



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: Limited
15 October 2020

Original: English

Tenth session

Vienna, 12–16 October 2020

Agenda item 3

**Other serious crimes, as defined in the
Convention, including new forms and dimensions
of transnational organized crime**

**Revised draft resolution: Algeria, China, Egypt, Iraq, Kuwait, Lebanon, Norway,
Panama, Peru, State of Palestine, Sudan, Tunisia and Yemen**

Combating transnational organized crime against cultural property

*The Conference of the Parties to the United Nations Convention against
Transnational Organized Crime,*

Recalling that the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ represent the principal international legal instruments to combat transnational organized crime, including when related to trafficking in cultural property and other crimes targeting cultural property, which negatively affect societies and economies in all countries, have devastating consequences on cultural heritage and could be an obstacle to understanding between nations, and reaffirming their importance as one of the most effective tools available to the international community for this purpose,

Reaffirming that international cooperation has a prominent place within the overall context of the Convention and the Protocols thereto, and that their purpose is, inter alia, to promote and strengthen cooperation to prevent and combat transnational organized criminal activities more effectively at the national, regional and international levels, and stressing the necessity of enhancing and strengthening actions for achieving that purpose, consistent with domestic law and applicable international law, including relevant legal instruments,

Recalling its decision 4/2 of 17 October 2008, in which it emphasized that the Convention, as a global instrument with wide adherence, offered the broadest scope of cooperation to address existing and emerging forms of transnational organized crime, and asserting that trafficking in cultural property and other crimes targeting cultural property may constitute such crimes,

Reaffirming its resolution 5/7 of 22 October 2010 on combating transnational organized crime against cultural property,

Reaffirming also its resolution 6/1 of 19 October 2012, in which it endorsed the recommendations of the joint discussion on trafficking in cultural property of the

¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.



Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation held at its sixth session,

Taking note of relevant General Assembly resolutions, including resolutions [55/25](#) of 15 November 2000 on the United Nations Convention against Transnational Organized Crime, [58/17](#) of 3 December 2003, [61/52](#) of 4 December 2006 and [64/78](#) of 7 December 2009 on the return or restitution of cultural property to the countries of origin, [66/180](#) of 19 December 2011 and [68/186](#) of 18 December 2013 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, [69/196](#) of 18 December 2014 on the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences and [70/76](#) of 9 December 2015 and [73/130](#) of 13 December 2018 on the return or restitution of cultural property to the countries of origin,

Taking note also of Economic and Social Council resolutions 2003/29 of 22 July 2003 on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, 2004/34 of 21 July 2004 and 2008/23 of 24 July 2008 on protection against trafficking in cultural property and 2010/19 of 22 July 2010 on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,

Affirming Commission on Crime Prevention and Criminal Justice resolution 27/5 of 18 May 2018, in which the Commission took note of Security Council resolution [2347 \(2017\)](#) of 24 March 2017, in which the indispensable role of international cooperation in crime prevention and criminal justice responses to counter trafficking in cultural property had been recognized,

Calling upon States parties to raise awareness of and strengthen the global response to any linkages between the financing of terrorism and transnational organized crime, including trafficking and illicit trade in cultural property,

Noting with appreciation the work and recommendations of the open-ended intergovernmental expert group on protection against trafficking in cultural property convened pursuant to Economic and Social Council resolutions 2004/34, 2008/23 and 2010/19 and General Assembly resolution [68/186](#),

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,² the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,³ and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted on 14 May 1954,⁴ and the two Protocols thereto, adopted on 14 May 1954 and 26 March 1999,⁵

Recognizing the efforts made by relevant international organizations, including the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL), the World Customs Organization and the International Institute for the Unification of Private Law, for the protection of cultural heritage,

Recognizing also the efforts made so far by the United Nations Office on Drugs and Crime in preventing and countering trafficking in cultural property and other crimes targeting cultural property, and mindful of the Office's potential to further support States in addressing and combating all forms and aspects of these crimes,

² Ibid., vol. 823, No. 11806.

