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Организация  
Объединенных Наций по  
вопросам образования,  
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منظمة الأمم المتحدة  
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联合国教育、  
科学及文化组织

## Chairperson of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention

H. E Stakey Mutumba Simataa  
President of the General Conference  
Chairperson of the Open Ended Working  
Group on Governance, procedures and  
working methods of the governing bodies  
of UNESCO

20 January 2017

Ref.: CLT/HER/MHM/17/136

Dear Mr President,

Allow me to refer to your letters of 6 April and 17 October 2016 last regarding the follow-up to the requirements set by the General Conference in its **38C/Resolution 101** concerning governance, procedures and working methods of the governing bodies of UNESCO.

In this regard, I am pleased to inform you that, as recommended by this Resolution, an item on governance was inscribed on the agenda of the Fourth Session of the Subsidiary Committee to the 1970 Convention, which took place from 26 to 28 September 2016 in UNESCO's Headquarters. The item reflected on the follow-up of the Recommendations by the External Auditor and described the measures undertaken by Subsidiary Committee to improve their governance. In this regard, I am pleased to inform you in this letter about the result of the discussions.

It is worth noting that the Executive Board, in its 197th session, recommended the Director General to start the implementation of Recommendations 1, 11 and 13 of the External Auditor's report; this recommendation was endorsed by the General Conference through Resolution 38 C/101. During the abovementioned session of the Subsidiary Committee, several Member States raised the issue on whether the Committee should report exclusively on the implementation of the abovementioned Recommendations. Moreover, it was mentioned that the use of teleconference should be limited to non-official meetings and that working documents of meetings should be circulated in advance in order to make it possible for Member States to discuss the document prior to the meetings. The importance of informal working groups was also highlighted.

I also took good note of the wish of the Working Group on governance to receive a summary of main factual information on intergovernmental programmes, committees and organs to allow Member States to hold effective deliberations on their governance.

In this regard, I am pleased to transmit to you herewith the fact sheet containing the requested main factual information on the two governing bodies of the 1970 Convention (Meeting of States Parties and Subsidiary Committee to the Meeting of States Parties).

You will find also attached Decision 4SC.11 adopted by the Committee on this matter, as well as document C70/16/4.SC/11 on governance which was presented to Subsidiary Committee to the Meeting of States Parties in its forth session. As you will see from the decisions attached, the Subsidiary Committee appreciated the efforts and steps already undertaken with a view to improve and streamline the working methods of the Governing Bodies of the 1970 Convention in line with General Conference Resolution 38 C/101.

Please accept, dear Mr President, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'M. Vlazaki', with a large, stylized flourish at the end.

Ms Maria Vlazaki  
Chairperson of the Subsidiary Committee  
of the Meeting of States Parties to the  
1970 Convention  
Bouboulinas 20-22  
10682 Athens  
Greece

## FACT SHEET

### QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

#### 1. Committee/Institute/Convention/Commission/Programme

There are 2 Governing Bodies established under the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: **(1) Meeting of States Parties (2) Subsidiary Committee of the Meeting of States Parties.**

##### a. Mandate and objectives

##### **Meeting of States Parties:**

- The Meeting of States Parties to the 1970 Convention is the main governing body of the Convention. It provides strategic orientations for the implementation of the Convention and takes all measures it deems necessary for the promotion of its objectives. It also elects the members of the Subsidiary Committee.

##### **Subsidiary Committee:**

- To promote the purposes of the Convention, as set forth in the Convention;
- To review national reports presented to the General Conference by the States Parties to the Convention;
- To exchange good practices, prepare and submit to the Meeting of the States Parties recommendations and guidelines that may contribute to the implementation of the Convention;
- To identify problem areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property;
- To initiate and maintain co-ordination with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation in relation to capacity building measures combating illicit traffic in cultural property;
- To report to the Meeting of States Parties on the activities it has carried out;

##### b. Do you have specific goals for the work foreseen in the current biennium?

The key outputs of the programme for the current biennium are increasing the level of ratifications 1) supporting the governing bodies of the 1970 Convention through the organization and follow-up of statutory meetings 2) strengthening of institutional and technical capacities of UNESCO's Member States through the organization and follow-up of capacity-building activities and creating legal and practical tools 3) providing direct assistance and expertise to Member States and 4) raising the awareness of the general public, youth, tourists and the art market.

