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Expert group on protection against trafficking in cultural property

Vienna, 27-29 June 2012

Provisional agenda and annotations

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Measures to strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking:
 - (a) Guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property;
 - (b) Review of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property.
3. Consideration of the practical proposals for implementing the recommendations made by the expert group on protection against trafficking in cultural property at its first meeting, in 2009, with due attention to aspects of criminalization and international cooperation, including mutual legal assistance.
4. Other matters.
5. Adoption of the report.

Annotations

1. Organizational matters

(a) Opening of the meeting

The meeting of the expert group on trafficking in cultural property will be opened on Wednesday, 27 June 2012, at 10 a.m.



(b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with Economic and Social Council resolution 2011/42 of 28 July 2011, entitled “Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”.

In its resolution 2011/42, the Council recommended that the General Assembly welcome the decision taken by the Council in its resolution 2010/19 to convene at least one additional meeting of the open-ended intergovernmental expert group on protection against trafficking in cultural property, established within the framework of the Commission on Crime Prevention and Criminal Justice, and encouraged Member States and other donors to support the convening of that expert group meeting and to submit to the Commission at its twenty-second session practical proposals for implementing, where appropriate, the recommendations made by the expert group at its meeting held in Vienna in November 2009, with due attention to aspects of criminalization, international cooperation and mutual legal assistance.

Also in its resolution 2011/42, on the basis of the recommendation made by the expert group on trafficking in cultural property at its first meeting, the Council recommended that the Assembly request the United Nations Office on Drugs and Crime (UNODC), in close cooperation with other competent organizations, and within its mandate, to explore the development of specific guidelines for crime prevention with respect to trafficking in cultural property.

The Council also recommended that the Assembly invite Member States to continue to submit comments on the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, in order to assist the Secretariat in preparing an analysis and a report to be presented to the open-ended intergovernmental expert group on protection against trafficking in cultural property at its next meeting.

2. Measures to strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking**(a) Guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property**

In its resolution 2011/42, the Economic and Social Council recommended that the General Assembly request UNODC, within its mandate, in consultation with Member States and in close cooperation, as appropriate, with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Criminal Police Organization (INTERPOL) and other competent international organizations, to further explore the development of specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property, including the criteria of due diligence when acquiring a cultural object.

An informal expert group meeting to develop guidelines on crime prevention and criminal justice with respect to trafficking in cultural property was held in Vienna from 21 to 23 November 2011. Representatives of UNESCO, the International Institute for the Unification of Private Law and INTERPOL, as well as 20 individual experts, attended the meeting. They actively contributed to the development of the guidelines, which are intended to serve as a technical assistance tool to help

Member States in their efforts to combat trafficking in cultural property more effectively.

The guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property are available to the expert group for its consideration and can be accessed on the UNODC website.

Documentation

Report of the Secretary-General on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking (E/CN.15/2012/15)

(b) Review of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property

In its resolution 2011/42, the Economic and Social Council recommended that the General Assembly invite Member States to continue to submit, in writing, comments on the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, including views on its potential utility and on whether any improvements to it should be considered at the earliest possible date, in order to assist the Secretariat in preparing an analysis and a report to be presented to the open-ended intergovernmental expert group on protection against trafficking in cultural property at its next meeting, as well as to the Commission on Crime Prevention and Criminal Justice at its twenty-second session. In that regard, in March 2012 the Secretariat sent a note verbale to Member States, attaching the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property and requesting their views on the potential utility of and possible improvements to the model treaty. The responses received from Member States formed the basis of the report presented to the expert group.

Documentation

Report on the potential utility of and possible improvements to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property (UNODC/CCPCJ/EG.1/2012/2)

3. Consideration of the practical proposals for implementing the recommendations made by the expert group on protection against trafficking in cultural property at its first meeting in 2009, with due attention to aspects of criminalization and international cooperation, including mutual legal assistance

Pursuant to Economic and Social Council resolution 2008/23, the expert group, at its first meeting, held in Vienna in November 2009, adopted relevant recommendations on protection against trafficking in cultural property, including on ways of enhancing the effectiveness of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, to submit to the Commission on Crime Prevention and Criminal Justice at its eighteenth session.

At its first meeting, the expert group adopted the following structure of substantive clusters of issues for its deliberations and the presentation of its report and recommendations:

- (a) Existing international instruments and mechanisms for their implementation, including their assessment from the perspective of crime prevention;
- (b) Preventive measures;
- (c) Criminalization;
- (d) International cooperation;
- (e) Awareness-raising, capacity-building and technical assistance;
- (f) Other aspects, including the use of new technologies.

The recommendations are contained in the report of the expert group on its first meeting (UNODC/CCPCJ/EG.1/2009/2), which was presented to the Commission on Crime Prevention and Criminal Justice at its nineteenth session.

The expert group will have before it the recommendations to help it in its deliberations and adoption of practical proposals for implementing those recommendations, where appropriate, with due attention to aspects of criminalization, international cooperation and mutual legal assistance, for submission to the Commission at its twenty-second session, as mandated in resolution 2011/42 of the Economic and Social Council.

Documentation

Discussion paper on practical proposals for implementing the recommendations made by the expert group on protection against trafficking in cultural property at its first meeting, in 2009 (UNODC/CCPCJ/EG.1/2012/3)

Report of the expert group on protection against trafficking in cultural property on its first meeting (UNODC/CCPCJ/EG.1/2009/2)

4. Other matters

5. Adoption of the report

It is expected that on 29 June 2012 the expert group will adopt the report on its meeting.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
Wednesday, 27 June		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Measures to strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking
	2 (a)	Guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property
3-6 p.m.	2 (a)	Guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property (<i>continued</i>)
	2 (b)	Review of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property
Thursday, 28 June		
10 a.m.-1 p.m.	2 (b)	Review of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property (<i>continued</i>)
3-6 p.m.	3	Consideration of practical proposals for implementing the recommendations made by the expert group on protection against trafficking in cultural property at its first meeting, in 2009, with due attention to aspects of criminalization and international cooperation, including mutual legal assistance
Friday, 29 June		
10 a.m.-1 p.m.	3	Consideration of practical proposals for implementing the recommendations made by the expert group on protection against trafficking in cultural property at its first meeting in 2009, with due attention to aspects of criminalization and international cooperation, including mutual legal assistance (<i>continued</i>)
3-6 p.m.	4	Other matters
	5	Adoption of the report