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Agenda item 10

### Return or restitution of cultural property to the countries of origin

**Afghanistan, Albania, Angola, Armenia, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, China, Cyprus, Egypt, Equatorial Guinea, Germany, Greece, Hungary, Iraq, Italy, Mexico, Morocco, Portugal, Qatar, Serbia and Yemen.\* draft resolution**

### Return or restitution of cultural property to the countries of origin

*The General Assembly,*

*Reaffirming* the relevant provisions of the Charter of the United Nations,

*Recalling* its resolutions [3026 A \(XXVII\)](#) of 18 December 1972, [3148 \(XXVIII\)](#) of 14 December 1973, [3187 \(XXVIII\)](#) of 18 December 1973, [3391 \(XXX\)](#) of 19 November 1975, [31/40](#) of 30 November 1976, [32/18](#) of 11 November 1977, [33/50](#) of 14 December 1978, [34/64](#) of 29 November 1979, [35/127](#) and [35/128](#) of 11 December 1980, [36/64](#) of 27 November 1981, [38/34](#) of 25 November 1983, [40/19](#) of 21 November 1985, [42/7](#) of 22 October 1987, [44/18](#) of 6 November 1989, [46/10](#) of 22 October 1991, [48/15](#) of 2 November 1993, [50/56](#) of 11 December 1995, [52/24](#) of 25 November 1997, [54/190](#) of 17 December 1999, [56/97](#) of 14 December 2001, [58/17](#) of 3 December 2003, [61/52](#) of 4 December 2006, [64/78](#) of 7 December 2009, [67/80](#) of 12 December 2012, [70/76](#) of 9 December 2015, [73/130](#) of 13 December 2018 and [76/16](#) of 6 December 2021,

*Recalling also* the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,<sup>1</sup> the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,<sup>2</sup> the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict<sup>3</sup> and the two Protocols thereto,<sup>4</sup> the 1972 Convention for the Protection of the World Cultural and Natural Heritage,<sup>5</sup> the 2001 Convention on the Protection of the

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\* Any changes to the list of sponsors will be reflected in the official record of the meeting.

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

<sup>2</sup> *Ibid.*, vol. 2421, No. 43718.

<sup>3</sup> *Ibid.*, vol. 249, No. 3511.

<sup>4</sup> *Ibid.*, vols. 249 and 2253, No. 3511.

<sup>5</sup> *Ibid.*, vol. 1037, No. 15511.



Underwater Cultural Heritage,<sup>6</sup> the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage<sup>7</sup> and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions,<sup>8</sup>

*Appreciating* the resolutions of the fourth Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, held in May 2017, which encouraged all States parties to ensure the exchange of experiences and the promotion of good practices with regard to countering trafficking in cultural property and with regard to its return or restitution to the countries of origin, underlined the obligation of all States parties to urgently implement the provisions of Security Council resolutions [2199 \(2015\)](#) of 12 February 2015, in particular paragraphs 15 to 17, and [2253 \(2015\)](#) of 17 December 2015, in particular paragraph 15, and invited States parties to provide information regularly to the secretariat of the United Nations Educational, Scientific and Cultural Organization on the implementation of Council resolutions [2199 \(2015\)](#), [2253 \(2015\)](#), and [2347 \(2017\)](#) of 24 March 2017,

*Appreciating also* the resolutions of the sixth Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, held in May 2021,

*Taking into account* the resolutions of the seventh Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, held in May 2023,

*Recalling* the adoption of resolution 10/7 of 16 October 2020, entitled “Combating transnational organized crime against cultural property”, by the Conference of the Parties to the United Nations Convention against Transnational organized Crime at its tenth session, held in October 2020,<sup>9</sup> in which the Conference recognized the illicit nature of trafficking in cultural property, 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,

*Noting* the adoption of the United Nations Convention on Jurisdictional Immunities of States and Their Property on 2 December 2004,<sup>10</sup> as it might apply to cultural property,

*Recalling* the adoption by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 October 2003 of the Declaration concerning the Intentional Destruction of Cultural Heritage,<sup>11</sup>

*Recalling also* the adoption by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 November 2015 of the Recommendation concerning the preservation of, and access to, documentary heritage, including in digital form,<sup>12</sup> and the Recommendation concerning the

<sup>6</sup> Ibid., vol. 2562, No. 45694.

