

CONFERENCE REPORT

Promoting the Council of
Europe Convention on
offences relating to
cultural property, within
governments and
civil society

Act for Heritage!

Nicosia, 24-26 October 2019

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

“ACT FOR HERITAGE!” CONFERENCE REPORT

PROMOTING THE COUNCIL OF EUROPE
CONVENTION ON OFFENCES RELATING TO
CULTURAL PROPERTY, WITHIN GOVERNMENTS AND
CIVIL SOCIETY

The primary aim of the Conference was the promotion of the Nicosia Convention and its universality, as well as raising awareness on the topical issue of preventing offences relating to cultural property



This report has been prepared by Ms Anna Marangou as a follow-up to the Conference "Act for Heritage", held on 24-26 October 2019 in Nicosia.

The views expressed in this document are those of its author and not necessarily those of the Council of Europe.



24 OCTOBER: OPENING CEREMONY

Nicosia welcomed 130 participants to the Conference with an Opening Ceremony at the Presidential Palace on the evening of 24 October, organised by the office of the Commissioner for Volunteerism and NGOs. Mr Yiannis Yiannaki, Ms Vassiliki Anastasiadou, Minister of Transport, Communications and Works and Mr Savvas Perdios, Deputy Minister of Tourism, together with officials of the government and representatives of foreign missions attended the ceremony.

In his welcoming speech, delivered by Mr Yiannis Yiannaki, President Nikos Anastasiades greeted the participants to the Conference - governments, civil society, policy makers, business representatives, representatives of international organisations - and spoke of this important initiative to protect the cultural property of mankind. Civil society would provide added value and empower the awareness level requested for the entry into force of the Nicosia Convention.

He spoke of the global responsibility to protect heritage, taking into consideration ethnic and regional conflicts, natural disasters, climate change, the phenomena of forcible displacement of people and inadequate conservation and protection, that frequently place cultural heritage at grave risk. He noted the increase in the destruction of cultural heritage in Afghanistan, Syria, Iraq, Mali, and in the occupied part of Cyprus since 1974, and spoke of the need for unified action, under the Nicosia Convention - the only international treaty specifically dealing with the criminalization of the illicit trafficking and destruction of cultural property.

President Anastasiades pointed out that the Nicosia Convention was not limited to Europe, as it is open for signature to all the countries, and once it enters into force, the Convention will therefore foster international co-operation to fight these crimes.

He concluded, by thanking the organisers and supporters in Cyprus, the Council of Europe, and the European Commission and by strongly encouraging the participating States to consider signing and ratifying the Nicosia Convention as part of the responsibility the world has to protect its cultural heritage.



MR YIANNIS YIANNAKI

Commissioner for Volunteerism
and NGOs, Cyprus

25 OCTOBER PART I: OPENING SESSION

The morning session consisted of an opening session and a presentation and exchange session. This was followed by four parallel working group sessions in the afternoon.

Participants at the conference included representatives of governments and civil society, NGOs from Council of Europe member States and Council of Europe Mediterranean neighbourhood countries, business representatives as well as representatives of the Council of Europe, European Union, UNESCO, UNIDROIT, WCO, INCOs and other relevant stakeholders. Ambassadors of Germany, Poland, Sweden and Italy in the Republic of Cyprus were also present.

The Conference objectives were to raise awareness about offences relating to cultural property, promote the Nicosia Convention, prepare for further implementation of the Convention and enhance co-operation between governments, civil society and business.



The Minister of Foreign Affairs of the Republic of Cyprus Mr Nikos Christodoulides, welcomed the delegates to Cyprus and thanked everyone for their presence that reflected the commitment to protecting cultural heritage worldwide, both in peace and during armed conflicts.

Minister Christodoulides informed participants that this Conference was part of a series of national events and initiatives organised by Cyprus to honour the 70 year anniversary of the Council of Europe. These events aim at demonstrating, in tangible ways, the appreciation and commitment of the Republic of Cyprus to the Council of Europe and its core values of democracy, the rule of law and human rights. He particularly thanked the Council of Europe for its initiative and actions to protect and cherish cultural heritage, mirrored in the Nicosia Convention.

He stated that the Republic of Cyprus was particularly sensitive to the need to protect cultural heritage from destruction or damage and has been combatting the illicit trafficking of cultural heritage objects, as Cyprus, due to the on-going military occupation of the northern part of the island, has witnessed severe and often irreparable damage to monuments, archaeological sites and movable cultural objects. The competent authorities of the Republic have frequently engaged in efforts to repatriate stolen cultural objects from abroad and through these efforts have gained valuable practical expertise that can help to strengthen international efforts to protect cultural heritage globally.



“Democracy, Rule of Law and Human Rights”

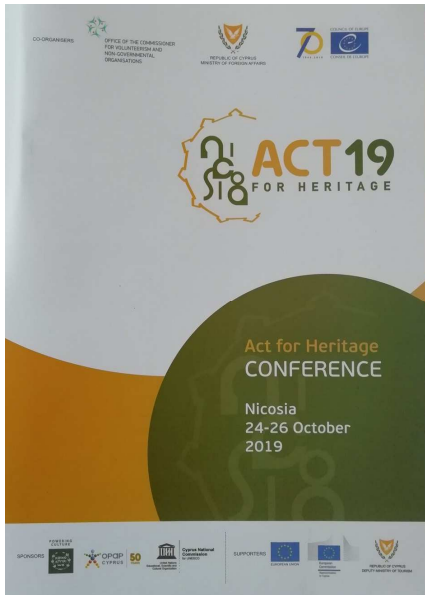
Minister Christodoulides considered the Nicosia Convention of 2017 as the most important recent initiative and contribution to the protection of cultural heritage: Cyprus became the first country to ratify the Convention in December 2017, a convention designed to be complementary to other international law instruments that deal with the issue.