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### QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

Furthermore, according to Decision 3.SC 7 paragraph 9, priority areas for this biennium focus on online sales of illicitly trafficked cultural property, including the establishment of standard and simplified procedures for search, seizure, confiscation orders and restitution orders of such property and the trafficking in documentary heritage.

c. Number of members and length of mandate periods for members.

**Meeting of States Parties:** The participants consist of the representatives of the State parties to the 1970 Convention, **131 Member States** as of January 2017 (non States Parties are observers)

**Subsidiary Committee:** The Subsidiary Committee consists of **18 States Parties** to the 1970 Convention. Members of the Committee shall be elected for a term of four years. Every two years, the Meeting of States Parties shall renew half of the members of the Committee. A member to the Committee can not be elected for two consecutive terms (non-Committee Members are observers)

d. Are the members organized by electoral groups?

**Meeting of States Parties:** Composed of representatives of States Parties to the 1970 Convention

**Subsidiary Committee:** In accordance with Rule 14.4 of the Meeting of States Parties "the committee shall be composed by representatives of 18 States parties, 3 by regional group, elected by the Meeting of States Parties."

e. Intergovernmental or personal capacity/expert capacity of members (intergovernmental)

**Meeting of States Parties:** Intergovernmental capacity

**Subsidiary Committee:** Intergovernmental capacity

f. Have chairperson or/and Members States received introduction to the work and working methods?

**Meeting of States Parties:** Briefings are organized by the Secretariat for the Chairperson and Rapporteur regularly before the sessions and on a daily basis during the sessions. Constant follow-up is ensured by emails and meetings with the Chair.

**Subsidiary Committee:** Briefings to the work are organized by the Secretariat for the Chairperson and Rapporteur regularly before the session and on a daily basis during the sessions. Constant follow-up is ensured by emails and meetings with the Chairperson.

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### QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

g. Are Observers authorized to participate and/or take the floor?

**Meeting of States Parties:** The representatives of Member States of UNESCO not parties to the Convention, Associate Members and of permanent observer missions to UNESCO may participate in the work of the Meeting of States Parties as observers. Also, representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations that have concluded mutual representation agreements with UNESCO, as well as observers of intergovernmental and international nongovernmental organizations invited by the Director-General, may participate in the work of the Meeting of States Parties, without the right to vote.

**Subsidiary Committee:** States Parties to the Convention which are not Members of the Committee may participate in its sessions as observers without the right to vote. States not party to the Convention that are Member States of UNESCO, Associate Members and permanent observer missions to UNESCO may participate in the work of the Committee as observers without the right to vote, Representatives of the United Nations, organizations of the United Nations system and other intergovernmental organizations with which UNESCO has concluded mutual representation agreements may participate in the work of the Committee as observers without the right to vote, Intergovernmental organizations other than those referred to above, non-governmental organizations, public and private organizations as well as individuals, having interests and activities in the field covered by the Convention may be authorized by the Committee, under procedures determined by the Committee, to participate in its work, at several sessions, at a single session or at a specific meeting of a session, as observers without the right to vote.

h. Meeting frequency and length

**Meeting of States Parties:** The meeting of States Parties is convened every two years; an extraordinary meeting was convened on the 1 and 2 of July 2013 pursuant to the adoption of 190Ex/Decision 43 by the UNESCO Executive Board. The next session is planned from 15 to 16 May 2017.

**Subsidiary Committee:** The Committee meets once a year in an ordinary session. The Committee can meet in an extraordinary session whenever it is deemed necessary (2 to 3 days). The next session is planned from 17 to 19 May 2017.

i. How many languages are interpreted during the meetings?

**Meeting of States Parties:** Meeting interpreted in 6 languages (French, English, Spanish, Arabic, Chinese and Russian)

**Subsidiary Committee:** Two Languages (English and French)

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QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

j. Where do the meetings take place?