<sup>7</sup> Ibid., vol. 2368, No. 42671.

<sup>8</sup> Ibid., vol. 2440, No. 43977.

<sup>9</sup> See [CTOC/COP/2020/10](#), sect. I.A.

<sup>10</sup> Resolution [59/38](#), annex.

<sup>11</sup> United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-second Session, Paris, 29 September–17 October 2003*, vol. 1, *Resolutions*, sect. IV, resolution 33, annex.

<sup>12</sup> United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-eighth Session, Paris, 3–18 November 2015*, vol. 1, *Resolutions*, annex V.

protection and promotion of museums and collections, their diversity and their role in society,<sup>13</sup>

*Taking note* of the United Nations Educational, Scientific and Cultural Organization round table entitled “New forms of agreements and cooperation in the field of return and restitution of cultural property”, held in June 2023, and of the resulting report, which underscored the long-term impact of respective processes between States in strengthening cultural diplomacy and exchanges and leading to the signing of innovative bilateral agreements, as well as the provision of technical support or training for professionals, and further highlighted relevant good practices,

*Recalling* that the 2030 Agenda for Sustainable Development<sup>14</sup> includes, inter alia, a pledge to foster intercultural understanding, tolerance, mutual respect and an ethic of global citizenship and shared responsibility, an acknowledgement of the natural and cultural diversity of the world and a recognition that all cultures and civilizations can contribute to, and are crucial enablers of, sustainable development, as well as targets related to the protection and return or restitution of cultural property,

*Welcoming* the relevant commitments made in the Pact for the Future<sup>15</sup> and in the Declaration on Future Generations,<sup>16</sup> adopted on 22 September 2024, in particular paragraph 30 (b) and paragraph 15, respectively, in which the Heads of State and Government decided to encourage strengthened international cooperation on the return or restitution of cultural properties of spiritual, ancestral, historical and cultural value to countries of origin, including, but not limited to, objets d’art, monuments, museum pieces, manuscripts and documents, and strongly encourage relevant private entities to similarly engage, including through bilateral dialogue and with the assistance of multilateral mechanisms, as appropriate,

*Welcoming also* the adoption of the Mondiacult Declaration, on 30 September 2022, which, among others, calls for an open and inclusive international dialogue for the return and restitution of cultural property to the countries of origin, under the aegis of the United Nations Educational, Scientific and Cultural Organization, as well as those outside the scope of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as an ethical imperative to foster the right of peoples and communities to enjoy their cultural heritage, with a view to strengthening the intergenerational transmission of this heritage, and requests the United Nations Educational, Scientific and Cultural Organization to respond accordingly, taking into account the increase in the online trade of cultural property,

*Recalling* its resolution 69/196 of 18 December 2014, by which it adopted the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, and acknowledging with appreciation the role of the United Nations Office on Drugs and Crime in providing advisory services and technical assistance to Member States, upon their request, in the areas of crime prevention and criminal justice responses with respect to such trafficking,

*Recalling also* 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 on 19 April 2015,<sup>17</sup> and the

<sup>13</sup> Ibid., annex IV.

<sup>14</sup> Resolution 70/1.

<sup>15</sup> Resolution 79/1.

<sup>16</sup> Ibid., annex II.

<sup>17</sup> Resolution 70/174, annex.

commitment expressed by Member States therein 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, to review and strengthen domestic legislation to counter trafficking in cultural property, where appropriate, in accordance with their commitments under international instruments, and to continue to gather and share information and statistical data on trafficking in cultural property, in particular on trafficking that involves organized criminal groups and terrorist organizations,

*Taking note* of the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development, adopted on 7 March 2021,<sup>18</sup> and noting the commitment expressed by Member States therein 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, such as money-laundering, 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 property, and considering any proposals to supplement the existing framework for international cooperation, as necessary,

*Recalling* the resolution adopted by the Council of the World Customs Organization in July 2016 on the role of customs in preventing illicit trafficking in cultural objects,

*Welcoming* the report of the Secretary-General submitted in cooperation with the Director General of the United Nations Educational, Scientific and Cultural Organization,<sup>19</sup>