He pointed out the key characteristics of this first international legal text - designed as a universal instrument - which incorporates a criminal code for perpetrators and makes special mention of the fact that the burden of proof lies with the buyer or possessor of the artefact. It also provides for the harmonization of national legislation, in order to promote and facilitate inter-state cooperation. Minister Christodoulides concluded that the Conference would convince and encourage countries who have not yet ratified the Convention to take this significant step to protect cultural heritage in their country and internationally.

**MR NIKOS
CHRISTODOULIDES**

Minister of Foreign Affairs of the
Republic of Cyprus

“These are crimes against who we were, who we are and who we are going to be.”



Mr Matjaž Gruden, Director of Democratic Participation at the Council of Europe, who spoke on behalf of Ms Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe, referred to the 2017 Nicosia Convention as addressing an age-old problem, whilst providing the perfect opportunity today to take stock of progress made, and emphasising what more must be done.

He noted all forms of offences and crimes against cultural property, and pointed out that all are known and form part of an illicit trade that is interwoven with money laundering, terrorist funding and organised crime. This must stop, he said, as cultural heritage belongs to people who find their identity in their art and history, and they have a right to enjoy their own heritage. "These are crimes against who we were, who we are and who we are going to be!"

He spoke of heart-breaking examples of these cultural crimes that often thrive in times of conflict and war, and also mentioned the Namur Call of 2015, which called member States to action. The response of the Council of Europe to this moral urgency has been the Nicosia Convention, a treaty that breaks new ground and primarily as a criminal law instrument, contributes to a coherent international legal regime.

Mr Gruden mentioned various recent actions, but stated the need to go further, as too few of the offences were reported, revealed and prosecuted. He emphasised the need to move forward and promote the Nicosia Convention, attract more signatures, and achieve more ratifications, so that better, more effective, concerted action can take place.

He underlined the role and dedication of the Council of Europe in protecting the common cultural heritage and the importance also of the Faro Convention, signalling a shift in emphasis from simply protecting heritage to a recognition of its value for society at large, and the rights of citizens and local authorities to have a say in the management of their cultural property.

“When it comes to cultural heritage, working together is crucial to be able to have 'the bigger picture' before our eyes”

Guiliana De Francesco, as Chair of the Steering Committee for Culture, Heritage and Landscape of the Council of Europe, also spoke of the Namur Call of 2015 that deplored and condemned acts of deliberate destruction of cultural heritage and reinforced European cooperation on legal instruments against all forms of destruction and illicit trafficking of cultural property.

The Nicosia Convention, she pointed out, as a criminal law instrument, addresses the whole chain of crimes related to cultural heritage and fills a gap in the arsenal of legal instruments available at international level. Furthermore, she pinpointed the essence of cultural heritage, that together with cultural activities and landscape, play a vital role in engaging people with the values of human rights, democracy and the rule of law. She insisted that cultural heritage policy makers seek synergies and interactions with other sectorial policies, building bridges between different interest groups: cross-domain, interdisciplinary cooperation and research are very important when addressing heritage challenges. She stressed the key part and important role of communication, education, awareness raising, participation and inclusion so that people, once they are aware of the value that cultural heritage has in their lives, are the best watchdogs when it comes to preventing everyday crimes against cultural property.



“THIS PRACTICE HAS TO END”

Ms Themis Christofidou, Director General for Education, Youth, Sport and Culture of the European Commission thanked the organisers and noted that Cyprus played an important role in the drafting and adoption of the Nicosia Convention. Many precious looted objects still end up in European markets and this practice should end, as the new Convention provides rules for the thorough scrutiny of imported artefacts.

However, since compliance with these basic rules is still an issue,

Ms Christofidou saw huge potential for the Nicosia Convention, as it obliges its signatories to introduce effective, proportionate and dissuasive sanctions. She expressed her hope that all Council of Europe member States will soon ratify the Convention. She mentioned the need to increase transparency of the art market, and raise awareness about the implications of illicit trade in cultural goods amongst potential buyers.



MS GUILIANA DE FRANCESCO

Chair of the Steering Committee for Culture, Heritage and Landscape of the Council of Europe

Mr Kunio Mikuriya, Secretary General of the World Customs Organisation (WCO) closed the Opening Session with his presentation on the role of Customs in preventing illegal trafficking of cultural heritage.

Mr Mikuriya talked about prioritizing the trafficking of cultural heritage as an evolving risk area linked to security and safety, following the destruction of cultural objects in Iraq and Syria by the so-called “Islamic State”. He explained the WCO programme on Cultural Heritage, launched in 2015, which consists of three layers:

- ♦ At the strategic level, awareness-raising and advocacy of Customs’ role in this domain of enforcement and enhanced collaborative ties with policy makers and other law enforcement agencies, resulting in the adoption, in 2016, of the Council Resolution on the Role of Customs in Preventing Illicit Trafficking of Cultural Objects.
- ♦ At the tactical level, specialized training for frontline Customs officers with the PITCH (Prevention of Illicit Trafficking of Cultural Heritage) Handbook, already delivered in several regions suffering from violence and conflicts.
- ♦ At the operational level, through ARCHEO (the WCO’s closed communication network for law enforcement), facilitation of operational activities and contacts, as Customs at the borders need prompt feedback from art experts to identify the possible trafficking of cultural objects, and cooperation with the police.

