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EXAMINATION OF THE NEW REPORT BY MEMBER STATES AND OTHER STATES PARTIES ON MEASURES TAKEN IN APPLICATION OF THE CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY (1970)

OUTLINE

Source: 32 C/Resolution 38 and 177 EX/Decision 38.

Background: At its 32nd session, in 2003, the General Conference, after having examined the reports of States on the action taken by them to implement the 1970 UNESCO Convention, adopted 32 C/Resolution 38 in which it invited "Member States and other States Parties to the 1970 Convention to submit for examination to the General Conference at its 34th session a new report on the measures taken by them in application of the Convention", after their examination by the Executive Board.

Purpose: Pursuant to 177 EX/Decision 38, the present document contains a draft resolution which recommends that the General Conference invite Member States and the Director-General to strengthen regional and international cooperation to combat trafficking in cultural property and that the General Conference also invite the Director-General to study arrangements for the examination of States Members' reports that are complementary to existing procedures.

Decision required: paragraph 4.

1. At its 177th session, the Executive Board examined item 38 presenting a summary of the reports submitted to the Secretariat by the States Parties to the 1970 Convention and other Member States on measures taken to implement the Convention.

2. Document 177 EX/38 was submitted in application of 32 C/Resolution 38 in which the General Conference invited “Member States and other States Parties to the 1970 Convention to submit for examination to the General Conference at its 34th session a new report on the measures taken by them in application of the Convention, after their examination by the Executive Board”. It was also submitted in accordance with Article 16 of the 1970 Convention requesting that States Parties, in periodic reports submitted to the General Conference of UNESCO, provide information on “the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field”. In addition, it set out the general framework for the new report by Member States and other States Parties and presented, in its annexes, the methodology proposed in order to facilitate the preparation of the national reports, and summaries of the reports received.

3. During the discussion on this item at the 177th session, it was recalled that the reports on the implementation of the 1970 Convention were a means of providing information to and exchanging good practices among States but that in the light of the debates, in particular in the context of the Committee on Conventions and Recommendations, further thought might be given to the establishment of additional arrangements for examining reports as well as to the preparation of more detailed questionnaires and a new methodological framework.

Draft resolution

4. In the light of the foregoing, the General Conference may wish to consider the following draft resolution:

The General Conference,

Having examined the reports by Member States and other States Parties to the 1970 Convention on measures taken by them to implement the Convention, and the information provided by the States Parties on measures taken to protect cultural property and monitor its illicit import, export and transfer of ownership,

Stressing the importance of transmitting to UNESCO precise information on the measures taken by States to protect cultural property on their territory, particularly in regard to the successes, failures and obstacles encountered in implementing the Convention, and on any requests for assistance that they might make in that respect,

Considering in particular the obstacles and progress mentioned by States in regard to action to combat the growing traffic in cultural property on the Internet,

Aware of the very great usefulness of these national reports to the Director-General and of the additional activities that he has undertaken since the 32nd session in regard to the protection of cultural property,

Noting with satisfaction the growing number of States Parties to the 1970 Convention and noting the intentions of those that plan to become Parties and thus strengthen the effective scope of this international instrument,

1. *Calls on* all States that are not yet Parties to it to consider acceding to the 1970 Convention;
2. *Recommends* that States consider acceding to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995), which complements the UNESCO Convention;
3. *Encourages* States to take cognizance of and apply without delay the Basic Actions concerning Cultural Objects being offered for Sale over the Internet, drawn up jointly by UNESCO, Interpol and the International Council of Museums (ICOM);

4. *Invites* States and the Director-General to pursue activities aimed at strengthening regional and international cooperation, in particular through the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation;
5. *Also invites* the Director-General to assist States, at their request, in their efforts to implement the 1970 Convention and to prepare reports on such implementation, or on the means of becoming Parties thereto, and to propose other arrangements for the examination of the reports submitted by States that are complementary to existing procedures.