovation and Good Governance at Local Level adopted by the European ministers responsible for local and regional government in 2007 and by the Committee of Ministers of the Council of Europe in 2008.

Giving the Guidelines greater visibility and impact, for example by transforming the Resolution into a Committee of Ministers' Recommendation to member states, could be a possibility.

Resolution No 2 assesses the contribution of CEMAT to the goals of the Council of Europe and makes proposals to the Committee of Ministers for possible activities within the Council of Europe in the field of spatial planning. These are as follows:

- democratic participation and good territorial governance in spatial planning policies, including through e-governance and e-democracy; -
- territorial impacts of demography, migration, energy, transport, environment, landscape policies of member States and throughout the European continent;
- evaluation and monitoring of territorial processes;
- distribution of and access to general interest services as a means of balanced territorial development and the development of sustainable communities throughout the European continent;
- capacity-building in designing and implementing spatial planning policies through the exchange of know-how and the dissemination of good practice;
- cross-border and transnational dimension of spatial planning policies;
- spatial planning as a tool for improving the resilience of regions, orienting the investments in order to fasten recovery from the financial and economic crisis, anticipating trends and jointly preparing the European territory for future challenges.

The CDCPP should consider these proposals in the light of its Terms of Reference which require it to “oversee the Council of Europe’s intergovernmental work in the field of culture, heritage and landscape, and advise the Committee of Ministers on all questions within its area of competence. Taking due account of relevant transversal perspectives, the overall aim is to share information on policy, exchange best practice and develop standards as appropriate relating to culture, heritage and landscape in States Party to the Cultural Convention and other relevant Conventions”.

The CDCPP should also pay attention, in responding to the Committee of Ministers, to its current programme and priority activities, and consider to what extent new activities, if supported by the Committee of Ministers, would replace or require postponing existing ones.