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standards and norms in crime prevention
and criminal justice: protection against
trafficking in cultural property****Protection against trafficking in cultural property******Report of the Secretary-General**

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* E/CN.15/2006/1.

** The submission of the present report was delayed by the late receipt of the required information.



I. Introduction

1. In its resolution 56/8 of 21 November 2001, the General Assembly proclaimed 2002 as the United Nations Year for Cultural Heritage.

2. In its resolution 58/17 of 3 December 2003, on the return or restitution of cultural property to the countries of origin, the General Assembly, recalling the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,¹ and the two Protocols thereto, adopted in 1954 and 1999; the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO);² the Convention for the Protection of the World Cultural and Natural Heritage, adopted on 16 November 1972 by the General Conference of UNESCO;³ and the Convention on Stolen or Illegally Exported Cultural Objects, adopted in Rome on 24 June 1995 by the International Institute for the Unification of Private Law (Unidroit) (see www.unidroit.org); taking note of the adoption of the Convention on the Protection of the Underwater Cultural Heritage by the General Conference of UNESCO on 2 November 2001;⁴ recalling the Medellin Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation, adopted at the first Meeting of the Ministers of Culture of the Movement of Non-Aligned Countries, held in Medellin, Colombia, on 4 and 5 September 1997 (A/52/432, annexes I and II); and noting the adoption of the Universal Declaration on Cultural Diversity and the action plan for its implementation, adopted by the General Conference of UNESCO on 2 November 2001;⁵ welcomed the adoption of the Declaration concerning the Intentional Destruction of Cultural Heritage, adopted by the General Conference of UNESCO on 17 October 2003;⁶ invited Member States to consider adopting and implementing the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; also welcomed the adoption of the International Code of Ethics for Dealers in Cultural Property by the General Conference of UNESCO on 16 November 1999,⁷ and invited those who dealt with trade in cultural property and their associations, where they existed, to encourage the implementation of the Code; and urged Member States to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including special training for police, customs and border services.

3. In its resolution 2003/29 of 22 July 2003, entitled "Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property", the Economic and Social Council encouraged Member States to consider, where appropriate and in accordance with national law, when concluding relevant agreements with other States, the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property;⁸ and called upon all Member States to continue to strengthen international cooperation and mutual assistance in the prevention and prosecution of crimes against movable property forming part of the cultural heritage of peoples. Pursuant to that resolution, the Secretary-General reported on its implementation to the Commission on Crime Prevention and Criminal Justice at its thirteenth session (E/CN.15/2004/10 and Add. 1).

4. In its resolution 2004/34 of 21 July 2004, entitled “Protection against trafficking in cultural property”, the Economic and Social Council, noting with appreciation the Cairo Declaration on the Protection of Cultural Property, made at the international conference celebrating the fiftieth anniversary of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, held in Cairo from 14 to 16 February 2004, as well as its relevant recommendations, alarmed that organized criminal groups were involved in trafficking in stolen cultural property and that the international trade in looted, stolen or smuggled cultural property was estimated at several billion dollars per year, stressing that the entry into force of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) was expected to create a new impetus in international cooperation to counter and curb transnational organized crime, which would 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 restitution and return of movable property forming part of the cultural heritage of peoples after it had been stolen or trafficked and for its protection and preservation, welcomed international, regional and national initiatives for the protection of cultural property, in particular the work of UNESCO and its Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation; requested the Secretary-General to direct the United Nations Office on Drugs and Crime (UNODC), in close cooperation with UNESCO and subject to the availability of extrabudgetary resources, to convene an expert group meeting to submit relevant recommendations to the Commission on Crime Prevention and Criminal Justice at its fifteenth session 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; encouraged 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; urged Member States to continue to strengthen international cooperation and mutual assistance in the prevention and prosecution of crime against movable property forming 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 and the other relevant conventions; and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the resolution.

5. The present report is submitted to the Commission on Crime Prevention and Criminal Justice pursuant to Economic and Social Council resolution 2004/34. It provides a brief overview and analysis of the replies received from Member States on their efforts to implement that resolution. UNODC is consulting with interested Governments to secure funding to convene an expert group meeting on protection against trafficking in cultural property.

