

## ECOSOC Resolution 2004/34

### Protection against trafficking in cultural property

*The Economic and Social Council,*

*Emphasizing* the importance for States of protecting and preserving their cultural heritage in accordance with 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,<sup>1</sup> and other relevant instruments such as the 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects<sup>2</sup> and the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict<sup>3</sup> and its two Protocols,

*Reaffirming* its resolution 2003/29 of 22 July 2003, entitled “Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property”,

*Recalling* General Assembly resolution 58/17 of 3 December 2003, entitled “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, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was welcomed by the General Assembly in its resolution 45/121 of 14 December 1990,

*Noting with appreciation* the Cairo Declaration on the Protection of Cultural Property, made at the international conference celebrating the fiftieth anniversary of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, held in Cairo from 14 to 16 February 2004, as well as its relevant recommendations,

*Alarmed* that organized criminal groups are involved in trafficking in stolen cultural property and that the international trade in looted, stolen or smuggled cultural property is estimated at several billion United States dollars per year,

*Stressing* that the entry into force of the United Nations Convention against Transnational Organized Crime<sup>4</sup> is expected to create a new impetus in international cooperation to counter and curb 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 movable cultural property,

*Expressing the need* to enhance or to establish, as appropriate, standards for the restitution and return of movable property forming part of the cultural heritage of peoples after it has been stolen or trafficked and for its protection and preservation,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 823, No. 11806.

<sup>2</sup> See <http://www.unidroit.org>.

<sup>3</sup> United Nations, *Treaty Series*, vol. 249, No. 3511.

<sup>4</sup> General Assembly resolution 55/25, annex I.

1. *Takes note with appreciation* of the report of the Secretary-General on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property;<sup>5</sup>

2. *Welcomes* international, regional and national 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 Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation;

3. *Requests* the Secretary-General to direct the United Nations Office on Drugs and Crime, in close cooperation with the United Nations Educational, Scientific and Cultural Organization and subject to the availability of extrabudgetary resources, to convene an expert group meeting to submit relevant recommendations to the Commission on Crime Prevention and Criminal Justice at its fifteenth session 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;

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 to continue to strengthen international cooperation and mutual assistance in the prevention and prosecution of crime against movable property that forms part of the cultural heritage of peoples, as well as to ratify and implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property<sup>6</sup> and the other relevant conventions;

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

*47th plenary meeting  
21 July 2004*

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<sup>5</sup> E/CN.15/2004/10 and Add.1.

<sup>6</sup> United Nations, *Treaty Series*, vol. 823, No. 11806.