**Meeting of States Parties:** Place to be determined, usual practice UNESCO Headquarters.

**Subsidiary Committee:** Place to be determined, usual practice UNESCO Headquarters.

k. Overall budget, including corresponding funding sources broken down as follows:

	RP (including additional appropriations)	Other sources
<b>Organizing meetings</b>	178 390	
<b>Operational activities</b>	94 562	
<b>UNESCO staff (approximate budget in lump sum)(approximate budget in lump sum) (figures related to former CHP staff working on governance)</b>	326 930	

2. **Bureau (if any)**

a. Number of members, mandate period, number of times for possible re-election

**Meeting of States Parties:** The bureau is composed of 6 members (Chairperson, one or more Vice-Chairperson(s) and a Rapporteur) who are elected at the start of every meeting and remain in place until the beginning of the next meeting. Usual practice: each member from a different regional group.

**Subsidiary Committee:** The Committee, at the beginning of each ordinary session, shall elect, from among those Committee Members whose term of office continues until the beginning of the next ordinary session, a Chairperson, four Vice-Chairpersons and a Rapporteur, in conformity with the principle of equitable geographical representation. The Bureau shall be eligible for immediate re-election for one additional term of office. Usual practice: each member form a different regional group.

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b. Intergovernmental or personal capacity/expert capacity?

**Meeting of States Parties:** Chairperson and rapporteur in personal capacity – vice persons elected in intergovernmental capacity.

**Subsidiary Committee:** Chairperson and rapporteur in personal capacity – vice persons elected in intergovernmental capacity.

c. Meetings frequency and length?

**Meeting of States Parties:** The elected officers, convened by its Chairperson, shall meet as frequently as it deems necessary. The Bureau may, if the Chairperson deems it appropriate, be consulted by correspondence, including electronic consultation.

**Subsidiary Committee:** The Bureau, convened by its Chairperson, shall meet as frequently as it deems necessary. The Bureau may, if the Chairperson deems it appropriate, be consulted by correspondence, including electronic consultation.

d. Are observers allowed to participate and/or speak?

**Meeting of States Parties:** N/A

**Subsidiary Committee:** The bureau meeting is open to State Members of the Committee and State Parties to the 1970 Convention as observers. Observers may address the Bureau only with prior consent of the Chairperson.

e. Interpretation during the meetings?

**Meeting of States Parties:** No

**Subsidiary Committee:** No

f. How many languages interpreted during the meetings?

**Meeting of States Parties:** No interpretation

**Subsidiary Committee:** No interpretation

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QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

g. Where do the meetings take place?

**Meeting of States Parties:** Not established, usual practice UNESCO Headquarters.

**Subsidiary Committee:** Not established, usual practice UNESCO Headquarters.

h. Are minutes of the meetings of the Bureau prepared? Are the minutes distributed and to whom?

**Meeting of States Parties:** N/A

**Subsidiary Committee:** N/A

### 3. Rules of procedure

a. Who adopts the rules of procedure?

**Meeting of States Parties:** The meeting shall adopt its own Rules of Procedure by a two-thirds majority of its Members.

**Subsidiary Committee:** The Committee shall adopt its Rules of Procedure by a decision taken in plenary meeting by a two-thirds majority of States Members of the Committee present and voting.

b. Preparation of meeting

i. Who decides agenda?

**Meeting of States Parties:** There is no specific rule addressing this issue. Usual practice: Secretariat in close cooperation with the Chair.

**Subsidiary Committee:** Provisional agenda prepared by the Bureau with the assistance of the 1970 Secretariat adopted in the beginning of the session.



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### QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

ii. When are documents sent out?

**Meeting of States Parties:** There is no specific rule determining a deadline for transmission of documents.

**Subsidiary Committee:** The documents relating to the items on the provisional agenda of each session of the Committee shall be distributed to Members of the Committee in the two working languages not later than four weeks before the beginning of the session. They shall be provided in electronic form to States Parties not Members of the Committee and to public or private organizations.

iii. Are they sent out in paper form?

