

Acknowledgements

This practical assistance tool was prepared pursuant to General Assembly resolution 69/196, on the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences. Its preparation was coordinated by the Conference Support Section, Organized Crime Branch, Division for Treaty Affairs, United Nations Office on Drugs and Crime (UNODC) and facilitated by an extrabudgetary contribution from Italy.

The practical assistance tool is based largely on input from Member States. The technical background document developed for the elaboration of the Guidelines was prepared by Stefano Manacorda (consultant), and the practical assistance tool was finalized by Marc Balcells (consultant). Valuable contributions were provided by UNODC staff members Tania Bañuelos, Citlalin Castañeda, Celso Coracini, Nodirjon Ibragimov, Xiaohong Li and Catherine Muganga, and by interns Timur Tusiray and Anna Lunghi. The tool also benefited from comments offered by UNODC partner agencies, including the United Nations Educational, Scientific and Cultural Organization, the World Customs Organization, the International Institute for the Unification of Private Law and the International Criminal Police Organization.



Preface

This practical assistance tool, sponsored by Italy, is aimed at promoting the implementation of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, approved by the Commission on Crime Prevention and Criminal Justice in Vienna in 2014 and adopted by the General Assembly in its resolution 69/196, of 18 December 2014.

Cultural heritage is a unique testimony to the identity of peoples and humankind. Its protection is an imperative for humanity.

Trafficking in cultural property deprives peoples of fundamental elements of their identity and of valuable resources for their sustainable development, dispossessing them of their past and thus prejudicing their future. Developing countries are among the countries most affected by this form of organized crime. Hence, it is particularly significant that the fight against all forms of organized crime and the protection of cultural heritage were included in the 2030 Agenda for Sustainable Development.

The inestimable value of cultural property makes it a potential source of profit for criminal organizations. Cultural property is also increasingly exposed to the threat of certain terrorist groups, which use it to finance their criminal activities or destroy it because it represents values that challenge their criminal ideologies. The General Assembly and the Economic and Social Council have repeatedly called upon Member States to counter in a more effective manner this type of “emerging crime”. The preparation of the International Guidelines has therefore been encouraged by the Commission on Crime Prevention and Criminal Justice and by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. The Palermo Convention indeed offers many useful tools for this purpose, as one of the most advanced international legal instruments with an almost universal level of ratification.

The Guidelines are a comprehensive corpus for the protection of cultural property from a crime prevention and criminal justice perspective. They certainly contribute to filling a gap in the international legal system, as they provide the international community with a comprehensive instrument against offences related to cultural property.

Since they should be applied “in any situations, including exceptional circumstances” (Guideline 48), the Guidelines are a very useful tool against a wide range of criminal activities, including the heinous destruction of and illegal trade in cultural property by terrorist groups, which has been recognized by the Security Council as an increasing threat.

The long-standing commitment of Italy to the fight against transnational organized crime and the protection of cultural heritage has led our country to contribute to the drafting of the Guidelines and to strongly support their adoption, in close cooperation with all Member States, and to finance the preparation of the present practical assistance tool.

Over the years, Italian cooperation has actively promoted the protection of cultural heritage, in partnership with relevant international entities, including through training and capacity-building programmes, the restoration of architectural and artistic heritage, urban renewal, studies and research. In this context, in 2011 Italian cooperation financed the preparation of the first draft Guidelines by the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme.

In this context, Italy also contributed to the establishment of a subgroup of the Counter-ISIL Finance Group on the looting of antiquities and cultural property, which we currently chair.

We are also pleased to recall the role of the Command for the Protection of Cultural Property of the Arma dei Carabinieri. In 1969, Italy was the first country to establish such a specialized law enforcement body, a crucial instrument for the effective protection of cultural heritage, as indicated under Guideline 29. The Command will also form the basis of the Task Force Unite4Heritage, under the coordination of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

In implementing the Guidelines at the national level, Member States should accordingly review their domestic legislation. Moreover, the need to bring closer—or even to harmonize—national legislation has been widely recognized as a priority for the protection of cultural heritage, with the possible ultimate goal of developing a *lex culturalis*, which could fully take into account the unique character of this subject.

The effective implementation of the Guidelines will require the highest degree of synergy between the United Nations Office on Drugs and Crime and other relevant international organizations, such as UNESCO, the International Criminal Police Organization, the International Institute for the Unification of Private Law, the World Customs Organization, the International Council of Museums and the International Centre for the Study of the Preservation and Restoration of Cultural Property. The active engagement of the private sector and civil society will also be crucial in the implementation of the Guidelines.

The adoption of the Guidelines demonstrates the evolving and growing awareness within the international community of the need to increase international cooperation in this field. We hope that all Member States will guarantee the highest consideration to each Guideline and to the spirit that inspired their adoption and the development of this practical assistance tool.

Italy is ready to share its experience with all partners. Our joint efforts will thus contribute to the effective protection of cultural heritage from organized crime and terrorism, in defence of all peoples, their history and their identity.



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