II. Brief overview and analysis of replies received from Governments

6. In response to a note verbale sent to Member States by the Secretariat on 25 February 2005, the following 19 Member States provided comments and information on the implementation of Economic and Social Council resolution 2004/34: Austria, Belarus, Bolivia, Costa Rica, Czech Republic, Italy, Kuwait, Latvia, Mauritius, Mexico, Netherlands, Oman, Peru, Romania, Spain, Switzerland, Turkey, Ukraine and United States of America.

7. Austria reported on the strict criteria applied by the Austrian Federal Museums and the Austrian National Library in scrutinizing the origin of acquired cultural property. Austria also stressed the improvement of safety and security measures for permanent collections, as well as for special exhibitions, including by resorting to external expertise. As far as financial expenditures were concerned, the competent Federal Ministry for Education, Science and Culture had invested 10 million euros with a view to reinforcing the safety and security of art collections in the years 2005 and 2006. Austria also referred to the practice of registering the inventory of art collections in databases, taking into account in particular the origin and the type of acquisition of the cultural property, with a view to facilitating the object identification requirements of the International Criminal Police Organization (Interpol).

8. With regard to international cooperation in the area of protection against trafficking in cultural property, Austria referred to an international forum for discussion and consultations between museums, which served the exchange of information and views on all relevant areas of modern museum management, including those highlighted in resolution 2004/34. The Austrian National Library was also a member of an international security network among libraries, which had been set up in 2002 within the framework of the *Ligue des bibliothèques européennes de recherche (LIBER)* and aimed at facilitating the exchange of confidential security information between European research libraries with valuable inventories. Furthermore, the Austrian Federal Museums were members of the International Committee for Museum Security (ICMS), which formed part of the International Council of Museums (ICOM) and was assigned to improve security and safety measures in museums, including by developing common security and safety standards.

9. Belarus provided in its response an overview of the legal framework regulating the ownership of the material or intellectual property of the nation of Belarus and briefly described the rights and obligations, including regarding registration and preservation, of owners of such property, who could be the State itself, legal entities or individuals. It was stressed, *inter alia*, that any change of owner of material or intellectual property or transfer of a part of the copyright to a work of value was subject to mandatory registration with the Ministry of Culture and that the deed of transfer of ownership of such property had to be notarized. Belarus also reported that it was party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as well as the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols. In addition, Belarus was party to a number of agreements among member States of the Commonwealth of

Independent States. The Ministry of Internal Affairs had endorsed a draft law on accession to the Unidroit Convention on Stolen or Illegally Exported Cultural Objects.

10. The Ministry of Internal Affairs of Belarus had participated in an international conference on international cooperation between police, border and customs services in fighting crime and trafficking in property of historical and cultural value, held in Szczytno, Poland, from 3 to 5 November 2004. Some 160 representatives from 20 countries had attended the Conference, organized by Poland's Interdepartmental Centre for Combating Organized Crime and International Terrorism in conjunction with the National Police Academy.

11. Belarus also referred to ongoing work in implementing measures to combat trafficking in property of cultural and/or historical value, including the creation of a database of objects of historical and cultural value.

12. Bolivia presented statistical data from the Ministry of Economic Development, Vice-Ministry of Culture, demonstrating an increase of 145 per cent in the number of cultural objects that had been catalogued in different areas of the country during the period 1975-2004. In addition, whereas the average of catalogued cultural objects was 310 items per year for the period 1975-2000, it had been multiplied by almost 10 in the period 2001-2004 (2,800 items catalogued per year). Moreover, there was a decrease in theft of objects of cultural heritage: 20 incidents had been reported in 1999 and only 1 in 2004.

13. Bolivia's response provided a brief overview of the measures taken to control the export of works of art and included information on the ongoing efforts to create a database that would make it possible to register cultural objects in digital format. Reference was also made to the organization of events aiming at raising public awareness about the importance of preserving the national cultural heritage, as well as the concerted national efforts for the development of a national plan for the prevention of trafficking in cultural property.

14. Costa Rica stated that experts in archaeology, anthropology and history from institutions and departments involved in the protection of cultural heritage, including officers from the National Museum, had provided technical assistance to the Attorney General's Office and, where necessary, to the judicial and law enforcement authorities, especially by participating in criminal proceedings to assess the damage caused to national archaeological sites and other cultural treasures. Similar assistance could also be provided in the context of operational activities of the police or the customs officers, in particular in terms of assessing confiscated objects or acting as depositaries.