The documents are published online both for the Meeting of States Parties and the Subsidiary Committee. Additional paper copies are available during the sessions.

iv. Can you opt out of receiving printed documents?

N/A

v. Who decides the timetable?

**Meeting of States Parties:** Provisional timetable set by 1970 Convention Secretariat, in consultation with the Chairperson and its Bureau.

**Subsidiary Committee:** Provisional timetable set by 1970 Secretariat in consultation with the Chairperson and its Bureau.

vi. Who convenes the meeting?

**Meeting of States Parties:** Convened by the Secretariat of the 1970 Convention.

**Subsidiary Committee:** Sessions of the Committee shall be convened by the Chairperson of the Committee in consultation with the Director-General.

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### QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

vii. Do you open up for video meetings?

N/A

viii. Can there be extraordinary sessions?

Yes

i. If yes: how?

**Meeting of States Parties:** An extraordinary meeting was conveyed on the 1 and 2 of July 2013 pursuant to the adoption of 190Ex/Decision 43 by the UNESCO Executive Board.

**Subsidiary Committee:** The Committee shall meet in extraordinary session whenever it deems necessary. Requests for an extraordinary session of the Committee may be submitted to the Secretariat of the Committee in writing at any time by: (1) any Member of the Committee, (2) any State Party to the 1970 Convention not represented on the Committee and (3) the Director-General of UNESCO. Requests for extraordinary sessions shall give details on the proposed urgent matters relevant to the Committee's responsibilities to be considered, and shall be communicated in writing by the Secretariat to the Members of the Committee. The requested extraordinary session shall be convened if the proposal is approved in writing by at least 10 Members of the Committee.

ix. Do you appoint sub groups or sub committees?

**Meeting of States Parties:** Yes, the Subsidiary Committee is a subcommittee of the Meeting of States Parties.

**Subsidiary Committee:** Yes, the Committee may establish such subsidiary bodies as it deems necessary for the conduct of its work within the limits of the technical facilities available.

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- i. If so for what duration and for which tasks?

**Subsidiary Committee:** see ix and 1a

- c. Decision-making

- i. Who prepare draft decisions?

**Meeting of State Parties:** Draft decisions are prepared by the Secretariat in the working documents. Amendments or new Draft Decisions may be proposed by States Parties at the meeting.

**Subsidiary Committee:** Draft decisions are prepared by the Secretariat, Committee Members may submit new draft decisions or amendments to the decision.

- ii. Until when can member states suggest new draft decision or amendments?

**Meeting of States Parties/ Subsidiary Committee:** Each decision shall be adopted at the end of the discussions of the agenda item. Draft decisions and amendments can be suggested until the adoption of the decision corresponding to the agenda item.

- iii. Are observers allowed to participate and/or speak?

Observers are allowed to participate and speak without a right to vote.

- iv. How are decisions adopted?

**Meeting of States Parties:** The meeting of States Parties decisions are taken by the majority of States present and voting.

**Subsidiary Committee:** The Committee shall adopt such decisions and recommendations as it may deem appropriate. The text of each decision shall be adopted by consensus at the end of the discussion of the agenda item. In case a vote is required, all decisions of the Committee shall be taken by a simple majority of the States Members of the Committee present and voting.

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**4. Relation to General Conference and Executive Board and to other intergovernmental organs**

- a. Do you formally submit proposals for the program and budget of UNESCO (C/5)?

Governing bodies as such are not submitting proposals for the C/5

a. If yes, how? N/A

- b. How do you follow-up the General Conference's resolutions?

Follow-up of General Conference's Resolutions is ensured in the framework of the implementation of the 1970 Convention through relevant items under discussion on the Agenda. For specific requests addressed by General Conference to the Meeting of States Parties or the Subsidiary Committee, follow-up is ensured through inscription of a specific item on the Agenda (e.g follow-up of 38C/Resolution 101).

- c. Do you give input to the Executive Board in your field of competence?

Regular inputs are provided to the Executive Board via contribution to working Documents and/or elements of answers/discussions during debates.

- d. Do you report on your activities to the General Conference and/or to the Executive Board more than once during each four year programme period?

