



## General Conference

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United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

Organización  
de las Naciones Unidas  
para la Educación,  
la Ciencia y la Cultura

Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

## Legal Committee

# leg

38 C/LEG/4  
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## DRAFT FOURTH REPORT

Item 7.3 of the agenda (document 38 C/29)

### **SUMMARY OF THE REPORTS ON THE MEASURES TAKEN FOR THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

1. The Legal Committee considered the summary of the reports received from Member States on the measures taken to implement the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.
2. The Committee took note of the report. It also took note of the additional information provided by the representative of the Director-General.
3. A Member of the Committee wondered why the Legal Committee was still being called upon to examine the monitoring of the 1970 Convention when, in 2012, States Parties to the 1970 Convention had set up a Subsidiary Committee composed of the representatives of 18 States Parties that was responsible for examining the periodic reports to be presented to the General Conference under Article 16 of the 1970 Convention.
4. The Legal Committee here pointed out that it had been called upon to examine this item, included in the agenda of the present session of the General Conference further to 36 C/Resolution 102, under Rule 37.2 of the Rules of Procedure of the General Conference, which provided that the Legal Committee should consider the reports on the conventions and recommendations, whether or not the conventions had established specific institutional monitoring mechanisms.
5. The Committee adopted formal amendments to the text of the draft resolution contained in paragraph 7 of document 38 C/29 which should read as follows:

*The General Conference,*

*Recalling* 36 C/Resolution 102,

*Having examined* document 38 C/29,

*Recalling* that the submission by Member States of periodic reports on the implementation of recommendations adopted by the General Conference is an obligation under Article VIII of UNESCO's Constitution and Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution,

*Taking note* of the new follow-up mechanism of the 1970 Convention established in 2012 pursuant to discussions at the celebration of the 40th anniversary of the 1970 Convention and to Executive Board decision 187 EX/Decision 43, based on biennial sessions of a Meeting of the States Parties and annual meetings of a Subsidiary Committee,

*Also taking note* of the fact that periodic reports by States on the implementation of the Convention shall henceforth be examined by the Subsidiary Committee of the Meeting of the States Parties,

*Further taking note* of the reports of the States Parties to the 1970 Convention on the measures taken by them for the implementation of the Convention, as well as the information provided by those States on the measures taken to protect, and to control the illicit import, export and transfer of ownership of, cultural property,

*Stressing* the importance of transmitting to UNESCO as precise information as possible 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, as well as on any requests for assistance that they might make in that respect,

*Aware* of the extreme usefulness of national reports to the Secretariat and the additional activities undertaken since the 36th session of the General Conference with respect to the protection of cultural property,

*Taking note* of decision 3.SC/6 of the Subsidiary Committee of the Meeting of the States Parties (30 September 2015) to consider the review of the process relating to periodic national reports, focusing in particular on the format, the use and analysis of data, the efficacy of the exercise and synergies with other UNESCO cultural conventions based, inter alia, on the recommendations set out in the final report of the Internal Oversight Service on the evaluation of the implementation of the 1970 UNESCO Convention,

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

*Deeply regretting* the serious, unprecedented, damage done to cultural heritage, particularly in the Middle East,

1. *Calls on* all Member States that are not yet Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property to accede to it at the earliest opportunity so as to enable it to become universal;

2. *Urges* Member States to become Parties to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which usefully complements the 1970 UNESCO Convention system in regard to return and restitution;
3. *Reminds* States Parties of their obligations under the 1970 Convention in respect of its effective implementation and, in particular, their reporting obligations under Article 16 and the obligations set out in Article VIII of the Constitution;
4. *Also urges* Member States and the Director-General to continue activities aimed at strengthening regional and international cooperation, in particular through greater recourse to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation as an international mechanism designed to facilitate the restitution of stolen or illicitly exported cultural property;
5. *Requests* the Director-General to support Member States in their efforts to compile reports on the implementation of the 1970 Convention or on the means of becoming Parties to the Convention;
6. *Also requests* the Director-General to transmit to it, at its 40th session, the next report on the measures taken by States Parties for the implementation of the 1970 Convention, after prior examination by the Subsidiary Committee of the Meeting of the States Parties.