15. Costa Rica reported on its domestic legal framework regulating issues related to the national archaeological heritage and provided information on the coordination between national authorities in cases of transfer of cultural goods to and from the country. Additional information was provided regarding the inventories of cultural heritage collections and archaeological sites that had been created to ensure further protection of national cultural property. In some cases, public and private entities provided assistance and consultancy services for making stock lists or for the storage, preservation or restoration of cultural objects.

16. Costa Rica was party to most of the international instruments relating to the protection of cultural property. An initiative had been taken by the Vice-Ministry of Culture, Youth and Sports to draft a law on the protection of national cultural heritage.

17. The Czech Republic pointed out that after 1989 there had been an increase in crimes related to cultural heritage and in the unlawful export of parts of that heritage from the country. While before 1989 there had been on average 35 cases of theft and burglary per year, in 1990 the number of such cases had risen to 611 and in 1991 to almost 1,000. The actual number of stolen objects was often higher, since in some cases the criminals had stolen the complete interior furnishings of churches.

18. The Czech Republic indicated that the Board of National Police had set up a database of stolen cultural property that was based on similar principles to those of the Interpol database and was available in the website of the Ministry of the Interior in English and German. It was also reported that, since 1992, the Ministry of Culture had financed from the state budget the registration and documentation of cultural property owned by the Roman Catholic Church, which had been and still was the most frequent target of thieves.

19. The Czech Republic also referred to the national legislation on the protection of cultural heritage. Specific reference was made to the law on the sale and export of objects of cultural value, which also had a screening function enabling the National Heritage Institute, authorized to issue licences for the export of objects of a religious nature, to identify and locate a number of stolen religious objects. Other laws mentioned by the Czech Republic dealt with the export of national cultural monuments, the export of museum-type collections and the export of registered archival materials. Cultural property whose circulation was subject to those laws might be exported from the territory of the country only for a fixed period of time.

20. Additional information was provided on the Czech Law on the Restitution of Unlawfully Exported Cultural Property, which had entered into force on the day of the accession of the country to the European Union, implementing the Council of the European Communities directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a member State.⁹ In recent years the Ministry of Culture, in cooperation with the National Heritage Institute, had been making random surveys of the market in antiquities in neighbouring countries, especially Austria and Germany. In that context, the location and restitution of a number of objects stolen from churches in the country and unlawfully exported had been ensured by means of police cooperation. A recent case involving requests to Austria and Germany for the restitution of stolen and illegally exported objects listed in ecclesiastical inventories was also reported.

21. The Czech Republic referred to national legislation enacted in 2002, which had set additional conditions for the export of cultural property from the customs territory of the European Communities and designated the competent authorities to grant export licences for cultural objects and archival materials. In addition, the law set conditions for granting export licences on the basis of permits and certificates issued under national regulations and provided for appropriate sanctions.

22. Furthermore, according to the statistical data reported, the Ministry of Culture had granted a total of 37 standard export licences from 1 May 2004 to 13 May 2005. Of those licences, 36 were for export for exhibition purposes (to Japan, Switzerland

and the United States of America) and one licence had concerned export for restoration (Switzerland). Information on the procedure followed for the issuance of the export licences was provided.

23. Moreover, the Czech Republic noted that, after its accession to the European Union, its customs authorities had terminated most of their activities at the borders, with the exception of international airports, and moved their activities inland. For that purpose, mobile customs units had been established to carry out their duties throughout the national territory, including random checks near borders. The customs authorities also cooperated closely with the Ministry of Culture in the control of trafficking in cultural property.

24. The Czech Republic reported that it was party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

25. Italy noted that Economic and Social Council resolution 2004/34 could be more adequately considered in relation to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property. In addition, Italy referred to the European Convention on Mutual Assistance in Criminal Matters of 1959,¹⁰ as well as the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990,¹¹ as substantial tools for the promotion of international cooperation to combat crime and achieve concrete results, in particular in the fight against organized crime.

26. Italy stressed the importance of fostering international law enforcement cooperation to combat trafficking in cultural property and in particular the need to exchange intelligence data in order to operate in a more effective way. As far as the involvement of organized crime in trafficking in cultural property was concerned, reference was made to the analysis of results of investigations carried out in the country showing that only in a few limited circumstances were mafia-type organizations involved in that specific field. Such trafficking was more often organized by individuals or criminal groups that utilized international contacts consolidated over the years and managed to set up illicit markets abroad. Italy highlighted the existence of the Carabinieri Unit for the Protection of Cultural Property, a specialized unit dealing with the prevention of and fight against trafficking in cultural property. It noted that the Unit had become an international point of reference for the development of projects aimed at assisting foreign police forces in the fight against illicit trafficking in cultural property.

