

25 November 2009

Original: English

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

Vienna, 24-26 November 2009

Draft report*Rapporteur: Zohra ZERARA (Algeria)***Addendum****Preventive measures**

1. At its 2nd and 3rd meetings on 24 and 25 November 2009, the expert group considered the substantive cluster 2 on “preventive measures”. The observers for the International Council of Museums, the World Customs Organization and UNODC made introductory audiovisual presentations. Statements were made by the representatives of Australia, Bolivia, Brazil, Bulgaria, Germany, Italy, Lebanon, Mexico, Pakistan, Peru, Spain, and United States of America. The observers for UNESCO, INTERPOL, UNIDROIT and the Secretariat also made statements.

Deliberations

2. The expert from ICOM described the use of a code of ethics and red list of missing objects to prevent trafficking and raise awareness on stolen items.
3. One expert raised the issue of insufficient security for objects that have been returned to the source country. Experts also discussed the effectiveness of using export licences — some mentioned that they are very useful; others mentioned they prefer to use electronic forms. Experts expressed concern in regards to the ability of traffickers to circumvent laws and abuse legal loopholes. Several experts emphasized the work of INTERPOL regarding databases and statistical information. However there were concerns about the capacity to provide such information and data without the cooperation and input of States at a national level and between relevant authorities.
4. Many experts supported improving inventories of items of cultural property; several also mentioned the use or the creation of various databases listing cultural

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property. A number of experts shared the provisions in national law relating to the protection and trafficking in cultural property. Several experts mentioned the training of special police forces and training of customs staff in collaboration with museum staff. Most experts expressed reservations about the system of “partage”, which was not seen as an effective way to protect and prevent trafficking in cultural property, and expressed the view that States have other effective means to achieve that aim. Experts placed emphasis on capacity-building and awareness-raising, as well as the importance of legislation as a preventive measure.

5. One expert raised the issue of insufficient security for objects that have been returned to the source country. She also proposed the elimination of the “grey market” requiring sellers to provide an expert licence, focusing on the cooperation with auction houses and Internet platforms. However another expert questioned the extent of the effectiveness of such export licences. One expert suggested the documentation of illegal excavation and the sharing of information between States regarding the persons convicted and prosecuted for offences related to trafficking in cultural property.

6. There were calls for the further criminalization of trafficking in cultural property by numerous experts. An expert illustrated the impact of criminalization on the cooperation of Internet platforms, in regards to limiting the trafficking in cultural property online. It was put forward that transit countries may require specific prevention measures, due to the complexity of transnational trafficking in cultural property. The issue of export and ownership certificate in relation to transit States was also addressed.

7. Several experts addressed the need to decrease demand of illicit artefacts and therefore reduce the incentive to traffic cultural property. One expert raised the issue of corruption within the cultural sector being a major cause of the loss of and trafficking in cultural property. There was also concern about the lack of means, including technological means, to ensure the physical security of objects in some States.
