

DOCUMENT

Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its fifth session, held in Vienna from 18 to 22 October 2010

Resolution 5/7

Combating transnational organized crime against cultural property¹

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

Recalling General Assembly resolutions 55/25 of 15 November 2000, 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 property² to the countries of origin, and welcoming Economic and Social Council resolution 2010/19 of 22 July 2010, on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,

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 1970,³ the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,⁴ and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted on 14 May 1954,⁵ and the two Protocols thereto adopted on 14 May 1954⁶ and 26 March 1999⁶ and the importance of ensuring global adherence and full implementation of those instruments, 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 (UNIDROIT), for the protection of cultural heritage,

Noting with appreciation the work of the expert group on protection against trafficking in cultural property at its meeting convened pursuant to Economic and Social Council resolution 2008/23 of 24 July 2008 and highlighting its recommendation that the Conference of the Parties to the United Nations Convention against Transnational Organized Crime explore ways of using the provisions of the United Nations Convention against Transnational Organized Crime⁷ as a legal basis for international cooperation,

Considering that the Convention should be fully used for the purpose of combating criminal offences against cultural property, including by exploring other possible normative developments, when appropriate,

1. *Takes note* of the note by the Secretariat on the use of the United Nations Convention against Transnational Organized Crime for protection against trafficking in cultural property;⁸
2. *Reaffirms* that the United Nations Convention against Transnational Organized Crime⁹ constitutes an effective tool for international cooperation in combating criminal offences against cultural property;
3. *Welcomes* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹⁰ in which States that had not yet done so were urged to develop effective legislation to prevent, prosecute and punish trafficking in cultural property, and invites Member States to consider criminal offences against cultural property as a serious crime, as defined in the Convention;
4. *Urges* States parties to use the Convention for broad cooperation in preventing and combating criminal offences against cultural property, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention;
5. *Encourages* States parties to consider analysing, in consultation with scientific and academic communities where appropriate, and the relevant inter-governmental organizations, trends and the circumstances in which criminal offences against cultural property are committed in their territories, consistent with article 28 of the Convention, as well as considering the *modi operandi*, professional groups and technologies involved in such offences;
6. *Invites* States parties to exchange information on all aspects of criminal offences against cultural property, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences;
7. *Requests* the Open-ended Working Group of Government Experts on Technical Assistance and the Open-ended Working Group on International Cooperation to examine the relevant recommendations and outcomes of the expert group on protection against trafficking in cultural property established

in the framework of the Commission on Crime Prevention and Criminal Justice, and to make recommendations for consideration by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in order to promote the practical application of the Convention, by considering the extent and adequacy of existing norms as well as other normative developments, with due attention to aspects of criminalization, international cooperation including mutual legal assistance and extradition with regard to this matter;

8. *Requests* the Secretariat to prepare an analytical report for the above-mentioned working groups on the application of the Convention by the States parties with respect to criminal offences against cultural property, urges States parties to provide the Secretariat with information for that report, and invites Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

ENDNOTES

1. Reprinted from http://www.unodc.org/documents/treaties/organized_crime/COP5/CTOC_COP_2010_17/CTOC_COP_2010_17_E.pdf, with footnote numbers adjusted.
2. Cultural property forms part of the cultural heritage of peoples.
3. United Nations, *Treaty Series*, vol. 823, No. 11806.
4. Available from www.unidroit.org.
5. United Nations, *Treaty Series*, vol. 249, No. 3511.
6. *Ibid.*, vol. 2253, No. 3511.
7. United Nations, *Treaty Series*, vol. 2225, No. 39574.
8. CTOC/COP/2010/12.
9. United Nations, *Treaty Series*, vol. 2225, No. 39574.
10. A/CONF.213/18, chap. I, resolution 1.