27. Kuwait reported no incidents of stolen movable cultural objects, either local or imported, that would fall under the terms of the Unidroit Convention on Stolen or Illegally Exported Cultural Objects or under the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols.

28. Latvia reported on its regulation 526, adopted by the Cabinet of Ministers on 16 January 2003, on the procedure for the return of illegally exported art and antique articles, applying to relations with countries with which Latvia had signed relevant agreements. The regulation referred to the procedures followed for the search and return to the country of origin or to Latvia of illegally imported or exported cultural property, respectively. In that connection, Latvia also mentioned that Council of the European Communities directive 93/7/EEC on the return of

cultural objects unlawfully removed from the territory of a member State had entered into force in its domestic legal order on 1 May 2004.

29. Mauritius reported on the purpose and activities of the National Heritage Fund, initially established in 1997 with the task of preserving, protecting, developing and improving the aesthetic and architectural quality of buildings, structures and antiques that were of historical importance or of public interest, as well as of educating the public in geography and natural history. Under the new legislation of 2003, the objectives of the Fund had been expanded to cover the safeguard, management and promotion of the national heritage of Mauritius. The Fund was also responsible for the preservation of national heritage sites as source material for scientific and cultural investigation and as an enduring basis for purposes of development, leisure and tourism. The Fund was administered and managed by a Board with the following functions: identifying sites, monuments, structures, intangible heritage or such other objects of cultural significance to be designated as national heritage; regulating and authorizing activities pertaining to the exploration, excavation and salvage of national heritage or any object or structure of cultural significance; taking the necessary measures to maintain, protect and promote national heritage and attain the objects of the Fund; and working in collaboration with the international community to trace and recover any national heritage that might be outside the country or to restore foreign heritage or to jointly manage shared heritage. In addition, the prior approval of the Board was necessary, according to the legislation, for exporting, or causing to export, objects of national heritage.

30. Mauritius expressed its readiness and commitment to strengthen international cooperation and mutual assistance in the prevention and prosecution of crimes against movable property, although no incidents of looted, stolen or smuggled cultural property or related activities of organized criminal groups had been reported in the country. In that connection, it was reported that Mauritius had since 1978 been a party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970.

31. Mexico reported no precedent of indictments against persons involved in trafficking in cultural property. It provided information on the special unit designated to deal with related crimes and made a brief reference to the legal framework (constitutional provisions and ad hoc legislation) providing for the investigation and prosecution of such crimes.

32. The Netherlands stated that it considered UNESCO and Unidroit the core bodies to report to on issues related to cultural property. However, it pointed out that the United Nations Convention against Transnational Organized Crime could serve as the basis for the promotion of international law enforcement cooperation in the area. The Netherlands also reported on its preparations to sign and ratify the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

33. Oman indicated that it had taken action to accede to the international conventions related to the prohibition and prevention of the illicit importation and transport of cultural property, by virtue of royal decree 69/77, issued on 25 October 1977, in addition to national laws governing the protection of such property. Oman also stated that its Ministry of Heritage and Culture had consistently

coordinated in a direct manner with law enforcement authorities to prevent the importation and exportation of cultural property through any of the country's border points.

34. Peru provided information on the legislative and administrative measures taken at the national level in relation to the import and export of cultural objects and made extensive reference to the provisions of the basic domestic legislation for the protection of cultural heritage (general law 28296, in force since July 2004). Peru also presented an overview of the organizational structure and functions of the National Institute of Culture, which was entrusted with the preparation, execution and supervision of plans of action for the protection of national cultural heritage.

35. With regard to cooperation with foreign countries for the protection of cultural property and the restitution of cultural objects, Peru referred to the memorandum of understanding between its Government and the Government of the United States, which provided for the protection of archaeological treasures and ethnographic colonial heritage in a broader and more detailed manner than existing conventions or agreements and extended the bilateral cooperation until 2007.

