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**Meeting of the expert group on protection
against trafficking in cultural property**

Vienna, 24-26 November 2009

Draft report*Rapporteur: Zohra ZERARA (Algeria)***Addendum****Existing international instruments and mechanisms for their
implementation, including their assessment from the perspective of
crime prevention**

1. At its 1st and 2nd meetings on 24 November 2009, the expert group considered the first substantive cluster on “Existing international instruments and instruments for their implementation, including their assessment from the perspective of crime prevention”. The observers for UNESCO, UNIDROIT and UNODC made audiovisual introductory presentations. The representatives of Bolivia, China, Egypt, Germany, Iran, Nigeria, Pakistan, Romania, Russian Federation, Sudan, Switzerland, United States of America and the observers for UNESCO, UNIDROIT, UNODC, the International Council of Museums (ICOM) and the World Customs Organization made statements.

Deliberations

2. Experts from UNESCO and UNIDROIT presented the main provisions of the relevant conventions of 1970 and 1995, and UNODC experts presented the United Nations Convention against Transnational Organized Crime. Experts expressed their concerns of the growing problem of the trafficking of cultural property. The effectiveness of the various international instruments and the mechanisms for their implementation were discussed, as well as other approaches and preventative measures in combating the problem of the trafficking of cultural property.

3. Several experts described the challenges faced in the implementation of the conventions in domestic law, especially in destination States. The problem of the

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large costs borne by governments when returning illegally acquired cultural property to the source country, was addressed by several experts.

4. The role of transit countries in the trafficking process was emphasized, as well as the further difficulties such circumstances pose to the effective tracing of cultural property.

5. The problem of assessing the knowledge of a purchaser on the source of the object was addressed, and in particular the due diligence requirement under the UNIDROIT Conventions.

6. Many experts supported the proposal of export certificates, however the issue of counterfeit and false objects as well as complications arising through trafficking in transit. Another expert addressed the problem of illegal excavation and the failure of States to assert ownership of discovered and excavated objects of cultural value.

7. There was some concern among experts that the monitoring of illegal excavation and theft of cultural property was also difficult within States themselves.

8. An expert suggested the harmonization of the key features of the different conventions, this idea was supported by several experts.

9. Other experts expressed their concern that it was too ambitious to draw up a new convention and instead proposed to make an assessment of the existing legal instruments and to suggest potential improvements.
