

ECOSOC Resolution 2008/23

Protection against trafficking in cultural property

The Economic and Social Council,

Recalling General Assembly resolution 56/8 of 21 November 2001, in which the Assembly proclaimed 2002 the United Nations Year for Cultural Heritage, and resolutions 58/17 of 3 December 2003 and 61/52 of 4 December 2006, on the return or restitution of cultural property to the countries of origin,

Recalling also the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,¹ 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,

Emphasizing the importance for States of protecting and preserving their cultural heritage in accordance with relevant international instruments such as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,² the Convention on Stolen or Illegally Exported Cultural Objects, adopted at Rome on 24 June 1995 by the International Institute for the Unification of Private Law,³ and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,⁴ and the two Protocols thereto of 14 May 1954 and 26 March 1999,

Reiterating the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples and the necessity of protecting it,

Reaffirming the necessity of international cooperation in preventing and combating all aspects of trafficking in cultural property,⁵ and noting that such cultural property is especially transferred through licit markets, such as auctions, including through the Internet,

Reaffirming also its resolutions 2004/34 of 21 July 2004, entitled “Protection against trafficking in cultural property”, and 2003/29 of

¹ *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.

² United Nations, *Treaty Series*, vol. 823, No. 11806.

³ Available from www.unidroit.org.

⁴ United Nations, *Treaty Series*, vol. 249, No. 3511.

⁵ It is understood that the expression “trafficking in cultural property” shall be interpreted in conformity with the relevant international instruments, including the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

22 July 2003, entitled “Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property”,

Recalling the deliberations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, and the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,⁶ in which 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 end,

Expressing concern about the demand for cultural property, which leads to its loss, destruction, removal, theft and trafficking,

Alarmed at the growing involvement of organized criminal groups in all aspects of trafficking in cultural property,

Expressing regret that the United Nations Office on Drugs and Crime could not convene the expert group meeting envisaged in Economic and Social Council resolution 2004/34, mainly because of the lack of extrabudgetary resources,

Stressing the importance of fostering international law enforcement cooperation to combat trafficking in cultural property and, in particular, the need to increase the exchange of information and experiences in order for competent authorities to operate in a more effective manner,

Stressing also that the entry into force of the United Nations Convention against Transnational Organized Crime⁷ has created a new impetus to international cooperation in countering and curbing transnational organized crime, which will in turn lead to innovative and broader approaches to dealing with the various manifestations of such crime, including trafficking in cultural property,

Expressing the need, where appropriate, to strengthen and fully implement mechanisms for the return or restitution of cultural property after it has been stolen or trafficked and for its protection and preservation,

1. *Takes note with appreciation* of the report of the Secretary-General on protection against trafficking in cultural property;⁸

2. *Welcomes* national, regional and international initiatives for the protection of cultural property, in particular the work of the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Committee for Promoting the Return of Cultural

⁶ *Eleventh United Nations Congress on Crime Prevention and Criminal Justice, Bangkok, 18-25 April 2005: report prepared by the Secretariat* (United Nations publication, Sales No. E.05.IV.7), chap. I, resolution 1; subsequently endorsed by the General Assembly in its resolution 60/177 of 16 December 2005, and contained in the annex thereto.

⁷ United Nations, *Treaty Series*, vol. 2225, No. 39574.

⁸ E/CN.15/2006/14.

Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation;

3. *Reiterates its request* that the United Nations Office on Drugs and Crime, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, convene an open-ended intergovernmental expert group meeting, with interpretation in all the official languages of the United Nations, to submit to the Commission on Crime Prevention and Criminal Justice at its eighteenth session relevant recommendations 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,¹ and invites Member States and other donors to provide extrabudgetary contributions for those purposes in accordance with the rules and procedures of the United Nations;

4. *Encourages* 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;

5. *Urges* Member States and relevant institutions, as appropriate, to strengthen and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat trafficking in cultural property, including trafficking committed through the use of the Internet, and to facilitate the recovery, return or restitution of cultural property;

6. *Urges* Member States to protect cultural property and prevent trafficking in such property by introducing appropriate legislation, including, in particular, procedures for the seizure, return or restitution of cultural property, promoting education, launching awareness-raising campaigns, mapping and carrying out inventories of cultural property, providing adequate security measures, developing the capacities and human resources of monitoring institutions such as the police, customs services and the tourism sector, involving the media and disseminating information on the theft and pillaging of cultural property;

7. *Also urges* Member States to take effective measures to prevent the transfer of illicitly acquired or illegally obtained cultural property, especially through auctions, including through the Internet, and to effect its return or restitution to its rightful owners;

8. *Further urges* Member States to continue to strengthen international cooperation and mutual assistance for the prevention and prosecution of crime against cultural property that forms part of the cultural heritage of peoples, and to ratify and implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property² and other relevant international instruments;

9. *Requests* the United Nations Office on Drugs and Crime to develop its relations with the cooperative network established among the United Nations Educational, Scientific and Cultural Organization, the International Council of Museums, the International Criminal

Police Organization (INTERPOL), the International Institute for the Unification of Private Law and the World Customs Organization in the areas of trafficking in cultural property and its return or restitution;

10. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its nineteenth session on the implementation of the present resolution.

*42nd plenary meeting
24 July 2008*