



**MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL
COOPERATION**
Inter-ministerial Committee for Human Rights

*Italy's contribution in relation to the request of
the Office of the High Commissioner for the
Human Rights of the United Nations pursuant
to the mandate of the SR in the field of cultural
rights*

June 2016

**ITALY'S CONTRIBUTION IN RELATION TO THE REQUEST OF THE OFFICE OF THE
HIGH COMMISSIONER FOR THE HUMAN RIGHTS OF THE UNITED NATIONS
PURSUANT TO THE MANDATE OF THE SR IN THE FIELD OF CULTURAL RIGHTS**

Following the questions elaborated by the UN Special Rapporteur in the field of cultural rights to carry out a consultation aimed at the compilation of a study on this matter, Italian Authorities are in a position to provide the following information.

- a. What is the impact of the intentional destruction of cultural heritage on the enjoyment of human rights, and particularly, on cultural rights? What is the impact of destruction of tangible cultural heritage on intangible cultural heritage, on cultural practices and beliefs, and on the right of concerned persons to participate in cultural life?*
- b. What are examples of different situations illustrating the above (situations of armed / non armed conflict or international / internal conflict; destructions by States / Non-States actors; geographical or other diversity, etc.)?*
- c. What are examples of good practices, especially with regard to prevention and protection against destruction, as well as repatriation and reconstruction measures of cultural heritage, including through human and cultural rights education and awareness?*
- d. What strategies are in place to protect cultural heritage defenders at risk? Under which circumstances can they be considered as cultural rights defenders.*

1. Introduction

Italy has been always committed to protect the cultural heritage and identity values of the people who guard them.

Italy is also deeply involved in the field of the protection of the cultural heritage during (or after) armed conflict, as demonstrate by the quick ratification of the UNESCO Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May 1954 - Italian Ratification on 9th of May 1958) and the ratification, on 2nd of October 1978 of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14 November 1970).

Italy collaborated with many Countries in the framework of the international cooperation, also by fighting against the illicit import, export and transfer of cultural heritage, even in contexts in which armed conflicts were still active, such as in Iraq, where the Italians experts have been working for the protection, the safety and the restoration of the Baghdad Museum, between the year 2003 and 2007.

On the Italian legal framework for the protection of cultural heritage and the institutional organization and initiatives about the issues proposed by the Special Rapporteur in the field of cultural rights (UN) should be interesting to mention these two, presented in following chapters.

2. Italian National Task Force in the framework of the Global Coalition Unite4Heritage (U4H)

Was signed a ground-breaking agreement between Italy and UNESCO, marking an important step in the common efforts for the protection of cultural heritage, the Memorandum of understanding between the Italian government and UNESCO on the “Italian National Task Force in the framework of the Global Coalition Unite4Heritage (U4H) for initiatives in favor of Countries facing emergencies that require the protection and safeguarding of culture and the promotion of cultural pluralism” on February 2016.

U4H is a task force composed by cultural heritage experts and members of the Italian Carabinieri, from Nucleo Tutela Patrimonio Culturale (see Paragraph 3), will considerably reinforce the capacity of UNESCO to respond to future emergencies, as part of the UNESCO Global Coalition. The team will operate whenever so requested intervention by UNESCO or the United Nations.

This Memorandum reaffirms the longstanding cooperation between Italy and UNESCO, in favour of values shared – human dignity, tolerance, and zero complacency for attacks against culture. With this agreement, a new chapter to the history of our combined efforts was added.

U4H will be used for the protection of cultural heritage at risk on prevention initiatives, such as forming and training the staff of the local police force, and subsequently in armed conflict for restoration and reconstruction operations with the use of specialized personnel both civil and military. The innovation of the concept of U4H lies in the fact that his intervention, in addition to being secured on prevention and / or after armed conflicts, could be used in the broader frame of the initiatives that were decided by the Security Council of the United Nations in application of the prerogatives under Chapter VII of the Charter and, therefore, under the employment of multinational forces to intervene to ensure peace and international security.

To avoid indiscriminate destruction of cultural heritage, which is for the people who guard them an essential component of their social identity, political and economic welfare, means to preserve and promote their local roots. A substantial part of the population affected by international terrorism emigrated from conflict zones to escape violence, but also because the destruction of the cultural symbols of identity make uncertain their link to the territory. Interventions in favor of protection of cultural heritage could help to encourage the return of migrant populations to their natives territories and to regain reasons of social aggregation.

Italy is available, to put at the service of the United Nations the experience accumulated over the years in the field of cultural heritage protection and the fight against illicit traffic as to facilitate, where possible, its use as a cultural component of peacekeeping and international security, as may be decided by UN Security Council.

To this purpose Italy has engaged a number of international initiatives to share awareness of the need to protect Cultural heritage in situation of armed conflict.