“The strategic, the tactical and operational levels”

Mr Mikuriya when analysing the seizure record, observed that most cultural objects had been seized in Europe, demonstrating the region’s heightened awareness of Customs-Police cooperation and expertise in art markets. In this context, he suggested that the Nicosia Convention could fill the current gaps in the fight against the trafficking of cultural objects by criminalizing these offences, thereby raising awareness by preventing them from being seen as “victimless crimes” and helping law enforcement agencies to tackle the criminal organizations and armed groups behind global illicit trade supply chains.



MR KUNIO MIKURIYA

Secretary General of the World Customs Organisation (WCO)

PART II: PRESENTATIONS AND EXCHANGES

A. GENERAL PRESENTATIONS OF THE NICOSIA CONVENTION

“The Convention has 12 signatures and 2 ratifications. I would like to recall that 5 ratifications are needed for its entry into force, three of which by member States of the Council of Europe”.

Three speakers, Ms Raffaella Pezzuto of the European Committee on Crime Problems, Dr Alessandro Chechi of the University of Geneva and Mr Jorge Lomónaco, Ambassador and Permanent Observer of Mexico to the Council of Europe discussed the Nicosia Convention from different perspectives.



MS RAFFAELLA PEZZUTO

European Committee on Crime Problems

Judge Pezzuto, as a member of the Italian delegation that participated in negotiations regarding the Nicosia Convention from 2015 to 2017, thanked the Chair of the Committee on Offences relating to Cultural Property, and the other delegates and experts from most of the 47 member States of the Council of Europe, and the Secretariat of the Council of Europe, for the tremendous work carried out.

A brief background was given to the delegates of how the Nicosia Convention came about. After the notorious destructions in places like Syria and Iraq which were accompanied by looting and trafficking of goods to European markets, the United Nations Security Council called upon States to improve their efforts to fight against and prevent serious crimes against cultural property in conflict zones and to suppress the associated trafficking in cultural property from these conflicts by non-State armed groups.

In response, and in line also with the Namur Call by European Ministers for Cultural Heritage, the Committee of Ministers of the Council of Europe decided that the Council should begin work on a new legal instrument to address these problems, with an emphasis on the criminal law aspects and with a concerted action to prevent and deter this criminal activity from taking place.

In the drafting process of the Nicosia Convention, the Council of Europe was able to benefit from the presence of experts and representatives of UNESCO, UNIDROIT, INTERPOL, UNODC, OSCE and the EU.

She further explained the structure, scope and the contents of the Convention that obliges States Parties to ensure that their domestic law criminalises certain conducts, provides criminal liability for both natural and legal persons, and that there is thus a basis to apply effective, proportionate and dissuasive sanctions.

As a criminal law instrument, the Convention first and foremost applies to the prevention, investigation and prosecution of offences relating to tangible items of movable or immovable cultural property. Judge Pezzuto emphasized the innovation concerning the Nicosia Convention, namely the fact that the Convention covers not just any cultural property which has been classified, defined or specifically designated by Parties to the Convention, but also to property listed by any State Party to the UNESCO Conventions of 1970 and 1972.

The speaker addressed the contents of the Convention that basically investigate the criminalisation of theft and unlawful appropriation, unauthorised excavations on land or underwater, intentional importation of cultural property, the acquisition, generally understood as either possession or transfer of ownership, the placing on the market, meaning offers of sale or supply, the production of false documents, and lastly the unlawful destruction or damaging of movable or immovable property, including unlawful removal of elements of cultural property.

Judge Pezzuto mentioned the call on States to implement a suite of preventive measures at various levels, such as raising awareness, establishment of inventories, improvements of import and export procedures and finally for further international consultation and information sharing.

The second speaker, Dr Alessandro Chechi of the University of Geneva, gave an analysis of the strategy within the Convention, and how it complements the international legal framework developed to prevent and fight the loss of cultural property. He numbered a series of other Conventions, and other existing legal instruments of the United Nations, UNESCO, UNODC, and stressed the fact that the Nicosia Convention was the only international treaty with a focus on the prevention and criminalization, in providing a comprehensive set of rules targeting the illicit destruction of, and damage to, cultural property, and the various segments of the illicit trade in cultural property.

He finally suggested actions to be taken by the Council of Europe so that the Convention would enter into force, i.e. by raising awareness among member States about the advantages of ratification, but also emphasizing for the wider public the positive effects stemming from the protection of cultural property.

“Preventing and Fighting”



The first part of the morning session closed with an address by Mr Jorge Lomónaco, Ambassador and Permanent Observer of Mexico to the Council of Europe, who explained why Mexico was the second state to ratify the Convention of Nicosia, as his country had participated from the beginning of the negotiations, and was hence part of the first group of signatories.

He spoke of the Nicosia Convention as complementary to every other instrument dealing with the protection of cultural goods and designed to be an open, globally oriented Convention to protect the common cultural heritage of humanity. He referred to Article 27 of the Convention that establishes that the instrument is open for signature by Council of Europe member States and non-member States that have participated in its elaboration (i.e. Holy See, Japan and Mexico).