³ Ibid., vol. 2421, No. 43718.

⁴ Ibid., vol. 249, No. 3511.

⁵ Ibid., vols. 249 and 2253, No. 3511.

Recalling the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,⁶ which was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and welcomed by the General Assembly in its resolution 45/121 of 14 December 1990,

Recalling also the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,⁷ in particular paragraph 9 (c) thereof, which includes a commitment to strengthening and implementing comprehensive crime prevention and criminal justice responses to illicit trafficking in cultural property, for the purpose of providing the widest possible international cooperation to address such crime, and to reviewing and strengthening domestic legislation to counter trafficking in cultural property,

Noting that the main theme of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Kyoto, Japan, is “Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda”,

Reiterating the significance of cultural property as a unique and important testimony to the culture and identity of peoples and the necessity of protecting it, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects and forms of trafficking in cultural property and other crimes targeting cultural property, in a comprehensive and effective manner, including through mutual legal assistance, within the applicable legal framework, including the Organized Crime Convention, and to continue to strengthen and develop the framework for international cooperation that tackles the challenges that arise in that regard,

Recognizing the illicit nature of trafficking in cultural property, and its transnational dimension, and the importance of strengthening international cooperation, including through mutual legal assistance, in particular with regard to the return or restitution of trafficked cultural property,

Noting the contribution of culture and cultural heritage to sustainable development,

Expressing alarm at the increasing number of acts of deliberate destruction of or damage to cultural property, and the theft, looting and smuggling of cultural property in the context of conflicts all over the world, including by terrorist groups and organized criminal groups, and recalling in this regard the Convention for the Protection of Cultural Property in the Event of Armed Conflict,

Expressing deep concern that cultural property, including religious sites and objects, is increasingly targeted in terrorist attacks, often resulting in damage, theft or complete destruction, and condemning such attacks,

Recalling General Assembly resolution 66/180, alarmed at reports of the continuing and growing demand for stolen, looted and illicitly exported or imported cultural property, which fuels further looting, destruction and theft of and trafficking in such property, recognizing that additional international measures, including further cooperation in prevention, investigation and prosecution, return or restitution of such cultural property and exchange of views among experts, are required in order to deter the demand for illicitly exported, imported or transferred cultural property, and calling for further study at the national and international levels on this issue,

⁶ *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.

⁷ General Assembly resolution 70/174, annex.

Recalling also General Assembly resolution 66/180, alarmed at the reports of the continuing and growing involvement of organized criminal groups and terrorist groups in all forms and aspects of trafficking in cultural property and related offences, which may have a transnational element, and observing that cultural property is being illicitly excavated, looted and stolen, that illicitly exported imported or transferred cultural property is increasingly sold through markets, including in auctions and over the Internet, and that its proceeds are subject to various forms of laundering,

Alarmed at the increased use of the proceeds of crime derived from trafficking in cultural property and related offences in financing terrorism and other serious crimes,

Noting that the proceeds of crime derived from trafficking in cultural property can be used as an illicit source to fund other criminal activities and yield illicit proceeds that are laundered,

Emphasizing the importance for States to protect and preserve their cultural heritage in accordance with relevant international instruments,

Recalling the adoption of the United Nations Declaration on the Rights of Indigenous Peoples on 13 September 2007, in particular those articles relating to cultural property,

Stressing the urgent need to better implement and review the functioning of the existing international mechanisms for preventing, prosecuting and punishing crimes against cultural property, and tracing their proceeds, and to consider all possible options for a more effective international cooperation framework, as necessary, with a view to achieving consensus in this regard,

Commending Member States, cultural and educational institutions, museums and civil society for their efforts to protect cultural property and to help combat the illicit trade and trafficking in culture property, and welcoming all initiatives, whether by States, institutions or private persons, for the voluntary return of such cultural property,