Among them we may quote:

- Milan Declaration (Annex 1)
- Memorandum of understanding between the Italian government and UNESCO on the “Italian National Task Force in the framework of the Global Coalition Unite4Heritage (U4H) for initiatives in favor of Countries facing emergencies that require the protection and safeguarding of culture and the promotion of cultural pluralism” (Annex 2)

3. The Carabinieri Headquarters for the protection of Cultural Heritage

The Carabinieri Headquarters for the Protection of Cultural Heritage, known as the CC TPC, is a specialized department whose duties cover the security and safeguarding of the national cultural heritage by preventing and suppressing crimes that threaten objects and places of cultural and natural value.

It also functions as an information and analytical pole in support of other Police Forces. Nationally the Command Centre has a dynamic structure with an Operations Department organized into sub-departments: Antiques, Archaeology, Forgery, and Contemporary Art) whose task is to coordinate operations across the whole national territory; fifteen Offices with regional or inter-regional responsibilities; and one Section based in Syracuse. It uses the same database equipment endowed to the CID, the ‘‘databank of illicitly acquired cultural property’’, the largest in the world relating to this sector, which contains information about stolen goods, whether Italian or foreign in provenance.

The CC TPC Headquarters undertakes studies and research with several Universities and Foundations; it collaborates with foreign police forces and with international organizations for the development of training activities; it participates in areas of crisis in association with peace missions in order to safeguard and protect the cultural heritage of the Countries concerned; it provides assistance to officials of the Ministry of cultural Heritage activities and Tourism in their activities of census taking, safekeeping and salvaging works of art in areas hit by disaster.

One of the priority areas of intervention is the CC TPC’s prevention work through monitoring commercial practices in the cultural sector and in areas of archaeological or topographical interest considered to be at risk, as well as safety checks on museums, libraries and archives.

We may include in the same context the campaigns to raise public awareness, which are promoted to thoroughly inform the community, and particularly the younger generation, of the problems connected to the reservation of the cultural heritage, highlighting the risks of theft and the importance of making once again the works available to public access.

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## **DECLARATION OF THE MINISTERS OF CULTURE**

The Ministers of Culture, meeting in Milan Expo on July 31 and August 1, 2015 at the *Conference on Culture as an Instrument of Dialogue among Peoples*, ask that the following be considered:

Cultural heritage is the mirror of history, culture and society of the people who are expected to protect it;

Cultural heritage, both tangible and intangible, is also the essence of identity, the memory of peoples and their past and present civilizations and expresses, at the same time, universally recognized values of tolerance, dialogue and mutual understanding;

Take into consideration that the work of man and his extraordinary talent must be protected and preserved for the benefit of future generations;

Address an appeal to the United Nations and UNESCO to ensure that the principles of intercultural dialogue, the strengthening of tolerance and mutual respect among peoples and cultures are kept in the focus of the international community.

The Ministers, indicating Culture as a tool for dialogue, solidarity, growth and sustainable development, express their strongest condemnation of the use of violence against the world's cultural heritage and they urge respect and mutual understanding as tools for dialogue among peoples. They also express their solidarity with the countries affected by natural disasters. Therefore they urge that the international community work towards the recovery of damaged cultural heritage.

## **Memorandum of Understanding**

between

the Government of the Italian Republic  
(hereafter referred to as the “Government”)

and

the United Nations Educational, Scientific and Cultural Organization  
(hereafter referred to as “UNESCO”)

hereafter jointly referred to as the “Parties”

on the

Italian National “*Task Force in the framework of UNESCO’s Global Coalition Unite4Heritage*” (hereafter referred to as the “Italian Task Force”) for initiatives in favor of Countries facing emergencies that may affect the protection and safeguarding of culture and the promotion of cultural pluralism.

## **PREAMBLE**

The safeguarding of cultural heritage as a symbol of identity and as a factor of social cohesion, especially with regard to countries in crisis areas, and the fight against the looting and trafficking of cultural property, including as a source of funding for terrorist activities, are issues at the heart of UNESCO's mandate.

In this regard, UNESCO is the repository of a rich and diverse body of standard-setting instruments, including the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols, the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, the 2001 Convention on the Protection of Underwater Cultural Heritage, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions.

In the face of the growing challenges affecting culture and heritage, notably as a result of conflicts, however, it is widely agreed that new and more effective mechanisms are required.

Whereas the General Conference of UNESCO, at its 38th session (Paris, 2015), has adopted, by its Resolution 38 C/48, a Strategy on the "Reinforcement of UNESCO's action for the protection of cultural heritage and the promotion of cultural pluralism in the event of armed conflict", calling as well on Member States to support the implementation of the said Strategy by defining mechanisms for the rapid mobilization of national experts and inviting the Director-General of UNESCO to explore, in collaboration with Member States, practical ways for effectively implementing such a mechanism, to be coordinated by UNESCO and in collaboration with the United Nations and other concerned international organizations where appropriate.