Ambassador Lomónaco ended his speech urging all European and non-European States to sign and ratify this instrument to foster international cooperation in the fight against these crimes, which are destroying the world’s cultural heritage.

"Why is it important to sign, ratify, implement and promote the Nicosia Convention?"



B. PRESENTATIONS AND EXCHANGE

The second session of the morning examined efforts to protect cultural heritage by UNESCO, UNIDROIT, CINOA and other bodies. Speakers included Ms Elena Maidu, Dr Neil Brodie, Mr Eduard Planche, Ms Marina Schneider, Ms Erika Bochereau, Ms Domna Paschalidou and Mr Michalis Gavrielides.

“Annual sales estimates: 140,000 to 700,000 antiquities from Europe, Northern Africa and West Asia, with a total monetary value in the region of €64 million to €318 million”.

Dr Neil Brodie, from the University of Oxford presented the [2010 EU study](#) (whilst mentioning the limits of the study) on trafficking and its links to organised crime. The study was based on interviews with a wide range of stakeholders, a survey of stakeholders and experts, desk research, snapshot analyses of the market, and finally case studies to illustrate various aspects of illicit trade.

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The study looked into the trafficking routes, the kind of objects and the way these goods travelled, and how the relevant authorities responded. It also contained an inventory of new technologies available so that people today can share information and identify illicit cultural goods. Finally, Dr Brodie focused on the recommendations for future EU action, both in legal and political terms.

The recommendations of the study suggested that the problem could be elevated at an EU-level by establishing a specialised unit to coordinate national efforts (at Europol or as a separate agency). This unit could have an impact on the political profile at the national level by drawing attention to frontrunner countries and calling out those whose protection measures and criminal justice responses fall behind (including, if necessary, with regard to ratification and implementation of relevant international conventions and UNSC resolutions).

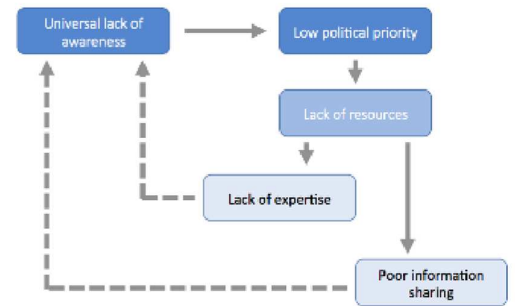
"Imperative to protect world cultural heritage from imminent pillage and destruction"

Ms Elena Maidou, of the European Commission discussed the latest legislation of the EU on export and import controls of cultural goods. She pointed out the need for uniform controls at the EU's external borders, and in implementing the available legal instruments and regulations. She defined what "cultural goods" are covered by the Regulations and described the main provisions of the export licences issued by the competent authorities by the member states whose customs have to verify the existence of a licence before goods can be exported.

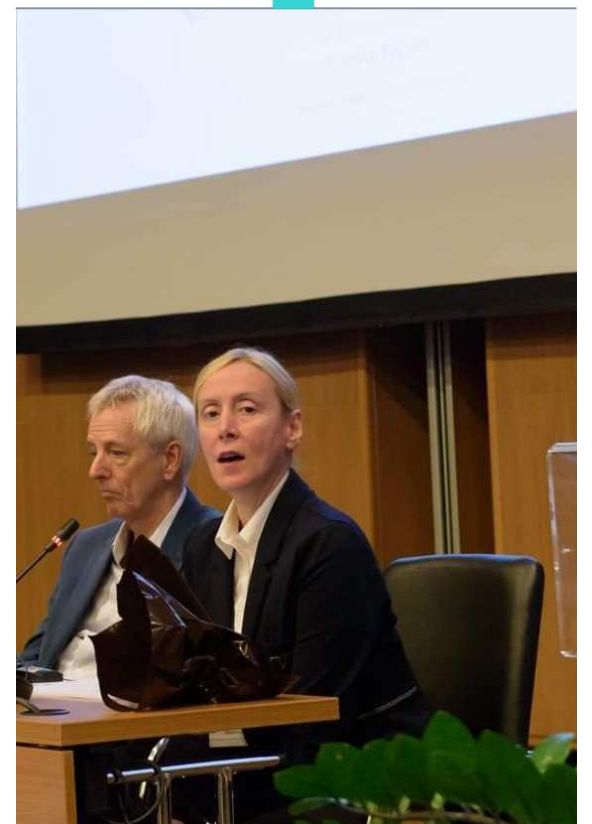
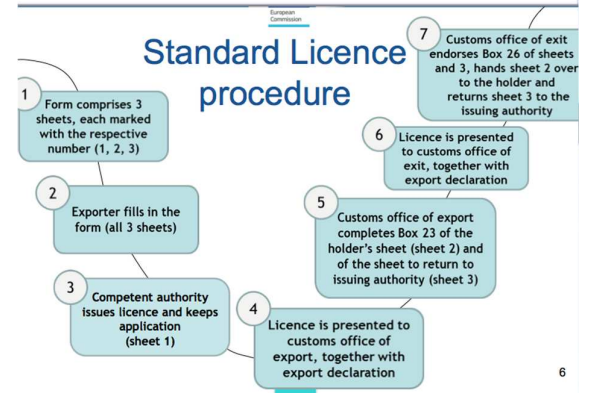
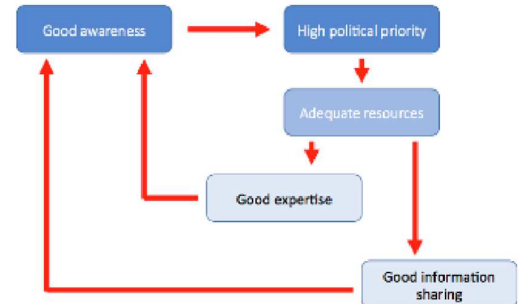
Ms Maidou looked into the so-called general prohibition rule, applicable as of 27 December 2020 that prohibits the introduction into the EU customs territory of cultural goods that are exported illegally, and emphasised the fact that it is the laws and regulations of the third country which determine whether cultural goods were exported legally or not.

