



## Economic and Social Council

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### **Commission on Crime Prevention and Criminal Justice**

#### **Seventeenth session**

Vienna, 14-18 April 2008

Item 4 (a) of the provisional agenda\*

**World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice; work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime**

#### **Islamic Republic of Iran: draft resolution**

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

#### **Protection against trafficking in cultural property**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 56/8 of 21 November 2001, in which the Assembly proclaimed 2002 as the United Nations Year for Cultural Heritage, and Assembly resolution 58/17 of 3 December 2003, on the return or restitution of cultural property to the countries of origin,

*Recalling also* the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,<sup>1</sup> adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was welcomed by the General Assembly in its resolution 45/121 of 14 December 1990,

\* E/CN.15/2008/1.

<sup>1</sup> *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1.



*Emphasizing* the importance for States of protecting and preserving their cultural heritage in accordance with the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,<sup>2</sup> adopted by the United Nations Educational, Scientific and Cultural Organization on 14 November 1970, and other relevant instruments such as the Convention on Stolen or Illegally Exported Cultural Objects, adopted at Rome on 24 June 1995 by the International Institute for the Unification of Private Law, and the Convention for the Protection of Cultural Property in the Event of Armed Conflict,<sup>3</sup> adopted at The Hague on 14 May 1954, and the two Protocols thereto, of 14 May 1954 and 26 March 1999,

*Reiterating* the significance of cultural property as part of the common heritage of humankind and the necessity of protecting it,

*Reaffirming* the necessity of international cooperation in preventing illicit trade in cultural goods, in particular in preventing the auction of cultural property and antiquities,

*Reaffirming* its resolutions 2004/34 of 21 July 2004, entitled “Protection against trafficking in cultural property”, and 2003/29 of 22 July 2003, entitled “Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property”,

*Recalling* the deliberations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, and the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>4</sup> in which the Congress took note of the increased involvement of organized criminal groups in the theft of and trafficking in cultural property and reaffirmed the fundamental importance of implementation of existing instruments and the further development of national measures and international cooperation in criminal matters, calling upon Member States to take effective action to that effect,

*Expressing concern* about the loss, destruction and removal of cultural property and the involvement of organized criminal groups in trafficking in stolen cultural property,

*Expressing regret* that the United Nations Office on Drugs and Crime was unable to convene an expert group meeting on protection against trafficking in cultural property, pursuant to its resolution 2004/34, mainly because of the lack of extrabudgetary resources,

*Stressing* the importance of fostering international law enforcement cooperation to combat trafficking in cultural property and, in particular, the need to exchange information and experiences in order to operate in a more effective manner,

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<sup>2</sup> United Nations, *Treaty Series*, vol. 823, No. 11806.

<sup>3</sup> United Nations, *Treaty Series*, vol. 249, No. 3511.

<sup>4</sup> *Eleventh United Nations Congress on Crime Prevention and Criminal Justice, Bangkok, 18-25 April 2005: report prepared by the Secretariat* (United Nations publication, Sales No. E.05.IV.7), chap. I, resolution 1.

*Stressing also* that the entry into force of the United Nations Convention against Transnational Organized Crime<sup>5</sup> has created a new impetus in international cooperation to counter and curb transnational organized crime, which will in turn lead to innovative and broader approaches to dealing with the various manifestations of such crime, including trafficking in movable cultural property,

*Expressing the need* to enhance or to establish, as appropriate, standards for the return and the restitution of movable property forming part of the cultural heritage of peoples after it has been stolen or trafficked and for its protection and preservation,

1. *Takes note with appreciation* of the report of the Secretary-General on protection against trafficking in cultural property;<sup>6</sup>

2. *Welcomes* international, regional and national initiatives for the protection of cultural property, in particular the work of the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation;

3. *Reiterates* its request that the United Nations Office on Drugs and Crime, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, convene an expert group meeting to submit to the Commission on Crime Prevention and Criminal Justice, at its eighteenth session, relevant recommendations on protection against trafficking in cultural property, including ways of making more effective the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property;<sup>7</sup>

4. *Encourages* Member States asserting state ownership of cultural property to consider means of issuing statements of such ownership with a view to facilitating the enforcement of property claims in other States;

5. *Urges* Member States and relevant institutions to promote mechanisms, and, as appropriate, to reinforce existing ones, for strengthening cooperation and mutual assistance for the prevention of all crimes that infringe on the cultural heritage of peoples and to facilitate the recovery and return of illicitly acquired cultural property forming part of that heritage;

6. *Urges* Member States to protect cultural property and prevent trafficking in such property by introducing appropriate legislation, promoting education, launching awareness-raising campaigns, mapping and carrying out inventories of cultural property, providing adequate security measures, developing the capacities and human resources of monitoring institutions such as the police, the customs and the tourism sector, involving the media and disseminating information on stealing and pillaging of cultural property;

7. *Urges* Member States to prevent the auction of cultural goods and property in order to protect cultural property more effectively;

<sup>5</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>6</sup> E/CN.15/2006/14.

<sup>7</sup> *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1.

8. *Urges* Member States to continue to strengthen international cooperation and mutual assistance for the prevention and prosecution of crime against movable property that forms part of the cultural heritage of peoples, as well as to ratify and implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property<sup>8</sup> and other relevant international instruments;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its nineteenth session on the implementation of the present resolution.

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<sup>8</sup> United Nations, *Treaty Series*, vol. 823, No. 11806.