



## **Resolution on Legal and Legislative Cooperation in Combating the Smuggling of Cultural Items in Asia**

APA/ Res/2018/13  
2 December 2018

*We, the Members of the Asian Parliamentary Assembly,*

**Recalling** APA/Resolution/2013/05 of 9 December 2013 on Protecting and Respecting Cultural Diversity in Asia;

**Expressing** support for the United Nations Security Council Resolution 2199 prohibiting the smuggling of cultural items by terrorist groups, including from Iraq and Syria;

**Welcoming** the important and active role that the UN, Financial Action Task Force (FATF) and FATF-style regional bodies play in countering money laundering and terrorist financing linked to trade in smuggled artifacts, in particular, in Asia;

**Expressing** deep concern about the growing problem of smuggling of cultural items in Asia;

**Affirming** the important role of parliaments prevailing upon the governments to develop a national strategy including a legal framework to combat smuggling of cultural items;

**Considering** the smuggling of cultural objects from Asia a threat to the richness of Asian cultural heritage

**Recognizing** the role of parliaments to enhance public awareness about the threat to national identity and heritage of states from which cultural items are smuggled abroad;

**Recognizing** also the need to enhance national capacities, including parliamentary capacity to reinforce national strategy to combat smuggling of cultural items;

1. **Urge** all APA Member Parliaments to utilize their legislative role to prevent and punish the smuggling of cultural objects in Asia and facilitate concerted efforts to return the stolen items back to their original locations without any cost to the original owner country;
2. **Call on** all APA member parliaments that have not yet done so to consider ratifying the International Convention for the Safeguarding of the Intangible Cultural Heritage; Convention Concerning the Protection of the World's Cultural and Natural Heritage, and Convention for the Safeguarding of the Intangible Cultural Heritage;
3. **Request** all APA Member Parliaments to consider and contribute to passing of a common legislation on protecting and safeguarding cultural objects and combating all forms and aspects of trafficking cultural property and related offences to be

enacted on the basis of the principles prepared by APA Secretariat and annexed to this resolution, and in accordance with their own internal legislative procedures;

4. **Recommend** the formation of a separate Corps Unit from APA Member Parliaments to protect and safeguard historical cultural properties from the perils of unlawful excavations, theft and smuggling ;
5. **Suggest** establishment and strengthening of a proper system of management to protect immovable cultural heritage from theft and smuggling of cultural properties. There should be one or two specific Courts for all APA member Parliaments, to deal with such cases for early disposal;
6. **Request** the Secretary-general to follow up preparation of a common legislation on combating the smuggling of cultural item in Asia by APA Member Parliaments

## **Annex**

### **Principles for Drafting Common Legislation by Asian Parliaments Concerning the Smuggling of Cultural Items**

1. Lawful exchange of cultural and historical properties enriches cultural and social existence of nations; strengthens mutual respect and leads to amity and friendship among them;
2. Movable cultural heritage of every nation is considered as fundamental elements of culture and civilization of that nation, and an integral part of regional and human culture and civilization and thus necessitates regional cooperation to fight theft and smuggling of cultural property.
3. Protection and safeguarding of historical cultural properties from the perils of unlawful excavations, theft and smuggling, is inter alia the duty of the governments.
4. Clandestine excavations in archeological sites, theft, illicit import and export of cultural property constitutes as one of the main reasons for the cultural impoverishment of the countries of the origin of these objects.
5. Establishment and strengthening of a proper system of management to protect immovable cultural heritage and reinforce coordination and cooperation among concerned institutions for combating theft and smuggling of cultural property.
6. Documentation, preparation and completion of an inventory of national cultural property.
7. Proper supervision over archeological excavations, standardization of the means to protect cultural items at the site of discovery.
8. Taking educational steps to enhance public awareness on the necessity of protecting cultural objects.
9. Encouraging and developing the educational, scientific and technical institutions required for protecting cultural items, expanding museums, supporting cooperation and exchanging cultural objects among museums in Asian countries.
10. Issuing special permit for those cultural objects the export of which is authorized; and thwarting illicit import and export of cultural property with no permit, and return thereof to the country of origin.

11. Promoting international cooperation to combat smuggling of cultural items with the countries of origin on return of cultural property as well as extradition of those charged with theft and smuggling of cultural property.
12. Stress on the inalienable right of every country concerning classification and declaring as non-transferable certain cultural property and preventing entry into the national territory of those items.