She finally announced the creation of a centralised electronic system to support the controls at import, which should be fully operational in six years.

From vicious to virtuous circle



From vicious to virtuous circle



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Mr Edouard Planche, UNESCO Programme Specialist, presented UNESCO's 1970 Convention and the Nicosia Convention on matters dealing with awareness raising as a fundamental means of preventing the illicit trafficking in cultural property.

He spoke of UNESCO's experience targeting the general public and local communities, with the help of audio-visual material, television spots, social media campaigns and press releases that were distributed to journalists all over the world, as well as publications.

Mr Planche also talked about UNESCO's efforts to engage the European art market in the fight against the trafficking of cultural property. In addition, meetings of experts from different professional backgrounds, campaigns, conferences, training workshops for police and customs representatives, tailor made training for museum specialists and bank and insurance professionals had been organised in the past few years, all under the slogan "Heritage is identity, don't steal it".

"The Art Market, legal ... and ethical"

Ms Marina Schneider, Senior Legal Officer and Treaty Depositary presented UNIDROIT's position, looking into a series of UN Security Council Resolutions that call 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. She spoke of the UNIDROIT Convention of 1995, but made a point of the need for a uniform law as the current situation is still characterised by the absence of harmonisation in national legislation.

She looked at existing legislation at international and national level and insisted that combatting the cross border crime of illicit trade requires genuine international cooperation, and the ratification and effective national implementation of the 1970 UNESCO Convention, the 1995 UNIDROIT Convention and, especially relevant in the context of criminal justice responses, the Nicosia Convention. The EU can "name and shame" countries that do not collect or report data on the illicit trade in cultural goods, that are slow to implement relevant EU directives or who have not ratified or ratified but not (effectively) transposed the UNESCO, UNIDROIT and Nicosia Conventions, as a form of peer pressure. "Let us 'give teeth' to this new Convention with effective, proportionate and dissuasive sanctions, which take into account the seriousness of the offence", said Ms Schneider, while she also insisted on the need for advocacy, technical assistance, awareness raising and research.



*"Heritage is identity,
don't steal it"*

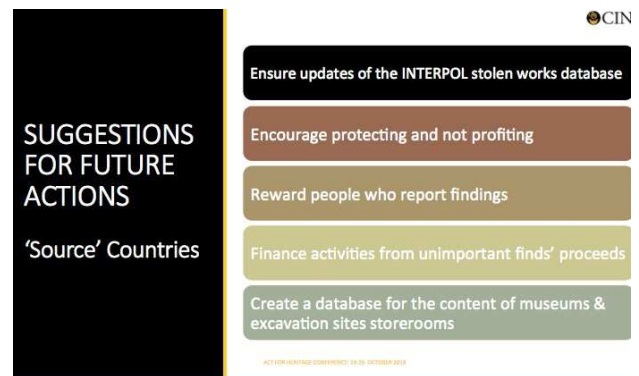
Special attention was given to material for young people, such as the UNITE4HERITAGE initiative, and to the inclusion of the topic of illicit trafficking in higher education and university curricula.



CINOA's position was presented by Secretary General Ms Erika Bochereau and was entitled "Fact, fiction and the role of the trade in protecting cultural heritage".

Her presentation examined the importance of the art trade in society, the legislation regulating it, what the Nicosia Convention offers, the challenges today in the art trade, matters dealing with the protection of cultural heritage, in identifying causes of the criminal activities, and lastly, into implementing and enforcing effective solutions.

Stakeholders must work together, and she mentioned how people who report illegal excavations or the use of metal detectors should be rewarded. She also spoke of the "Market" countries where the database of Interpol should be present and used, where a special alert mechanism has to be developed for the stolen goods.



“Develop solutions and build trust”

She finally underlined the need not only to develop legal solutions, but mainly to build trust by improving links between art trade and law enforcement, by sharing platforms with all stakeholders to encourage debate and discourse and above all to develop joint initiatives on common goals.

"Understanding the past and shaping the future"

Ms Domna Paschalidou, DG Research & Innovation, Fair Societies & Cultural Heritage Unit of the EU, presented a paper on Research and Innovation of Cultural Heritage in the EU. She mentioned the various severe challenges that cultural heritage is facing: disasters that emanate from climate change, conservation issues on monuments, the effect of mass tourism and of course illicit trafficking. HORIZON2020, taking into consideration the above challenges relating to cultural heritage, will focus on three main axes: protecting against climate threats and disasters (man-made, natural), understanding the past and shaping the future through creativity.

