



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

Resolution 201517

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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;

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

Affirming the important role of parliaments 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;

Urge all APA Member Parliaments to utilize their legislative powers 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;

Call on all APA member parliaments that have not yet done so to consider ratifying the International Convention for the Safeguarding of World Natural and Cultural Heritage, and the International Convention for the Safeguarding of the Intangible Cultural Heritage;

Decide to hold the meeting of the open-ended working group established by APA Resolution, (APA/Res/2013/05 of 9 December 2013), concurrent with the meeting of the Standing Committee on Social and Cultural Affairs, in 2016 to further consider the subject with a view to developing a model legislation on combating smuggling of cultural items on the basis of the principles prepared by the APA Secretariat and annexed to this resolution and in conformity with national legislative procedures of the Member Parliaments;

Request the Secretary-General to follow up preparation of a common legislation on combating the smuggling of cultural items in Asia by APA member Parliaments and submit a report thereon to the next meeting of the Standing Committee on Social and Cultural Affairs.

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 properties.
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 properties 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 properties.
6. Documentation, preparation and completion of an inventory of national cultural properties.
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 items with no permit, and restitution thereof to the country of origin.
11. Promoting international cooperation to combat smuggling of cultural items with the countries of origin on restitution of cultural properties as well as extradition of those charged with theft and smuggling of cultural items.
12. Stress on the inalienable right of every country concerning classification and declaring as non-transferable certain cultural properties and preventing entry into the national territory of those items.