36. Peru reported on measures taken to prevent illicit trafficking in cultural objects, including the monitoring of auctions and the establishment of an institutional unit at Jorge Chávez International Airport to detect possible illicit export of cultural objects. Additional information was provided on cases of repatriation of cultural objects discovered in foreign countries.

37. Peru's response also included information on the competent authorities for the control of the export and import of cultural objects, as well as the institutions involved in the protection of cultural heritage. Efforts to strengthen the effectiveness of the national judicial system in dealing with crimes related to cultural property were also highlighted. Specific and extensive reference was made to training and educational activities at the national and local levels geared towards raising awareness and sensitivity about the negative effects of crimes against national cultural heritage.

38. Romania provided information on its existing national legislation to prevent and combat trafficking in mobile cultural property. It was noted that the legislation was analogous to the relevant European legislation, in particular the Council of the European Communities regulation 3911/92 of 9 December 1992 on the export of cultural goods¹² and the 1993 Council directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a member State. Comprehensive information was also provided on the most significant provisions of the national legislation that governed the specific circumstances and conditions under which the lending, public sale, temporary or permanent export of listed mobile cultural objects might be allowed. Legislative requirements and conditions were also presented in relation to the location, preservation and recovery of cultural assets taken from the territory of a European Union member State and found in Romanian territory. Romania's response also included a list of acts relating to the export or import of cultural assets that were treated as criminal offences in its national legislation, as well as information on the sanctions prescribed for such crimes.

39. Furthermore, Romania noted that national law enforcement authorities had undertaken action geared towards strengthening cooperation with cultural institutions and creating an interdisciplinary team with the purpose of improving the

protection of cultural heritage and the efficiency of related recovery mechanisms, including information exchange. Moreover, the Romanian police systematically transmitted information to Interpol on theft of and trafficking in cultural property, the involvement of criminal networks and the means used by traffickers, and shared information on cases involving theft or forgery of art objects. Other action at the national level included monitoring the market in art objects and increased sales on the Internet and intensifying security measures for museums, public collections and churches in order to prevent theft, as well as encouraging the photographic inventory of objects in public or private collections, attracting public attention through media campaigns and educational programmes and offering specific training to law enforcement personnel. National action also focused on the establishment of communication networks and data systems facilitating the rapid exchange of information on cultural objects declared national treasures that might not be taken out of the country, as well as on stolen or missing objects.

40. Spain listed its laws protecting cultural property and provided further information on the relevant international instruments, which were already in force in its domestic legal order or were in the process of ratification. Spain also highlighted the competence of the regional authorities (*comunidades autónomas*) to regulate issues related to the protection of cultural property. Additional reference was made to the particular nature of cultural goods, which justified the existence of cautions, restricting measures or limitations to the freedom of movement of goods among member States of the European Union.

41. Spain made specific mention of the Treaty on the Protection of Artistic and Scientific Institutions and Historical Monuments of 1935,¹³ which was broadly used for the protection of cultural property in wartime. In addition, Spain referred to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, a consultative body, composed of 22 member States, that had been established by the General Conference of UNESCO in 1980 and had convened its thirteenth session in February 2005.

42. Switzerland reported on its Federal Act on the International Transfer of Cultural Property, adopted in June 2003, as well as on the ratification in October 2003 of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The Federal Act covered, inter alia, the following areas: protection of national cultural heritage; contribution to the protection of the cultural heritage of other States and conclusion of bilateral treaties to that effect; encouragement of international exchange of cultural objects between museums and guarantees of restitution; and promotion of diligence in trading cultural objects.

43. Switzerland provided information on its Federal Office of Culture, the administrative authority in charge of implementing the above-mentioned Federal Act. The theft of cultural property fell under the competence of the regional authorities, while the Federal Department of Justice and Police and its art experts ensured coordination and communication between the regions and foreign authorities.

44. Switzerland stressed the importance of information exchange at the national and international levels in dealing effectively with trafficking in cultural property

and highlighted, in that connection, the cooperation of its national authorities with Interpol. Switzerland participated in a group of experts established by the Interpol General Secretariat for the revision of the structure of its international database on stolen art objects. Switzerland also supported the joint activities of Interpol and UNESCO to control trafficking in cultural property and participated in the group established by Interpol to do research on the cultural property stolen during the conflict in Iraq. In addition, Switzerland attended international conferences and training workshops organized by UNESCO, Interpol and the International Council of Museums for countries whose national heritage was under particular threat.