Ms Paschalidou presented the context of the NETCHER project that aims at building an information network and a charter of good practices by bringing together a multitude of stakeholders and initiatives. The project's main objective is to identify priorities in the protection of endangered cultural heritage and to fight against illicit trafficking of cultural goods.

Professor Chankowski presented the NET work and digital platform for Cultural Heritage Enhancing and Rebuilding project (NETCHER) in further detail. The project is funded by the 8th Framework Program of the European Union for Research and Innovation (HORIZON2020) and brings together, over a period of 2 years, a consortium of 7 European entities, for research purposes and the coordination of a professional network.

The project develops along 7 Work Packages (WP) structured to reach a common objective, with deliverables, tasks and milestones. Throughout the project cycle, several meetings will allow the consortium to monitor the progress made by:

- ♦ bringing together the consortium members and sharing results;
- ♦ recruiting new stakeholders to systematically enlarge the network;
- ♦ defining a common charter of good practices.

The last decades have witnessed a variety of initiatives, promoted by diverse actors engaged in the protection of endangered cultural heritage and in counteracting illicit trade, aimed at finding solutions and defining methodologies and approaches to tackle these “hot” topics. NETCHER seeks to address the complex challenge of harmonizing and bringing together these worthy, but often disconnected, initiatives through a participative approach that will lead to the setting-up of a Social Platform drawing together a broad range of stakeholders, such as international and umbrella organisations, national governments, researchers, public policy makers, NGOs, as well as public and private foundations.



The final presentation of the morning session was given by Mr Michalis Gavrielides, from the Cyprus Police on "International Police co-operation in combatting offences relating to cultural property".

His presentation focused on the practical experience that the Cypriot police force has acquired since 1974, with the destruction and looting of its cultural heritage. Measures have been taken at local and international level. At local level, the “National Committee for the Combating of Looting and the Illicit Trafficking of Cultural Heritage”, collaborates with all government bodies and NGOs in Cyprus and with the National Office of INTERPOL and EUROPOL. At international level, the Cyprus Police exchanges and shares information and cooperates with European and International Police Units and Organizations, such as EUROPOL, INTERPOL, WCO and UNESCO, FBI, ACE.

Mr Gavrielides also spoke of the difficulties arising due to the increase in national and international active markets, the online auctions and galleries and the lack of legislation concerning online purchases, the looting of ancient tombs, the illegal use of metal detectors, the different legislation between source and destination countries, and of the constantly changing trafficking routes, the stolen Antiquities moving to the place of sales, according to how friendly the environment to the smugglers is (legislation, corruption, etc).

Mr Gavrielides spoke of the informal network of experts of law enforcement in the field of cultural goods (EU CULTNET) that was created during the Cyprus EU Presidency of 2012 to fill the gaps in the lack of exchange on operational information across the EU. All member States, the European Commission, EUROPOL, EUROJUST and CEPOL, as well as relevant international organizations such as INTERPOL, UNESCO and WCO were invited to take part in the network. Activities focused on strengthening coordination and co-operation at national and international level, identifying gaps in legislation and ways of investigation.

The Cyprus police were involved in the recent operation Pandora IV, under the EUROPOL EMPACT OPC, where law enforcement authorities assigned thousands of police and customs officers to focus on the online market and key hot spots, with the aim of disrupting the activities of criminal groups involved in this form of trafficking.

AFTERNOON SESSION: PARALLEL WORKING GROUPS

Four parallel working groups were formed along the prior choice of the conference participants and detailed methodology papers for each group were made available. The groups had three hours for their in-depth exchanges on the specific subjects and related questions.

The first Group worked on **criminalizing offences relating to cultural property and interaction with relevant European and International Law**. Mr Carlo Chiaromonte, Head of the Criminal Law and Counter-Terrorism Division, Directorate General of Human Rights of the Council of Europe, was the moderator, and Mr Vincent Negri, from the French National Centre for Scientific Research, acted as rapporteur.

The second Group tackled issues relating to the **role of civil society, business and governments in preventing offences related to cultural property**. Ms Athina Chanaki, of the Ministry of Foreign Affairs of the Hellenic Republic, Legal Department was the moderator, and Sunneva Saetevik, of the Ministry of Culture of Norway acted as rapporteur.



MR CARLO
CHIAROMONTE

Head of the Criminal Law
and Counter-Terrorism
Division, Directorate
General of Human Rights of
the Council of Europe

The third Group dealt with the **practical co-operation of law enforcement agencies: customs and cultural heritage, police, cultural heritage agencies**. Dr Marina Solomidou-Ieronymidou, Director of the Department Antiquities of Cyprus was the moderator and Mr Michalis Gavrielides from the Cyprus Police acted as rapporteur.

The fourth Group looked into **raising awareness on protecting cultural property through the media and education**. Dr Niki Papadopoulou Papa, former Head of the EU and International Affairs Office of the Ministry of Education, Culture, Sports and Youth of Cyprus was the moderator, while Mr Yiorgos Savvinides, a journalist from Cyprus and Ms. Irina Olevska an attorney-at-law from Latvia were the co-rapporteurs.

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The conclusions of the four working groups were presented by their moderators, while the closing of the conference included speeches by Mr Yiannis Yiannaki, Commissioner for Volunteerism and NGOs in Cyprus and Mr Matjaz Gruden, Director of Democratic Participation, Directorate General of Democracy, Council of Europe.

