



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

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

**Draft resolution submitted by the State of Palestine (co-sponsored by Algeria,
Egypt, Jordan, Lebanon, Saudi Arabia, Sudan, and Yemen)**

Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking in any situations, including in the context of all armed conflicts and natural disasters

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

Alarmed at the growing involvement of organized criminal groups in all aspects of trafficking in cultural property, including in the context of armed conflict and natural disasters, and underlining in that regard the potential utility of the United Nations Convention against Transnational Organized Crime¹ in reinforcing international cooperation in the fight against trafficking in cultural property, including its illicit removal from the countries of origin, through, inter alia, mutual legal assistance, extradition and the recovery of the proceeds of crime,

Expressing alarm at the increasing number of acts of deliberate destruction and damage, theft, pillage, looting, smuggling and illicit removal or misappropriation of, and any acts of vandalism directed against, 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, adopted on 14 May 1954, and the two Protocols thereto, adopted on 14 May 1954 and 26 March 1999,²

Highlighting 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, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property, in particular in armed conflict and natural disasters,

* CTOC/COP/2022/1.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² *Ibid.*, vol. 249, No. 3511, and vol. 2253, No. 3511.



Recalling the adoption, on 13 September 2007, of the United Nations Declaration on the Rights of Indigenous Peoples,³ in particular those articles relating to cultural property,

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,

Expressing concern that, notwithstanding its significance as part of the cultural heritage of humankind, cultural property is too often considered as mere merchandise, which not only deprives it of its cultural, historical and symbolic essence but also encourages activities that lead to its loss, destruction, removal, theft and trafficking, in particular in armed conflict and natural disasters,

Recognizing the criminal nature of trafficking in cultural property, the deliberate destruction and damage, theft, smuggling, pillage, looting and illicit removal or misappropriation of, and any acts of vandalism directed against, cultural property and the grave and detrimental impact of such acts on the cultural heritage of humankind, in particular in the context of armed conflict and natural disasters,

Recalling General Assembly resolutions [66/180](#) of 19 December 2011 and [68/186](#) of 18 December 2013, entitled “Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”, and resolution [69/196](#) of 18 December 2014, entitled “International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences”,

Recalling also 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 1970,⁴ and the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,⁵

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 potential of the Office to further support States in addressing and combating all forms and aspects of these crimes,

Recalling that, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,⁶ adopted at the twelfth United Nations Congress on Crime Prevention and Criminal Justice, Member States urged States that had not yet done so to develop effective legislation to prevent, prosecute and punish trafficking in cultural property in any of its forms and to strengthen international cooperation and technical assistance in this area, including the recovery and return of cultural property, bearing in mind the existing relevant international instruments, including the Organized Crime Convention, where appropriate,

Affirming Commission on Crime Prevention and Criminal Justice resolution [27/5](#) of 18 May 2018, in which the Commission acknowledged the

³ General Assembly resolution [61/295](#), annex.

⁴ United Nations, *Treaty Series*, vol. 823, No. 11806.

⁵ *Ibid.*, vol. 2421, No. 43718.

⁶ General Assembly resolution [65/230](#), annex.

indispensable role of international cooperation in crime prevention and criminal justice responses to counter trafficking in cultural property,

Recalling the commitment made in 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,⁷ in which States agreed to strengthen and implement comprehensive crime prevention and criminal justice responses to all crimes targeting cultural property and other related transnational organized crimes,

Recalling also the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,⁸ which, inter alia, stresses the need to strengthen national and international responses to trafficking in cultural property and other crime targeting cultural property and calls upon States to promote, facilitate and support the widest measures of technical assistance, including material support and training, with a view to enabling law enforcement authorities and criminal justice institutions to effectively prevent and combat crimes targeting cultural property, taking into account the specific challenges faced by and the particular needs of developing countries,

Recalling further Commission on Crime Prevention and Criminal Justice resolution 27/5, entitled “International cooperation against trafficking in cultural property”, and Conference of the Parties resolution 10/7, entitled “Combating transnational organized crime against cultural property”,

Welcoming the practical assistance tool to assist in the implementation of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, developed by the United Nations Office on Drugs and Crime pursuant to General Assembly resolution 69/196,

Concerned about the links between corruption and other forms of crime, including crimes against cultural property,

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

Underlining that trafficking in, deliberate destruction and damage, theft, pillage, looting, smuggling and illicit removal or misappropriation of, and any acts of vandalism directed against cultural property deprives peoples of fundamental elements of their identity and of valuable resources for their sustainable development, dispossessing them of their past and thus prejudicing their future, and highlighting the fact that developing countries are among the countries most affected by this form of organized crime,

Commending Member States and 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 cultural property, and welcoming all initiatives, whether by States, institutions or private persons, for the voluntary return of such cultural property,

1. *Urges* all States to adopt appropriate measures to effectively prevent and combat trafficking in, deliberate destruction and damage, theft, pillage, looting, smuggling and illicit removal or misappropriation of, and any acts of vandalism directed against, cultural property, and calls upon those States that have not yet done so to consider acceding to all the relevant international instruments in this field;

2. *Requests* States parties to continue their efforts to effectively strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, including within the framework of the United

⁷ General Assembly resolution 70/174, annex.