45. Turkey made reference to the information that its competent national authorities had provided in relation to the implementation of Economic and Social Council resolution 2003/29 and also reported on the ratification on 6 October 2004 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Moreover, the new Penal Code, which entered into force on 1 June 2005, introduced the offence of laundering of property derived from crime, punishable by imprisonment of at least one year.

46. Ukraine reported that it had been party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property since 1988. It also referred to its law of 1999 on the export, import and return of cultural property, as well as the decree of 2002 that described the procedure for formulating a law on the export or temporary export of cultural property and control over its transfer beyond the State boundaries. Information was also provided on the establishment of mechanisms dealing with the listing of items that belonged to the property of the Ukrainian State and should not be exported from its territory. Ukraine also mentioned the legislative initiatives taken in order to streamline the national legislation and prepare new laws that would increase the penalties for offences relating to the protection of the State's cultural heritage.

47. Furthermore, Ukraine provided statistical data on offences involving cultural property. It was noted that more than 2,000 crimes related to the acquisition of antiques and works of art had been committed in the country over the last 12 years, of which almost half had been successfully encountered. Many of the offences involving cultural property had been committed in 1993 and 1994, when the average was between 300 and 350 crimes per year, while in the following years the average dropped to 200-250 offences per year. However, 378 crimes involving cultural property or antiques were recorded throughout the country in 2004. Of that number, 93 per cent were thefts, while an alarming increase in the use of violence to acquire historical and cultural property (robberies, armed robberies) was also recorded in 2004. In the first quarter of 2005, there was a sharp drop in the number of crimes related to attempts to acquire cultural property: 89 crimes were recorded, compared with 122 crimes committed in the same period in 2004, and 28 of the perpetrators were identified.

48. Ukraine also reported on the efforts of its Ministry of Internal Affairs to set up an antiques database. It was noted that the database currently covered 986 objects, 333 of which were accompanied by a digital image. The number of stolen antiques found in searches or confiscated by departments of the Ministry of Internal Affairs was 834 (813 stolen, 168 of which were accompanied by a digital image, and 21 confiscated, 17 with images). Of these, 449 were icons or holy vessels (36 with images), 9 were weapons (7 with images), 133 were paintings (57 with images),

52 were sets of coins (47 with images) and 6 were sculptures (all 6 with images). The total number of registered objects stolen from State institutions was 498. Of the latter, a weakness of the system reported in Ukraine's response was that 77.8 per cent of the stolen objects were not accompanied by a digital image, which made it impossible to carry out an expert appraisal when they were registered and, thus, much more difficult to identify them when searching the antiques database.

49. Ukraine indicated that its law enforcement authorities were involved in international cooperation efforts to combat the crimes concerned by exchanging information through Interpol. In that connection, it was reported that an international search was under way for 96 cultural objects (works of art and antiques) stolen from Ukraine. Since it began its operations, the National Central Bureau of Interpol had dealt with over 1,600 enquiries about stolen cultural objects, including over 90 in 2004 and over 20 in the first three months of 2005. As a result of those enquiries, more than 170 cultural objects and works of art stolen from Ukraine had been located in the territory of other countries.

50. In addition, Ukraine referred to the Interpol General Secretariat's initiative to give the law enforcement authorities of all its member States the opportunity to make use of the information in its international database on stolen cultural property. In that context, the full version of the database, stored on magnetic and optical media and comprising over 27,000 records, was sent regularly to the competent national authorities of Ukraine. The National Central Bureau of Interpol had also introduced the Interpol standardized registration document for stolen cultural property into the work of the national law enforcement authorities.

51. The United States of America stressed that a number of measures had been taken to stop trafficking in illicit cultural property. It was reported that, in order to fulfil its obligations as a State party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the United States had entered into bilateral agreements with other States parties with a view to restricting the import of certain categories of archaeological and ethnological objects into the country, as well as thwarting the looting and trafficking of illicit objects by reducing the incentive to pillage sites. Currently the United States had agreements with Bolivia, Cambodia, Cyprus, El Salvador, Guatemala, Honduras, Italy, Mali, Nicaragua and Peru. Similar agreements with China and Colombia were pending. In addition, import restrictions on cultural property existed outside of these bilateral agreements. Under the 1973 pre-Columbian monumental or architectural sculpture or murals statute, for example, such objects could be imported into the United States territory only with an export licence issued by the country of origin or verifiable documentation that they had left the country of origin prior to 1 June 1973.