*Aware* of the importance attached by the countries of origin to the return or restitution of cultural property that is of fundamental spiritual, historical and cultural value to them so that they may constitute collections representative of their cultural heritage,

*Recognizing* that illicit trafficking in cultural property affects all regions of the world and that every country might at the same time be a source, transit and final destination area,

*Recognizing also* that combating the illicit trafficking of cultural property, particularly property embodying intangible cultural heritage values, is essential for preserving the identity and traditions of peoples and communities worldwide and that the illegal use of intangible cultural heritage threatens cultural diversity and undermines the rights of peoples and communities to freely practice and safeguard their heritage, including their cultural practices and traditions,

*Commending* Member States, cultural and educational institutions, museums and civil society for their efforts to combat illicit trade and trafficking in cultural property, and welcoming all initiatives, whether by States, institutions or private

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<sup>18</sup> Resolution 76/181, annex.

<sup>19</sup> A/79/231.

persons, for the voluntary return of cultural property that has been illicitly appropriated,

*Taking note* of the crucial role of the active engagement of museums, auction houses, art dealers, art collectors and scientific institutions in the fight against the illicit trafficking of cultural property and the restitution of cultural assets, as entities responsible for raising awareness about the importance of preserving cultural heritage, following ethical standards, and promoting transparency in the art market,

*Welcoming* that the issue of return and restitution of cultural property to the countries of origin is gaining growing visibility, and recognizing the moral imperative to take all measures in this respect, to ensure the full enjoyment of everyone's right to take part in cultural life,

*Recalling* the Human Rights Council resolution on cultural rights and the protection of cultural heritage of 2018,<sup>20</sup> which notes with deep concern that the organized looting, smuggling and theft of and illicit trafficking in cultural property could undermine the full enjoyment of cultural rights, are contrary to international law and may, in some instances, generate funds for the financing of terrorism, and encourages the strengthening of dialogue and cooperation between relevant international organizations and States affected by the organized looting, smuggling and theft of and illicit trafficking in cultural property,

*Recalling also* Human Rights Council resolution 49/7 on cultural rights and the protection of cultural heritage of 31 March 2022,<sup>21</sup> which notes, among others, that the violation or abuse of the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage, may threaten stability, social cohesion and cultural identity, and constitutes an aggravating factor in conflict and a major obstacle to dialogue, peace and reconciliation,

*Expressing deep concern* about the continuing illicit trafficking in cultural property and the ensuing damage to the cultural heritage of nations,

*Expressing deep concern also* that cultural property, including religious sites and ritual objects, is increasingly targeted by terrorist attacks and outlawed militias, often resulting in distortion, complete destruction, as well as theft and illicit trafficking, and condemning such attacks,

*Expressing deep concern further* about the loss, destruction, theft, pillage, illicit removal or misappropriation and illegal export of cultural property from archaeological sites, museums, libraries, archives and other sites and any acts of vandalism or damage directed against cultural property, in particular in areas of armed conflict, including territories that are occupied, whether such armed conflicts are international or non-international,

*Reaffirming*, in this regard, the necessity of strengthened international cooperation in preventing and combating all aspects of trafficking in cultural property, which is particularly at risk in the Middle East, and noting that such cultural property is often transferred either through illicit markets worldwide or through licit markets such as auctions, including through the Internet,

*Recalling* its resolution 69/281 of 28 May 2015, entitled "Saving the cultural heritage of Iraq",

<sup>20</sup> *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53 (A/73/53)*, chap. IV, sect. A, resolution 37/17.

<sup>21</sup> *Ibid.*, *Seventy-seventh Session, Supplement No. 53 (A/77/53)*, chap. VI, sect. A.

