



To the European Parliament,
Bât. Altiero Spinelli
60 rue Wiertz / Wiertzstraat 60
B-1047 - Bruxelles/Brussels
Belgium

Comment letter from ICOMAM, 2015-12-02

Concerning the PDEP: **Proposal for a Directive of the European Parliament and of the Council Amending Council Directive 91/477/EEC on Control of the Acquisition and Possessions of Weapons**

Summary

ICOMAM agrees that it is important to have strict and secure laws regarding control of the acquisition and possession of weapons within the EU.

But we are concerned that all ICOMAM members, under the terms of the proposals, are not exempt from the regulations about deactivating weapons as our mission is to protect the cultural heritage which, by any definition, includes weapons.

ICOMAM and ICOM

ICOMAM (The International Committee of Museums and Collections of Arms and Military History) is one of 30 international committees of ICOM (The International Council of Museums). The committees functions as global think tanks on museum, and more generally, heritage, matters. ICOM define the museum professional's standards and share scientific information, establish partnerships with other organizations and develop recommendations for members. ICOM ensures the protection, conservation and transmission of cultural goods.

A few weeks ago, on 13 November, Anne-Catherine Robert-Hauglustaine, Director General of ICOM, presented the "*Recommendation on the Protection and Promotion of Museums and Collections, their Diversity and their Role in Society*" at the 38th General Conference of

UNESCO. This has been formally adopted by UNESCO on 17 November 2015. In keeping with the professional standards published by ICOM, the recommendation will clarify the role of museums by highlighting the importance of protecting and promoting them so they can fully participate in sustainable development and intercultural dialogue, particularly through the protection and promotion of cultural diversity and heritage.

ICOMAM strictly follows the mission of ICOM and knows that museums play a key role in the development of society through education and democratization, while also serving as witnesses of the past and guardians of humanity's treasures for future generations. The museum professionals gathered within ICOM's International Committees conduct advanced research in their respective fields for the benefit of the entire museum community and the wider society.

This new ban would be disastrous for ICOMAM in the following aspects

Research and Education

One of the most important reasons for preserving historical weapons is to enable them to be studied and examined in order to understand the technologies and craftsmanship and industrial skills involved in their design and construction. The overall idea with museums items is to keep them as unspoiled as possible for future generations. The collections act as an archive to be used for research and education. Not infrequently this examination can include the live firing of examples under controlled testing procedures in order to determine their effectiveness as weapons and thus to understand their impact on history and society. Indeed, such testing is carried out by a number of museums, using the firearms in their collections and in some this work is undertaken on behalf of their respective governments.

Understanding the past

Whether we like it or not, the weapons industry and use of firearms is part of our history that over time has cost a huge amount of tax-payers' money. Therefore it is important to tell and to present facts about the weapons as well as other military development, as part of the universal story of humanity. The Directive, as now drafted, certainly would have an impact on the preservation and study of historically significant, rare and valuable arms, if enacted. Not only would it cause irreparable and irresponsible damage to the collections of ICOMAM members but it would also forever diminish the ability of future generations to understand their own history.

This being so, ICOMAM would like to put a number of questions to the Commission. (The pages refers to the PDEP)

1. Definition of military weapons

p. 2; The term "military weapons" would include any military weapon ever manufactured—including firearms already classified as "antique" under the UN's Geneva Protocol on Firearms, such as 17th Century matchlock muskets. In addition, if the term "replica" is used to determine only non-firing and unconvertible firearms, then operable reproduction muskets of the Napoleonic Wars would presumably be included in this "prohibited" category.

- ICOMAM asks for a clear definition of Military Weapons?

2. Stakeholders

p.6; ICOMAM was never consulted, nor invited as a “stakeholder” to the deliberations. Many of ICOMAM’s members include the National Museums of many European Union countries, and our voices, as representing many national interests, have not been taken into consideration.

- As ICOMAM is the only international network of museums within this field we ask why we have not been invited to participate in any consultations? We also want to know which, if any, cultural institutions have been consulted?

3. Definition of museums

p. 8; The only area it would appear that museums are exempted is as follows:

‘The proposal to introduce shortly, through an implementing regulation, stringent minimum common guidelines regarding the deactivation of firearms will render reactivation much more difficult. It cannot be excluded that deactivated arms will be reactivated despite stringent rules. Consequently, for the most dangerous firearms (category A) stricter rules have been introduced – even if they are deactivated. This means that deactivated firearms from Category A will not be allowed to be owned nor traded (except for museums)’

- What is the definition of museums used in the PDEP? Do you refer to the definition by ICOM?

4. Destroying sources

p.11; ‘(4) Bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established and holding in their possession firearms classified in category A acquired before the date of entry into force of this Directive should be able to keep those firearms in their possession subject to authorisation by the Member State concerned and provided that those firearms have been deactivated.’

- ICOMAM understand that this would therefore imply that not only all weapons acquired before the date of the entry into force of this directive would be affected, but also all those also acquired afterwards. Is the purpose of this Directive really to destroy the sources to the history of past, present and future weapons technology?

5. Definition of collectors

P 11; (5) ICOMAM challenges the finding that “collectors have been identified as a possible source of traffic of firearms”. We have long standing relationship with scholarly collectors in the field.

- What kind of collectors do you refer to? Can you specify these collectors?

6. Indelibly marking

p.16; Article 6 states that ‘Member States may authorise bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established to keep in their possession firearms classified in category A acquired before [the date of entry into force of this Directive] provided they have been deactivated in accordance with the provisions that implement Article 10(b).’

- ICOMAM understand that it appears to be the idea of indelibly marking the pieces in some manner, something not regarded as best museum practice. Is this correct?

Final words

ICOM's vision is a world where the importance of natural and cultural heritage is universally valued. The International missions are carried out thanks to international mandates in association with partners such as UNESCO, INTERPOL and the World Customs Organisation (WCO). ICOM's missions include:

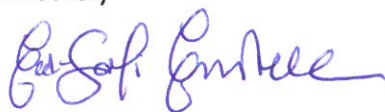
- Fighting the illicit traffic of cultural goods
- Risk management
- Culture and knowledge promotion
- Protection of tangible and intangible heritage

ICOMAM view its task as the practise and development these missions within the field of museums and collections of arms and military history. To fulfil these missions is made impossible if weapon collections must be deactivated. Deactivation of historical weapons in museum collections has long been held as an irresponsible practice, since this, in effect, means the partial destruction of an object. Museum firearms are secured under stringent security, and to date, there has never been a reported case where a stolen museum weapon was used in a crime or a "terrorist" attack.

The world community has been cautioned against "panic" in the face of renewed threats, but the implementation of the PDEP, as now currently envisioned, would seem to be just such a damaging and precipitate action, and its 'blanket' approach is one that does not address the real issue of the availability to the criminal fraternity in continental Europe of quantities of assault rifles through illicit trade and other means. It would, however, have a detrimental effect to universal patrimony.

In light of the above, ICOMAM wish the Commission to look at the weapons as an important part of our Cultural Heritage. We seek an exemption for our members from the PDEP and request that you let us know what specific measures you will take in this connection?

Sincerely



Eva-Sofi Ernst
President of ICOMAM
ICOMAM.President@gmail.com