52. Additional information was also provided on the United States authorities involved, and the progress made, in the fight against trafficking in cultural property at the operational level, as well as the relevant legislation that such authorities applied to that effect. It was pointed out that the Department of State worked in cooperation with the Department of Homeland Security to enforce restrictions imposed under the relevant bilateral agreements in force. Furthermore, cases of recovery and repatriation of cultural property by the United States Immigration and Customs Enforcement, the largest investigative branch of the Department of Homeland Security, were reported, including the return of two 2,000-year-old coins

to Afghanistan in May 2005. Reference was also made to the provisions of the National Stolen Property Act, which made it possible to prosecute a person who knowingly transferred, received or sold stolen goods of more than \$5,000 in interstate or foreign commerce. The application of those provisions in the case of prosecution of a prominent dealer who had imported Egyptian antiquities into the United States in violation of Egypt's national ownership law was also highlighted.

53. The United States reported that in 2004 Congress had mandated the creation within the Department of State of an inter-agency group, the Cultural Antiquities Task Force, with the task of promoting international efforts to preserve the cultural heritage of all countries and combating trafficking in illegal antiquities and looting of archaeological sites by identifying and carrying out effective law enforcement, as well as diplomatic and other programmatic measures. On 25 and 26 May 2005, the Task Force had hosted a workshop for law enforcement experts from the United States, Europe and the Middle East to discuss ways to better coordinate transnational law enforcement efforts, the link between organized crime and trafficking in movable cultural property, and the investigation and prosecution of cases involving illicit cultural property in the United States. During the workshop, law enforcement officials spoke of their particular experiences relating to the recovery and restitution of looted and stolen material illicitly removed from Iraq.

III. Concluding remarks

54. The harm to a nation's heritage resulting from theft of and trafficking in cultural property, as well as the dire need to take effective measures at the national level to combat these criminal activities were discussed during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok, from 18 to 25 April 2005. In the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,¹⁴ 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.

55. Moreover, the United Nations System Chief Executives Board for Coordination, in addressing the issue of curbing transnational organized crime at its session held in April 2004, identified specific areas on which joint work of the concerned United Nations organizations should focus and agreed on a series of measures for immediate implementation that would promote concerted action of the members organizations, in accordance with their respective mandates, and build an effective inter-agency response to curbing transnational organized crime and its specific manifestations. One of these measures was the launch of multi-agency assessments to determine the extent of involvement of organized criminal activity in various forms of trafficking, including trafficking in cultural property (see E/2004/67, para. 21).

56. In view of the above, UNODC stands ready to convene, in cooperation with UNESCO and subject to the availability of extrabudgetary resources, an expert group meeting that would explore and assess the challenges posed and the

difficulties encountered in the fight against trafficking in cultural property. The Commission on Crime Prevention and Criminal Justice may therefore wish to renew its appeal to Member States to consider making voluntary contributions towards the organization of such a meeting.

Notes

- ¹ United Nations, *Treaty Series*, vol. 249, No. 3511.
- ² United Nations, *Treaty Series*, vol. 823, No. 11806.
- ³ United Nations, *Treaty Series*, vol. 1037, No. 15511.
- ⁴ See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: and corrigendum: *Resolutions*, resolution 24.
- ⁵ *United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: *Resolutions*, resolution 25, annex I and II.
- ⁶ *Ibid.*, *Thirty-second Session, Paris, 29 September-17 October 2003*, vol. 1: *Resolutions*, resolution 33, annex.
- ⁷ *Ibid.*, *Thirtieth Session, Paris, 26 October-17 November 1999*, vol. 1: *Resolutions*.
- ⁸ *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, annex.
- ⁹ *Official Journal of the European Communities*, No. L 74, 27 March 1993.
- ¹⁰ United Nations, *Treaty Series*, vol. 472, No. 6841.
- ¹¹ United Nations, *Treaty Series*, vol. 1862, No. 31704.
- ¹² *Official Journal of the European Communities*, No. L 395, 31 December 1992.
- ¹³ League of Nations, *Treaty Series*, vol. 167, No. 3874.
- ¹⁴ A/CONF.203/18, chap. I, resolution 1.