*Recalling also* Security Council resolution [1483 \(2003\)](#) of 22 May 2003, in particular paragraph 7, relating to the restitution of the cultural property of Iraq, and Council resolution [2056 \(2012\)](#) of 5 July 2012 on the situation in Mali,

*Recalling further* Security Council resolution [2199 \(2015\)](#), in particular paragraphs 15 to 17,

*Recalling* Security Council resolutions [2253 \(2015\)](#), in particular paragraph 15, [2322 \(2016\)](#) of 12 December 2016, in particular paragraph 12, and [2368 \(2017\)](#) of 20 July 2017, in particular paragraph 7,

*Recalling also* Security Council resolution [2347 \(2017\)](#), which is focused on the targeted destruction of cultural heritage in the context of armed conflicts, as well as on the protection of cultural property from looting, smuggling and illicit trafficking, notably by terrorist groups,

*Welcoming* the United Nations Office on Drugs and Crime Strategy 2021–2025 calling for intensifying efforts to understand and share knowledge pertinent to preventing and tackling organized crime such as trafficking in cultural property,

*Welcoming also* the United Nations Office on Drugs and Crime Strategic Vision for Africa 2030, launched on 24 February 2021, in particular investment area 3.5 entitled “Africa’s cultural property is better protected from trafficking”, which aims at introducing comprehensive crime prevention and criminal justice responses to better protect Africa’s cultural property from organized crime and build accountability,

1. *Recognizes* the leading role of the United Nations Educational, Scientific and Cultural Organization in combating trafficking in cultural property, within its specific mandate and within the context of Security Council resolutions [2199 \(2015\)](#) and [2347 \(2017\)](#), and encourages the Organization to continue to strengthen cooperation and synergies in this field with other international bodies, including the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime, the International Council of Museums and the International Centre for the Study of the Preservation and Restoration of Cultural Property;

2. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property of fundamental spiritual, historical and cultural value, the preparation of inventories of movable cultural property and the implementation of the Object-ID standard related thereto, as well as for the reduction of illicit traffic in cultural property, exchanges of experiences and good practices and the dissemination of information and tools to the public, institutions, Member States and others, and encourages the continuation of such endeavours;

3. *Commends* the United Nations Educational, Scientific and Cultural Organization on the launch of its international awareness-raising and training campaigns for heritage managers, decision makers, museum experts, law enforcement and customs authorities and legal experts from Member States in the African, Arab, Asia-Pacific, Eastern European, Latin American and Caribbean, and Western European regions, from 2021 to 2024, aimed at preventing the illicit import, export and transfer of ownership of cultural property by providing the legal and operational knowledge and directly applicable skills to strengthen the protection of cultural property, facilitate return or restitution processes and strengthen international cooperation;

4. *Also commends* the United Nations Educational, Scientific and Cultural Organization on its efforts to raise the awareness of children and young people regarding the value of cultural heritage and the necessity to protect it and to build capacities of Member States and other relevant stakeholders, and calls upon Member States to promote and support these efforts;

5. *Further commends* the United Nations Educational, Scientific and Cultural Organization on the activities implemented in the framework of the fiftieth anniversary of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, including the launch, on 14 November 2020, of the International Day against Illicit Trafficking in Cultural Property with a view to highlighting new challenges linked to illicit trafficking and to stressing the importance of international cooperation in this fight, as well as the launch of the international communication campaign entitled “The real price of art”, which aims at raising public awareness of the devastation caused by illicit trafficking in cultural property to the history and identity of peoples, and the organization of regional and international conferences to mark the anniversary;

6. *Expresses grave concern* regarding collections of cultural artefacts, objets d’art, monuments, museum pieces, manuscripts and documents illegally removed before the entry into force of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which are part of museums and collections, and calls upon Member States to take the appropriate steps for their return or restitution to the countries of origin, recognizes in this regard that most of these objects constitute an essential part of the spiritual, ancestral, historical and cultural heritage of their countries of origin, and underscores the importance of ensuring access to these artefacts for preserving cultural identity and continuity for present and future generations;

7. *Calls upon* all relevant bodies, agencies, funds and programmes of the United Nations system and other relevant intergovernmental organizations to work in coordination with the United Nations Educational, Scientific and Cultural Organization, within their mandates and in cooperation with Member States, in order to continue to address the issue of return or restitution of cultural property to the countries of origin and to provide appropriate support accordingly;

8. *Reaffirms* the importance of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto, the 1972 Convention for the Protection of the World Cultural and Natural Heritage, the 2001 Convention on the Protection of the Underwater Cultural Heritage, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and invites Member States that have not already done so to consider becoming parties to the aforementioned conventions and protocols that specifically address the return and restitution of cultural property to the countries of origin;