⁸ General Assembly resolution 76/181, annex.

Nations Convention against Transnational Organized Crime and the Commission on Crime Prevention and Criminal Justice;

3. *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;

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. *Strongly encourages* State parties to take into account, also in the context of armed conflict and natural disasters, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences⁹ in the development and strengthening of their policies, strategies, legislation and cooperation mechanisms;

6. *Also encourages* State parties, in cooperation with relevant regional and international organizations, to share information on their experiences, good practices and challenges, with regard to crimes against cultural property and related offences, and on the application of the “*International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences*” in the context of armed conflict and natural disasters;

7. *Invites* States to protect and help prevent trafficking in cultural property by taking appropriate measures, such as developing awareness-raising campaigns, locating and inventorying such property, adopting adequate security measures, and strengthening capacities of law enforcement agencies, in particular, the police and customs services;

8. *Encourages* relevant authorities as well as private and tourism sectors to share information on trafficked cultural property, including in the context of armed conflict and natural disasters;

9. *Invites* Member States that have not yet done so to criminalize trafficking in cultural property, as well as theft 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 when the offence is transnational in nature and involves an organized criminal group;

10. *Reaffirms* the commitment to strengthen national and international responses to trafficking in cultural property and other crimes targeting cultural property, and any links to the financing of organized crime and terrorism, and enhance international cooperation in this regard, including through appropriate channels, the return or restitution of such illicitly trafficked cultural properties to countries of origin, taking into consideration existing instruments such as the Organized Crime Convention, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, and other relevant instruments, and with a view to considering all possible options to make effective use of the applicable international legal framework to combat crimes against cultural

⁹ General Assembly resolution 69/196, annex.

property, and considering any proposals to supplement the existing framework for international cooperation, as necessary;

11. *Emphasizing* that the unlawful destruction of cultural heritage, and the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, and the attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post-conflict reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States;

12. *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 cooperation in 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 those crimes and the recovery of their proceeds, and to make effective use of the Organized Crime Convention as a legal basis for such international cooperation, in applicable cases;

13. *Calls upon* States parties to raise awareness about the importance of preserving and protecting cultural property, in particular in the context of armed conflict and natural disasters, from trafficking and other related offences, and invites States parties to take appropriate measures for raising the awareness of operators and the general public of their responsibility when dealing with archaeological sites or cultural properties, especially in case of chance discoveries;¹⁰

14. *Urges* all States that have not yet ratified or acceded to the Convention for the Protection of Cultural Property in the Event of Armed Conflict to consider doing so, and calls upon States parties to that Convention to fully implement its provisions, in particular articles 4 and 5, under which they undertake to respect cultural property situated within their own territory or within the territory of other parties, including territories occupied in whole or in part by them;

15. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States, in accordance with its mandate and in close cooperation with the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other relevant actors, to explore how best to collect, analyse and disseminate relevant data, specifically addressing the relevant aspects of trafficking in cultural property and its related offences, including in the context of armed conflict and natural disasters;

16. *Also requests* the United Nations Office on Drugs and Crime to enhance its cooperation with the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization and other relevant actors in promoting and organizing meetings, seminars and similar events regarding the crime prevention and criminal justice aspects of protection against trafficking in cultural property and its related offences, including in the context of armed conflict and natural disasters;

17. *Urges* States to make full use of the experience and tools of the International Criminal Police Organization in combating trafficking in cultural property, including strengthening cooperation by increasing information-sharing and law enforcement-led operational coordination through the channels of that Organization, and ensuring that lost and stolen cultural property is recorded in the Stolen Works of Art Database of that Organization;

¹⁰ Ibid., guideline 48. Applying the International Guidelines consistently in any situation can foster an assumption of responsibility by operators and the general public when dealing with cultural sites or properties, especially in the case of chance discoveries.

18. *Invites* State parties and other donors to provide extrabudgetary resources, where necessary and in accordance with the rules and procedures of the United Nations, for the implementation of the relevant paragraphs of the present resolution;

19. *Requests* the United Nations Office on Drugs and Crime to report to the Conference of the Parties at its twelfth session on the implementation of the present resolution.