Whereas the Government has informed UNESCO that it is willing to establish - under the coordination of the Italian Ministry of Culture and Tourism (MIBACT), and with the participation of the Ministry of Foreign Affairs and International Cooperation, the Ministry of Defense and the Ministry of Education, University and Research - the Italian Task Force, as well as a mechanism for its rapid mobilization, composed of highly-qualified experts, identified through adequate selection processes, in all areas pertaining to the safeguarding, rehabilitation and protection of cultural and natural heritage, and of specialized officers belonging to the Department of the Italian Carabinieri for the Protection of Cultural Heritage (*Comando Carabinieri Tutela Patrimonio Culturale*).

Whereas the Government has further informed UNESCO that the Italian Task Force will be set up in the framework of "UNESCO's Global Coalition – Unite4Heritage", launched by the UNESCO Director-General in June 2015 and is in line with the Milan Declaration of July 2015, signed as part of the International Conference organized by the Italian Minister of Culture in the framework of Expo 2015, as well as with the above-mentioned Strategy on the "Reinforcement of UNESCO's action for the protection of cultural heritage and the promotion of cultural pluralism in the event of armed conflict", as adopted by UNESCO Resolution 38C/48, notably with a view to give concrete application to the mechanism for the rapid mobilization of national experts called for in this Resolution.

Whereas Italy is part of the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21<sup>st</sup> November 1947.

Now, therefore, the Parties agree as follows:

## **FUNCTIONS AND MODALITIES OF OPERATIONS OF THE ITALIAN TASK FORCE**

In accordance with paragraph 4 of 38C/Resolution 48 and with UNESCO's mandate foreseen therein, in response to a request by a Member State facing crisis or natural disaster, the Government shall consider such request and accordingly the Italian Task Force may be able to operate preventively as well as in the context and in the aftermath of a crisis, with the following functions:

- Assessing damage and risk to cultural and natural heritage;
- Devising operational plans for urgent safeguarding measures for the affected cultural and natural heritage;
- Providing technical supervision and training in order to assist national authorities and other local actors in implementing emergency preparedness and response measures for the protection and safeguarding of cultural and natural heritage;
- Assisting in transferring movable cultural heritage property at risk to safe havens;
- Fighting against the looting and the illicit trafficking of cultural properties through the mobilization of the relevant department of the Italian Carabinieri (*Comando Carabinieri per la Tutela del Patrimonio Culturale*).

The Government will identify a Focal Point for the Italian Task Force, who will act as the liaison with the Emergency Preparedness and Response Unit of the Culture Sector of UNESCO for all aspects related to the implementation of the provisions of this Memorandum of Understanding.

The detailed operational and administrative procedures regarding the Parties' cooperation in relation to the Italian Task Force will be determined at a later stage on the basis of the modalities for the implementation of the strategy adopted by the General Conference of UNESCO in Resolution 38 C/48, to be decided by the Executive Board of UNESCO, and will be subject to a separate operational agreement to be signed between UNESCO and the Government.

The Italian Task Force may use the name "Italian National Task Force in the framework of UNESCO's Global Coalition Unite4Heritage" only in the context of activities to be undertaken under the present Memorandum of Understanding and with the prior written authorization of UNESCO.

## **FINANCING**

The expenses for the deployment and the implementation of the activities of the Italian Task Force shall be covered, when required and within the resources available, by the Government in accordance with national law.

## **REPORTING AND REVIEWING**

The Government shall report to UNESCO on the implementation of the services provided under the present Memorandum of Understanding, on a regular basis. The Government and UNESCO shall regularly review activities under the present Memorandum of Understanding, as appropriate and at the initiative of either Party.

## **ENTRY INTO FORCE AND TERMINATION**

The present Memorandum of Understanding will enter into force upon its signature. Each of the Parties can decide to terminate the MoU upon 30 days written notice to the other Party.

## **PRIVILEGES AND IMMUNITIES**



Nothing in or relating to the present Memorandum of Understanding shall be deemed a waiver of any of the privileges and immunities of UNESCO.

#### **SETTLEMENT OF DISPUTES**

All disputes arising out of or in connection with the present Memorandum of Understanding shall be settled by mutual understanding.

Signed at Rome today, 16 February 2016, in two original copies in the English language.

For the Government of the  
Italian Republic  
H.E. Mr. Paolo Gentiloni Director - General  
Minister of Foreign Affairs  
and International Cooperation

For UNESCO  
H.E. Irina Bokova