9. *Calls upon* Member States to develop appropriate legal frameworks to protect cultural property, in particular property embodying intangible cultural heritage values, from illicit trafficking, recognizing its invaluable contribution to cultural diversity and cultural identity of peoples and communities, while promoting awareness and education about the significance of this heritage;

10. *Recalls* the declarations and recommendations of the international forums on the return of cultural property, held in Seoul in July 2011 and October 2012, in



Olympia, Greece, in October 2013, in Dunhuang, China, in September 2014 and in Nevşehir, Türkiye, in October 2015;

11. *Acknowledges* the 1995 UNIDROIT Convention Academic Project and the Informal Ratification Task Force as a platform for the exchange of views, information and assistance on issues such as the ratification and implementation of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects;

12. *Recalls* the role of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which, inter alia, promotes the purposes of the Convention, reviews national reports and prepares and submits to the Meeting of States Parties recommendations and guidelines that may contribute to the implementation of the Convention and identify problems arising from its implementation, while fostering exchanges of experiences and good practices;

13. *Welcomes* the decisions of the seventh session of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, held in May 2019, which encouraged all States parties to the 1970 Convention to take the necessary measures consistent with the law of each State in accordance with articles 7, 13 and 15 of the Convention in order to facilitate the return or restitution of illicitly exported cultural property, requested the secretariat to conduct capacity-building activities with a special focus on return and/or restitution procedures and called for reinforced cooperation with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation;

14. *Recognizes* the importance of the United Nations Convention on Jurisdictional Immunities of States and Their Property, notes that the Convention has still not entered into force, and invites Member States that have not already done so to consider becoming parties to the Convention;

15. *Deplores* damage to the cultural heritage of countries in situations of crisis, conflict and post-conflict, in particular recent attacks on world cultural heritage sites, calls for an immediate end to such acts, and reminds States parties to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and to the two Protocols thereto of the provisions contained therein to safeguard and respect cultural property and to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of and any acts of vandalism directed against cultural property;

16. *Calls upon* all Member States in a position to do so to assist the affected States in combating trafficking in cultural property illegally excavated from archaeological sites and taken from museums, libraries, archives and manuscript collections, including through international cooperation in the return or restitution of stolen or illicitly exported cultural property, as appropriate;

17. *Recommends* all Member States to encourage museums, auction houses, art dealers, art collectors and scientific institutions to take proactive stances in enhancing their procedures related to the legality of provenance, when acquiring or selling cultural property, including by implementing rigorous vetting processes and comprehensive documentation practices, while also prioritizing transparency and collaboration with international organizations and law enforcement institutions to prevent the trafficking of stolen or illicitly obtained items;

18. *Requests* Member States to take appropriate steps to prevent and counter the illicit trade and trafficking in cultural property and other items of archaeological,



historical, cultural, rare scientific, and religious importance originating from a context of armed conflict, notably from terrorist groups, including by prohibiting cross-border trade in such illicit items where States have a reasonable suspicion that the items originate from a context of armed conflict, notably from terrorist groups, and which lack clearly documented and certified provenance, thereby allowing for their eventual safe return;

19. *Recalls* its resolution [77/298](#) of 22 June 2023, entitled “The United Nations Global Counter-Terrorism Strategy: eighth review”, in which Member States were called upon to strengthen efforts so that terrorists may not benefit from trafficking in cultural property, and to enhance cooperation to ensure the return, restitution or repatriation of trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property to countries of origin;

20. *Welcomes* the efforts made by the United Nations Educational, Scientific and Cultural Organization for the protection of the cultural heritage of countries in conflict or post-conflict situations, in particular in Iraq, the Syrian Arab Republic and Yemen, from illicit trafficking, notably by terrorist groups, including the safe return to those countries of cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance that have been illegally removed, and calls upon the international community to contribute to these efforts;

21. *Acknowledges with appreciation* the adoption by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session, in November 2015, of the strategy for the reinforcement of the Organization’s action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict,<sup>22</sup> in particular as it relates to the countering of looting and illicit trafficking in cultural property during conflicts;

