



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

Distr.: Limited
23 September 2020

Original: English

Tenth session

Vienna, 12–16 October 2020

Item 3 of the provisional agenda*

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

Egypt: draft resolution

Combating transnational organized crime against cultural property and related offences

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 trafficking in movable cultural property, which negatively affects societies and economies in all countries, and reaffirming their importance as the main 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 taking additional rigorous actions to achieve that purpose,

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, including trafficking in cultural property,

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

Recalling further 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 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

* [CTOC/COP/2020/1](#).

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



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 [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,

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 resolution 2010/19,

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

Recalling also 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 further 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 which includes a commitment to strengthen and implement 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 further consider the potential utility of and improvements to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, and international standards and norms in this field,

Noting that the theme of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Kyoto, Japan, is “Advancing crime

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.

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.

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 of trafficking in cultural property, and to continue to develop the appropriate norms and rules that tackle the challenges that arise in that regard,

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

Expressing alarm at the increasing number of acts of deliberate destruction of cultural heritage in the context of conflicts all over the world,

Concerned that demand for stolen, looted and illicitly exported or imported cultural property is growing and fuels further looting, destruction and theft of and trafficking in such property, and recognizing that urgent international measures are required in order to deter the demand for illicitly acquired cultural property,

Alarmed at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, which is by nature a transnational phenomenon, and observing that cultural property is increasingly being sold through markets, including in auctions and over the Internet, that such property is being unlawfully excavated and illicitly exported or imported and that its proceeds are subject to various forms of laundering,

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

Noting that trafficking in cultural property can be used as an illicit source to fund 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,

Stressing the urgent need to review the adequacy of existing international norms aimed at preventing, prosecuting and punishing crimes against cultural property and tracing their proceeds and to establish a framework for a more effective international cooperation regime,

1. *Affirms* that a primary purpose of the Conference is to improve the capacity of States parties to combat transnational organized crime and that the Conference should spearhead international efforts in that regard;

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

3. *Encourages* States parties to share information on their experiences, good practices and challenges with regard to crimes against cultural property and related offences, including with a view to reviewing the adequacy of the existing international norms and tools in that regard, and to bring those experiences and good practices to the attention of the United Nations Office on Drugs and Crime;

4. *Calls upon* States parties to continue to strengthen their national legislation and policies for the implementation of the United Nations Convention against Transnational Organized Crime with regard to the protection of cultural property;

5. *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 related offences;

6. *Also urges* States parties to maximize the opportunities for international cooperation with regard to crimes against cultural property and related offences, including cooperation in extradition, mutual legal assistance and asset recovery;

7. *Requests* the United Nations Office on Drugs and Crime to convene at least one open-ended intergovernmental expert meeting to exchange views on experiences, good practices and challenges with regard to crimes against cultural property and related offences, and in the implementation of the Convention to combat those crimes, including with a view to considering and exploring options and making proposals on the need to develop new international instruments;

8. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Conference 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;

9. *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.