1. *Notes* that the objective of the Conference is to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the United Nations Convention against Transnational Organized Crime;

2. *Invites* Member States that have not yet done so to criminalize trafficking in cultural property, as well as stealing and looting at archaeological and other cultural sites, in accordance with applicable international instruments, and to make it a serious crime as defined in article 2 of the Organized Crime Convention, where the offence is transnational in nature and involves an organized criminal group;

3. *Underlines* the need to continue to work towards a comprehensive and coordinated approach to address the problem of trafficking in cultural property and other crimes targeting cultural property through the appropriate national, regional and international tools;

4. *Encourages* States to enhance cooperation in the fight against trafficking in cultural property, as well as the illegal removal of such property from countries of origin, including through the investigation and prosecution of persons involved in such activities and mutual legal assistance and extradition, in accordance with the laws of cooperating States and under applicable international law;

5. *Encourages* States parties, in cooperation with relevant regional and international organizations, to share information on their experiences, good practices and challenges, including gaps and any impediments to international cooperation encountered, with regard to crimes against cultural property and related offences, and on their application of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, including with a view to evaluating the adequacy of the existing

international tools in that regard and considering possible options to enhance the existing international cooperation framework, as necessary, and to bring those experiences and good practices to the attention of the United Nations Office on Drugs and Crime;

6. *Calls upon* States parties to continue to strengthen their national legislation and policies for the implementation of the Organized Crime Convention and applicable international law with regard to the protection of cultural property;

7. *Urges* States parties, in accordance with the Convention, to promote or strengthen, as appropriate, programmes and cooperation at the national, regional and international levels to prevent, combat and punish trafficking in cultural property and other crimes targeting cultural property that fall within the scope of the Convention;

8. *Also urges* States parties to strengthen and facilitate international cooperation, in accordance with domestic law and consistent with their obligations under relevant international law, with regard to trafficking in cultural property and other crimes targeting cultural property, including through extradition, mutual legal assistance, the identification, seizure and confiscation of trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property and the return or restitution of such cultural property, as well as the investigation and prosecution of these crimes and the recovery of their proceeds, and to make effective use of the Convention as a legal basis for such international cooperation, in applicable cases;

9. *Recommends* that Member States prepare lists or inventories of stolen and/or lost cultural property and consider making them public in order to facilitate the identification of that property, as well as use the tools at their disposal, such as the red lists of the International Council of Museums, the International Criminal Police Organization (INTERPOL) database on stolen works of art and the ARCHEO information exchange network of the World Customs Organization, in order to facilitate the actions of law enforcement agencies and, in that regard, invites Member States to afford one another the widest possible cooperation in preparing such lists or inventories;

10. *Urges* States parties to investigate, prosecute and punish transnational organized crimes relating to the destruction, damage and looting of cultural property by organized criminal groups, in accordance with domestic law and the Convention;

11. *Requests* the United Nations Office on Drugs and Crime to convene at least one open-ended intergovernmental expert meeting before the eleventh session of the Conference to exchange views on experiences, good practices and challenges with regard to trafficking in cultural property and other crimes targeting cultural property, including the use of cultural property as a source of profits to launder the proceeds of crime, as well as the return or restitution of trafficked cultural property to countries of origin, and to submit to the Conference at its eleventh session relevant recommendations in this regard, with a view to considering and exploring all possible options to strengthen the implementation of the existing international legal framework to combat crimes against cultural property and considering any proposals to supplement the existing framework for international cooperation, as necessary;

12. *Invites* States parties to consider establishing dedicated police units, as necessary, with qualified staff to effectively prevent, detect and prosecute trafficking in cultural property and related offences;

13. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Conference, also taking into account information collected pursuant to paragraph 3 of the present resolution, at its eleventh session on the implementation of the present resolution and on the experiences, good practices and challenges with regard to trafficking in cultural property and related offences as well as measures of mutual legal assistance regarding the return or restitution of such cultural property to countries of origin;

14. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.