22. *Urges* Member States, including, upon request, with the assistance of the United Nations Office on Drugs and Crime, and in close cooperation with the United Nations Educational, Scientific and Cultural Organization and INTERPOL, as appropriate, to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including by publicizing legislation, in particular in the Database of National Cultural Heritage Laws of the United Nations Educational, Scientific and Cultural Organization, and by offering special training for police, customs and border services, and invites Member States to make trafficking in cultural property, including stealing from and looting of archaeological and other cultural sites, a serious crime, as defined in article 2 of the United Nations Convention against Transnational Organized Crime,<sup>23</sup> with a view to fully utilizing that Convention for the purpose of extensive international cooperation in fighting all forms and aspects of trafficking in cultural property and related offences;

23. *Encourages* all Member States to establish, where they do not yet exist, with the assistance of INTERPOL, upon request, specialized police units exclusively dedicated to the protection of cultural heritage to investigate cases of trafficking in cultural property, and a national stolen works of art database directly connected with the corresponding INTERPOL database;

24. *Welcomes* the entry into force on 1 April 2022 of the Council of Europe Convention on Offences relating to Cultural Property, which was opened for signature in Nicosia on 19 May 2017, and invites Member States to consider becoming parties to the Convention;

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<sup>22</sup> See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-eighth Session, Paris, 3–18 November 2015*, vol. 1, *Resolutions*, sect. IV, resolution 48.

<sup>23</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

25. *Urges* all Member States to take appropriate measures to ensure that all actors involved in the trade of cultural property, including but not limited to auction houses, art dealers, art collectors, museum professionals and managers of online marketplaces, are required to provide verifiable documentation of provenance as well as export certificates, as applicable, related to any cultural property imported, exported or offered for sale, including through the Internet;

26. *Invites* States parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property to apply the operational guidelines for the implementation of the 1970 Convention, which represent a useful tool to guide and assist States parties in implementing the Convention, including by learning from good practices of States parties geared to enhancing the effective implementation of the Convention, and to identify ways and means to further the achievement of the goals of the Convention through strengthened international cooperation;

27. *Reiterates its strong encouragement* to Member States to apply, to the maximum extent possible, where appropriate, with a view to strengthening international cooperation in this field, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences,<sup>24</sup> which represent a useful framework to guide Member States in the development and strengthening of their criminal justice policies, strategies, legislation and cooperation mechanisms in the area of protection against trafficking in cultural property and other related offences;

28. *Invites* Member States, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to continue to draw up systematic inventories of their cultural property, including in digital form;

29. *Also invites* Member States to consider establishing and developing national, regional and international databases inventorying cultural property, which would also register trafficked, illicitly exported or imported, stolen, looted or illicitly excavated, and illicitly dealt-in, cultural property, and encourages Member States, in particular their law enforcement authorities, to enhance the exchange of information by sharing or interconnecting inventories of cultural property and databases on trafficked, illicitly exported or imported, stolen, looted or illicitly excavated, and illicitly dealt-in, cultural property and contributing to international inventories and databases;

30. *Recognizes* the improvement of the Database of National Cultural Heritage Laws of the United Nations Educational, Scientific and Cultural Organization, which includes legislation from 189 Member States and translations into at least one of the official languages of the United Nations, and invites Member States to provide their legislation in electronic format for inclusion in the database if they have not yet done so, to provide regular updates to the database and to promote it;

31. *Applauds* the efforts of the United Nations Educational, Scientific and Cultural Organization to promote the use of identification and inventory systems, in particular the application of the Object-ID standard, and to encourage the linking of identification systems and existing databases, including the one developed by INTERPOL, to allow for the electronic transmission of information in order to reduce illicit trafficking in cultural property, and encourages the United Nations Educational, Scientific and Cultural Organization to make further efforts in this regard in cooperation with Member States, where appropriate;

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<sup>24</sup> Resolution [69/196](#), annex.

