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**Commission on Crime Prevention  
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Item 7 of the provisional agenda\*

**Use and application of United Nations standards and  
norms in crime prevention and criminal justice****Prevention of crimes that infringe on the cultural heritage of  
peoples in the form of movable property****Report of the Secretary-General****Addendum****VI. Analysis of replies received from Governments and  
organizations****A. Governments****Australia**

1. Australia referred to its Protection of Movable Cultural Heritage Act of 1986, which had been adopted in response to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of the United Nations Educational, Scientific and Cultural Organization.<sup>1</sup> Australia also mentioned a number of cases, which the federal police had investigated, under the 1986 Act, in close collaboration with the Ministerial Department of the Environment and Heritage, the Australian Customs Services and the Australian Quarantine and Inspection Service. Reference was also made to two reports by the Australian Institute of Criminology on the topic of trafficking in cultural property in the series "Trends and Issues in Crime and Criminal Justice".

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\* E/CN.15/2004/1/Rev.1 and Corr.1.

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



## Italy

2. Italy referred to its Carabinieri Unit for the Protection of Cultural Heritage, which was responsible for the prevention of and fight against international trafficking in works of art and had been recognized in different international forums as a point of reference for technical assistance to foreign police forces. Detailed information was also provided on the type of activity carried out by the International Police Cooperation Service of the Department of Public Security of the Ministry of Internal Affairs.

3. Reference was also made to the Consolidating Act on the Cultural Heritage and the Environment of 1999, by which Italy implemented directive 93/7/EEC of 15 March 1993 of the Council of the European Commission,<sup>2</sup> on the return of cultural objects unlawfully removed from the territory of a member State, as amended by directive 96/100/EC of the European Parliament and of the Council of the European Union of 17 February 1997.<sup>3</sup> On that legislative basis, the Ministry of Arts and the Environment promoted and supported relevant agreements with the competent authorities of other member States, updated the databank on cultural and environmental assets and also informed the European Commission about measures adopted by Italy at the national and international levels to guarantee its cultural heritage. Italy also referred to the 1970 UNESCO Convention, the 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects<sup>4</sup> and, as regards bilateral cooperation, General Assembly resolution 45/123 of 14 December 1990 on international cooperation in combating organized crime.

4. Italy reported on the contributions it had made through operational exchange and intelligence activities to the work of the General Secretariat of the International Criminal Police Organization (Interpol), in particular to activities related to the fight against trafficking in works of art stolen in Iraq. A meeting had been organized by Italy in June 2003 with participants from France, Germany, Jordan, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the General Secretariat of Interpol to exchange sensitive information and to analyse the traffickers' modus operandi. The comparison of the different operational methods generated comprehensive and interesting information. The Italian presentations described the organizational module for police cooperation, with particular reference to the positive effects to be derived from the unification of all the various actors into one single multi-agency body, and outlined the problems linked to the detection of the trafficking routes in Central and Southern Europe. Following an announcement made during the meeting, an officer of the Carabinieri Unit for the Protection of Cultural Heritage was sent to Baghdad to ascertain the actual number of stolen works of art and to provide reliable information. The images collected by that expert were circulated by the Italian International Police Cooperation Service of the Ministry of Internal Affairs and stored in the Interpol database.

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<sup>2</sup> *Official Journal of the European Communities*, No. L 74, 27 March 1993.

<sup>3</sup> *Ibid.*, No. L 60, 1 March 1997.

<sup>4</sup> See [www.unidroit.org](http://www.unidroit.org).

**Republic of Korea**

5. The Republic of Korea mentioned that there had been no cases of international cooperation since 22 July 2003 related to trafficking in cultural property and explained that such a case would have required investigation or prosecution by the Korean Prosecutorial Services.

**Morocco**

6. Morocco expressed its readiness to combat and eliminate crimes that infringed on the cultural heritage of peoples in the form of movable property. It proposed the establishment of specialized police units and border controls, especially for countries that were experiencing a period of political instability or were in a state of internal or external war. Morocco also stated that administrative and judicial authorities of countries receiving such movable property should take the necessary measures to restore it to its country of origin and that the necessary measures should be taken to prosecute the perpetrators of such crimes.

**B. Organizations****European Commission**

7. The European Commission referred to Council directive 93/7/EEC (see para. 3 above), which had been adopted when the internal frontiers of the European Community were abolished on 1 January 1993. The directive was a preventive instrument, providing for cooperation mechanisms and a procedure for returning national treasures that had left the territory of a member State unlawfully. It complemented Council regulation (EEC) No. 3911/92 of 9 December 1992 on the export of cultural goods,<sup>5</sup> which set up uniform preventive controls at the Community's external borders, allowing the competent authorities (cultural and customs) in the member States from which the cultural goods were to be exported to a third country to take account of the interests of the other member States. In addition to the directive, guidelines for administrative cooperation between the competent authorities had also been published.

8. The Commission also mentioned that it was currently funding a feasibility study on the possible inclusion of stolen cultural goods in the second generation of the Schengen Information System, as well as a study on the traceability of cultural goods.

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<sup>5</sup> *Official Journal of the European Communities*, No. L 395, 31 December 1992.