Working Group 1 on criminalizing offences relating to cultural property and interaction with relevant European and International Law concluded on the following key action points:

1. Setting up **projects to assist** member States to develop training for law enforcement officers such as customs, police and prosecutors.
2. **Monitoring** (assessment) the application of the Convention by a limited group of States, to create a dynamic in favour of ratifications. This group could be a forum to exchange experiences, best practices and to overcome perceived difficulties.
3. **Organising awareness raising events** such as workshops and seminars to promote the Convention and provide tools for member States to put this Convention higher in the political agenda of their States.
4. **Promoting national coordination** between relevant ministries to accelerate the process of ratification.
5. **Involving the art market** representatives in future actions related to the promotion and implementation of the Convention.



DR MARINA
SOLOMIDOU-
IERONYMIDOU

Director of the Department
Antiquities of Cyprus

Working Group 2 on the role of civil society, business and governments in preventing offences related to cultural property concluded on the following key action points:

1. Governments must decide what **groups of professionals** should be held to a **higher standard** when in breach of the convention.
2. **Codes of ethics** and legislation are complementary in developing new norms and standards. The ICOM Code of Ethics should be taken note of in the follow-up as regards the roles and responsibilities of relevant professions.
3. **Tourism actors** should be included in heritage protection and in awareness raising activities.
4. **Due diligence provisions** should apply to all actors: art dealers, auction houses, collectors, museums and others. Due diligence criteria should be discussed at international level to reach a common understanding of the concept and its requirements. These efforts should build on existing international legal instruments, such as the 1995 Unidroit Convention.
5. **Museums** are often **expert advisers** to governments. In their provenance research they should always comply with due diligence criteria. The same goes for academia.
6. **Transparency of transactions** should be ensured. Auction houses and art dealers should keep a ledger of purchases and sales, sellers and buyers, to be available for law enforcement at any time. They should comply with the code of Ethics and watch out for dubious dealers or objects of suspicious provenance. Members in breach of the Code of Conduct should be expelled from their organisations. Any suspicious activity or provenance should be reported to the relevant authorities.
7. **Art dealers** should keep a **registry** of stock and transactions with all relevant information on the objects, such as object ID, Photo, and Provenance, Import/Export history.
8. The same requirements should be extended to the new important challenge in this field: **online sales**. New technologies should be applied to control illicit trade online. A monitoring mechanism should be set up, perhaps at regional level. Social media should also be regulated.
9. The **Committee of Parties of the Convention** should include civil society such as academia, thus contributing to a multidisciplinary approach, as encouraged by the Convention.
10. An **“international coalition”** of partners should be established with the purpose of fighting cultural heritage crimes, and to promote ratification of the Nicosia Convention. Continued cooperation and communication is required between art dealers and governments in order to build trust. "We need everybody on board".



Working Group 3 on practical co-operation of law enforcement agencies: customs and cultural heritage police, cultural heritage agencies, concluded on the following activities as key:

1. Developing **requirements for documents** concerning the examination of art objects for the assessment of art objects and for models of documents for presentation at customs. A special thesaurus should be developed, similar to the thesaurus by the Getty Research Institute developed for UNESCO classification of art objects. The World Intellectual Property Organization (WIPO) should be involved.
2. Developing a **new directory “Moving ART”** instead of a similar directory prepared by the European Commission in 2007.
3. Adoption of an **international agreement** according to which conclusive determination of authenticity of an art object may be issued only on the basis of a comparison with reference museum objects of national authors. In this case, the courts shall collaborate with national archives and museums.
4. Police and customs authorities should **align procedures for international exchange** of information, mutual assistance in civil and criminal matters in relation to the market of fake art objects.
5. Introduction of a **licensing system** for **scientific laboratories** and art experts; for appraisers of art objects and for insurance agents. To compile a register of experts with an impeccable reputation who may be involved in forensic examinations.
6. Developing a **procedure** for applying to the Court of Arbitration for Art (CAfA) in cases of disputes regarding fake art objects or a violation of the new European Union Rule on moving art objects and violation of the provisions of the Nicosia Convention of 2017.

Working Group 4 on raising awareness on protecting cultural property through the media and education concluded on the following key action points:

For the political component

1. **Promoting the Nicosia Convention** through the mutual efforts of the Council of Europe, the European Union, UNESCO, UNIDROIT and other international institutions.
2. Introducing the position of a **dedicated representative** (e.g., commissioner for protection of cultural heritage) from the Council of Europe with the main purpose of communicating and promoting the Convention and outcomes caused by illicit trade.



DR NIKI
PAPADOPOULOU
PAPA

Former Head of the EU and International Affairs Office of the Ministry of Education, Culture, Sports and Youth of Cyprus

3. Introducing a **"pushing lobby"**; a synergy of think tanks of private and public sectors.
4. Including the topic of cultural heritage protection in **school curricula**.

For the media component

1. **Continuous special training** on cultural heritage issues for media representatives.
- 2 **Motivating** media companies to invest in and promote information about cultural heritage.
3. **Publishing** information on cultural heritage on a common, not unique basis, e.g. before the news, or otherwise in a very digestible and accessible way.
4. **Communicating** with the public via visible messages, e.g. in airports, as is the case for endangered animals.



