



---

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

---

*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;

**Recalling** the relevant provisions where applicable on the protection of cultural heritage including the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its related protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the *Convention concerning the Protection of the World Cultural and Natural Heritage* (1972), the New Delhi UNESCO Recommendation of 1956 concerning excavations undertaken in occupied territories, the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982) and related recommendations, resolutions and decisions of UNESCO, (UNESCO, the World Heritage Committee, Decision: 42 COM 7A.21, Old City of Jerusalem and its Walls (site proposed by Jordan, C 148 rev);

**Underlining** the obligation for all States Parties to urgently implement the provisions in paragraphs 15 to 17 of the United Nations Security Council Resolution 2199 (2015), in reference to the cultural heritage at risk in Iraq and Syria;

**Taking into account** the United Nations Security Council Resolution 2347 (2017) which aims at mainstreaming the protection of cultural heritage at the global level;

**Recalling** the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and its Protocols of 14 May 1954 and 26 March 1999, and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970;

**Recalling** the United Nations General Assembly resolution 66/180 of 19 December 2011 on “Strengthening Crime Prevention and Criminal Justice Responses to Protect Cultural Property, especially with regard to its Trafficking”, in which the Assembly urged Member States and relevant institutions, as appropriate, to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of cultural property, and to facilitate the recovery and return of stolen and looted cultural property, and recalling also General Assembly resolutions

68/186 of 18 December 2013 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking 69/196 of 18 December 2014, entitled “International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences ,” and 70/76 of 9 December 2015 on return or restitution of cultural property to the countries of origin;

**Welcoming** the important and active role that the UN and its relevant agencies 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 property 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; *We therefore,*

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 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972), UNESCO Convention on the Protection of the Underwater Cultural Heritage-2001 and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003);
3. **Request** all APA Member Parliaments to strengthen their national legislation on protecting cultural properties and combatting all forms of smuggling in cultural property and related offences to be enacted on the basis of the common 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. **Express** support for the further strengthening of the system of management to protect movable cultural heritage from theft and smuggling of cultural properties;
6. **Urge** APA member parliament and national government to work more closely in the development of legislations and implementation of laws aiming at the combat of cross-border illicit trade and smuggling of cultural artifacts and other cultural assets, while also ensuring mutual support and assistance by law-enforcement bodies in the combat operations;
7. **Request** the Secretary General to provide assistance to APA Member States who are in need of revising their legislation. A separate Corps Unit should be formed from Group of all APA Member Parliaments to protect and safeguard historical cultural properties from the perils of clandestine excavation, theft and smuggling;
8. **Urge** all Member Parliaments to exercise efforts to jointly register their shared tangible and intangible cultural heritages at UNESCO's relevant list.