32. *Reaffirms*, in this regard, the Red Lists of Cultural Objects at Risk of the International Council of Museums and the INTERPOL database of stolen works of art and the mobile app ID-Art as tools in the fight against illicit trafficking in cultural property, and calls upon all Member States to use those tools, as appropriate;

33. *Recalls* the adoption by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, at its sixteenth session, of the rules of procedure on mediation and conciliation,<sup>25</sup> and invites Member States to consider the possibility of using such processes, as appropriate;

34. *Encourages* Member States to consider using the model provisions of the United Nations Educational, Scientific and Cultural Organization and the International Institute for the Unification of Private Law on State ownership of undiscovered cultural objects and adopting effective legislation for the establishment and recognition of States' ownership of their heritage, as appropriate under national laws, with a view to facilitating return or restitution in cases of unlawful removal;

35. *Recalls with appreciation* the Model Export Certificate for Cultural Objects developed by the United Nations Educational, Scientific and Cultural Organization and the World Customs Organization as a tool to combat illicit trafficking in cultural property, and invites Member States to consider adopting the Model Export Certificate as their national export certificate, in accordance with domestic law and procedures;

36. *Recalls* the resolution adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-ninth session, in November 2017, on strengthening the implementation of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;<sup>26</sup>

37. *Invites* those who deal with trade in cultural property and their associations, where they exist, to encourage the effective implementation of the International Code of Ethics for Dealers in Cultural Property, endorsed by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 16 November 1999,<sup>27</sup> which is currently under revision, the International Council of Museums Code of Ethics for Museums and other existing codes;

38. *Welcomes* the recently launched partnerships between the United Nations Educational, Scientific and Cultural Organization and cultural institutions, encompassing several lines of action aimed at combating illicit trafficking in cultural property, in order to implement awareness-raising activities for the general public, close collaboration and information exchange and cooperation on training and capacity-building initiatives, and encourages the development of further partnerships;

39. *Highlights* the importance of the continued efforts of the United Nations Educational, Scientific and Cultural Organization to strengthen discussions with art market professionals in order to improve existing codes of ethics, professional practices and trade, raise awareness and provide education in areas such as provenance investigations, due diligence exercises, return or restitution procedures,

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<sup>25</sup> A/67/219, annex I, recommendation No. 4.

<sup>26</sup> United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-ninth Session, Paris, 30 October–14 November 2017*, vol. 1, *Resolutions*, sect. IV, resolution 34.

<sup>27</sup> See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirtieth Session, Paris, 26 October–17 November 1999*, vol. 1 and corrigendum, *Resolutions*, sect. IV, resolution 27.

the use of practical tools and appropriate knowledge of the international legal framework;

40. *Recognizes* the importance of the International Fund for the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, launched in November 2000, and invites Member States to increase further their voluntary contributions to the Fund in order to enhance its efficiency, and to make use of it, as appropriate;

41. *Takes note* of the efforts of the United Nations Educational, Scientific and Cultural Organization to support Member States, in particular in Africa, in the fight against illicit trafficking in cultural property and in facilitating the return and restitution of cultural property under the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation;

42. *Invites*, in this regard, the United Nations Educational, Scientific and Cultural Organization to enhance its cooperation with the African Union, and inform accordingly on the follow-up of the upcoming regional dialogue in Africa on the new forms of agreements and cooperation in the field of return and restitution of cultural property in Africa;

43. *Takes note* of the Heritage Emergency Fund of the United Nations Educational, Scientific and Cultural Organization and the international fund for the protection of endangered cultural heritage in armed conflict, as announced in Abu Dhabi on 3 December 2016, and other initiatives in this regard, and encourages Member States to provide financial contributions to support preventive and emergency operations, including, as appropriate, through documentation and consolidation of their cultural property in a network of “safe havens” in their own territories to protect their property, fight against illicit trafficking in cultural property and undertake all appropriate efforts for the recovery of cultural heritage, in the spirit of the principles of the United Nations Educational, Scientific and Cultural Organization conventions;

44. *Recognizes* the importance of cooperation among States in the fight against illicit trafficking in cultural property, as well as its illegal removal from the countries of origin, through, inter alia, the conclusion of bilateral agreements and mutual legal assistance, including the prosecution of persons involved in such activities and extradition, in accordance with the laws of cooperating States and under applicable international law;

45. *Requests* the Secretary-General to cooperate with the United Nations Educational, Scientific and Cultural Organization in its efforts to bring about the attainment of the objectives of the present resolution;

46. *Also requests* the Secretary-General, in cooperation with the Director General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its eighty-second session a report on the implementation of the present resolution;

47. *Decides* to include in the provisional agenda of its eighty-second session the item entitled “Return or restitution of cultural property to the countries of origin”.