For the educational component

1. Introducing an **interactive approach**, e.g. organising virtual museum educational programmes for youngsters, applying modern technologies, creating cartoons, interactive games, using team building components such as exit rooms, since this is a great way to reach young people.
2. **Promoting** formal educational programmes and training courses to different target groups, especially the most vulnerable sectors, e.g. countryside heritage, churches, etc.
3. Making **children content providers**, not only content consumers, e.g. engaging children in researching, presenting, producing audio (including radio) or video messages, engaging competition component (such as hero contests and interactions between children and the sites, with the main purpose of experiencing and valuing cultural heritage).
4. Preparing **children’s books** with visualizations and stories about cultural objects from their own and neighbouring/other countries.
5. **Promoting** the protection of cultural heritage among teenagers, through social media and gadgets.

Working Group 4 also suggested an action plan, namely:

1. **Prioritizing** the topic by engaging synergies between different stakeholders (governments, NGOs, etc.).
2. **Introducing** cultural heritage protection as a priority topic for the next European funding programmes.

CLOSING SESSION: TOWARDS ACT FOR HERITAGE 2

At the end of the morning session, Mr Yiannis Yiannakis, Commissioner for Volunteerism and NGOs of Cyprus thanked the audience for their committed participation in the Conference.

He underlined the importance of fora like the Nicosia Conference for creating synergies and channels of genuine dialogue and communication. He highlighted the participation in the Conference of participants from about thirty countries which have not yet ratified the Convention. He expressed his hope that after this Conference the participants from these countries will be convinced to become “Ambassadors” of the Nicosia Convention within their administrations and countries and advocate the need to sign and ratify the Convention.

Mr Yiannis Yiannaki proposed organising an “Act for Heritage 2” event in Cyprus in 2021 and was confident that by then the Convention will have entered into force with a very wide membership.

Matjaž Gruden, Director of Democratic Participation Directorate General of Democracy of the Council of Europe summed up the conclusions and possible future actions, as derived from the Conference.

“ALL ACTORS ON BOARD”

He spoke about the importance of reaching an impactful consensus on the need to preserve the irreplaceable cultural heritage of humankind for future generations. The symbiosis between cultural heritage protection, the identity of individuals and communities, and human rights is all too evident. For the Council of Europe, enjoyment of and participation in culture and heritage are not only a matter of rights, but also fundamental forms of living democracy.

He noted the need to increase general awareness of the challenges around heritage. For this to succeed, we need “all actors on board”.



MR MATJAŽ GRUDEN

Director of Democratic Participation, Directorate General of Democracy of the Council of Europe

He thanked governmental specialists from various sectors, from crime prevention/law enforcement to heritage, the strong interest by civil society representatives, from collectors to professionals in the arts business, galleries and tourism, as well as dedicated researchers and representatives of academia. He thanked all International Organisations and specialised bodies active in the protection of cultural property for their cooperation in the implementation of the Nicosia Convention and supporting activities, such as future joint promotional projects and events.

Mr Gruden praised the multi-stakeholder set-up of the Conference in combination with the thematic working groups that allowed a deep examination of the different dimensions of the problem and understanding of the potential of all tools in fighting offences relating to cultural property. He also thanked the moderators and rapporteurs of the four working groups for coordinating this extensive work.

He commended the findings of the latest EU research on illicit trafficking, the action by international police, the Netcher research/action, the position of and efforts made by the trade sector on protecting cultural heritage and the experiences of the dedicated UN organisations and many others over many years of fighting offences against cultural property.

Mr Gruden thanked all participants for their vibrant debates: whilst there was large agreement that the Nicosia Convention fills the gap so that law enforcement can be really effective, there was not necessarily agreement on all aspects and approaches.

He underlined the findings of the working groups presented that should lead to a convincing start of longer-term active follow-up by the Council of Europe on the Nicosia Convention.

He identified **key operating messages** that had emerged from the Conference:

- Connect;
- Train;
- Create broad alliances;
- Inform - on the importance of heritage; on the complexity of the issues at stake;
- Educate - bring cultural heritage into the school curricula;
- Self-regulate - to complement the law;
- and finally, "Push for action".



Mr Gruden then looked into the Action Proposals on the side of the Council of Europe as a contribution towards moving from the “**vicious to the virtuous circle**” by keeping culture high on the agenda of the Organisation and ensuring conference follow-up in the framework of the 2020/21 Programme and Budget. He advocated strong cooperation with other International Organisations and professional associations whilst:

- Sharing platforms with all stakeholders to encourage debate and discourse;
- Developing joint initiatives on common goals, including with the European Union.

He referred to the need to activate the relevant Steering Committees on the Nicosia Convention (CDCPP; CDPC), inviting member States specifically to:

- Evaluate and revise national legislation;
- Apply new regulations;
- Sign and ratify the Nicosia Convention - which will make their countries less interesting to offenders.

He invited participants to think about new action on heritage education and also as part of the Council of Europe's Human Rights and citizenship education, on general awareness raising on the positive effects of a rich cultural environment and the negative effects of losing cultural heritage.

He suggested a follow-up conference - possibly in the framework of one of the forthcoming Committee of Ministers' Chairmanships - and informed participants that once the Convention had entered into force, a Convention Committee with multi-stakeholder participation would be set up. Meanwhile, a “group of friends” could be established to lobby for the Convention.

Finally, Mr Gruden once again thanked the Government of the Republic of Cyprus and especially the Commissioner for Volunteerism and Non- Governmental Organisations as initiators of the conference, all those involved in its organisation, as well as all participants for their contributions.



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