



STATEMENT OF THE GROUP OF 77 AND CHINA ON THE OCCASION OF THE SECOND SESSION OF THE EXPERT GROUP ON PROTECTION AGAINST TRAFFICKING IN CULTURAL PROPERTY. 27 - 29 JUNE 2012, DELIVERED BY MS. JULIA VILLATORO, PERMANENT MISSION OF EL SALVADOR ON BEHALF OF H.E. AMBASSADOR ANTONIO GARCÍA, PERMANENT REPRESENTATIVE OF PERU

Vienna, 27 June 2012

Mr. Chairman,

1. I have the honour to speak on behalf of the Group of 77 and China. The Group is pleased to see you chairing this session. I assure you the full support of the Group in the task ahead.

2. We also extend our thanks to the Secretariat for the preparation of the documents available and the organization of the meeting.

Mr. Chairman,

3. The Group highly welcomes the convening of this expert group meeting, emphasizing the importance for States of protecting and preserving their cultural heritage. Therefore, the Group supports all efforts addressed to prevent, combat and criminalize all aspects of trafficking in cultural property, including the transfer of cultural property which was illegally removed from its countries of origin.

4. The Group expresses its strong support to General Assembly resolution 66/180 and resolutions 2010/19 and 2011/42 of the Economic and Social Council (ECOSOC), as well as resolution 5/7, entitled "Combating transnational organized crime against cultural property", adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC) at its fifth session. These resolutions are helpful points of departure for our discussions and deliberations.

5. In this context, we are confident that within its mandate, this expert group can act upon these illicit activities and submit to the Commission on Crime Prevention and Criminal Justice (CCPCJ) practical proposals for implementing the recommendations made in 2009, with due attention to aspects of criminalization and international cooperation. The Group continues to hold the view that the Commission shall play an indispensable role in formulating a robust crime prevention and criminal justice response to all aspects of trafficking in cultural property.

6. The Group urges Member States to use the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property in addressing the issue, and invites them to continue submitting their written comments. Moreover, the Group recommends considering appropriate improvements to the model treaty in order to make it more consistent with the letter and the spirit of above mentioned resolutions, with a view to developing appropriate instruments that enable Member States for preventing, combating and punishing all aspects of offences against cultural heritage.

7. The Group expresses its grave concern for different aspects of crimes against cultural heritage including unlawful excavations, involvement of transnational organized criminal group in trafficking in cultural property, impunity of its perpetrators, use of new evolving means like auctions and internet displays, and illicit acquisition of cultural property in the market.

8. In this regard, the Group urges Member States to consider, among other effective measures within the framework of their national legislation, criminalizing activities related to all forms and aspects of trafficking

in cultural property and related offences by using a broad definition that can be applied to all stolen, looted, unlawfully excavated and illicitly exported or imported cultural property, and invites them to make trafficking in cultural property, including stealing and looting at archaeological and other cultural sites, a serious crime, as defined in article 2 of the United Nations Convention against Transnational Organized Crime, 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.

9. Furthermore, the Group would like to call upon Member States to regulate and implement monitoring programs for the market of cultural property especially in auctions, as well as promoting the criteria of due diligence while acquiring a cultural property.

10. The Group would like to commend to the Informal Expert Group and UNODC for finalizing specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property. It constitutes a useful tool for prevention, prosecution, and punishing of offences against cultural heritage as well as for international cooperation, mutual legal assistance and identification of technical assistance needs.

11. Finally our Group encourages all participants to do their best, recalling the significance of cultural property, which is indeed, an essential element of the common heritage of mankind, as well as a unique and important testimony of the culture and identity our nations.

12. Let's start our work!

Thank you, Mr. Chairman.