**Meeting of States Parties:** No

**Subsidiary Committee:** No

- e. How do you follow-up the Executive Board decisions?

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### QUESTIONNAIRE TO BE FILLED OUT BY THE SECRETARIATS OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES

MSP and Subsidiary Committee: Follow-up of Executive Board decisions is ensured in the framework of the implementation of the 1970 Convention through relevant items under discussion on the Agenda. For requests by the EXB addressed specifically to the Meeting of States Parties and/or Committee, follow-up is ensured through inscription of a specific item on the Agenda.

f. Does a specific framework exist to collaborate with other international and intergovernmental bodies?

To ensure a more structured approach to cooperation between Cultural Conventions of UNESCO, and hence between intergovernmental bodies, a Cultural Conventions Liaison Group (CCLG) was established in 2012. Since then, this group discusses working methods of the Conventions, Culture and Development and the Conventions, as well as other matters concerning enhancing cooperation, coherence and synergies among Conventions. The main purpose is to identify opportunities for better synergy in common areas of cooperation. A considerable number of actions were taken by the Secretariats of the different Conventions to ensure a more effective implementation of the Conventions and to streamline processes and procedures. It is to be noted also that a common logistics unit (CCS) serves the meetings of the governing bodies of the various Culture Conventions.

Subsidiary Committee: one of the functions of the Subsidiary Committee is to “initiate and maintain co-ordination with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation in relation to capacity building measures combating illicit traffic in cultural property” (please refer to 1.a).

**5. Any others comments regarding the governance of international and intergovernmental bodies**

**6. Please provide the reference and if possible hyperlink to the relevant statutory documents, including General Conference Resolutions establishing the bodies and relevant Executive Board decisions**

- **Meeting of States Parties Rules of Procedure:**

[http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/1970 MSP Rules Procedure 2012 en.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/1970_MSP_Rules_Procedure_2012_en.pdf)

- **Subsidiary Committee Rules of Procedure:**

[http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Rules\\_of\\_Procedureenglishfinal.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Rules_of_Procedureenglishfinal.pdf)



C70/16/4.SC/11  
Paris, July 2016  
Original: English

Limited distribution

**Subsidiary Committee of the Meeting of States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO, Paris, 1970)**

**Fourth session  
Paris, UNESCO Headquarters, Room II  
26-28 September 2016**

**Item 11 of the provisional agenda:**

Follow-up to the Recommendations of the External Auditor's "Report on the governance of UNESCO and dependent funds, programmes and entities"

This Document is presented pursuant to 38 C/Resolution 101, by which the General Conference of UNESCO invited all intergovernmental programmes, committees and organs of the Convention to inscribe, in 2016 if feasible, an item on their agenda concerning the follow-up to the recommendations of the External Auditor's "*Report on the governance of UNESCO and dependant funds, programmes and entities*" contained in Document 38 C/23.

**Decision Required:** paragraph 12

## **I. BACKGROUND**

1. The 37th session of the General Conference (2013), by its 37 C/Resolution 96, requested the External Auditor to conduct an audit of the governance of UNESCO as a follow-up to the United Nations Joint Inspection Unit's recommendations concerning the methods of work of UNESCO's intergovernmental bodies. In this Resolution, the General Conference invited all governing bodies, intergovernmental programmes, committees and organs established by conventions "to perform a self-assessment covering the overall relevance of their work in relation to their specific terms of reference as well as the efficiency and effectiveness of their meetings, including the impact and utility of experts' time; the outcome of these self-assessments should be reported by January 2015".
2. As requested by 37 C/Resolution 96, a self-assessment questionnaire was circulated to the Chairpersons of the governing entities of the 1970 Convention, who held this position in 2013-2014, to coordinate the comments by Committee members and States Parties.
3. The results of the questionnaire were included in the external Auditor's Report which was discussed by the 197th session of the Executive Board (197 EX/28.REV and 197 EX/28.INF). The Executive Board recommended to the 38th session of the General Conference to establish an open-ended working group to further discuss the recommendations of the audit report.

## **II. WORKING GROUP ON GOVERNANCE, PROCEDURES AND WORKING METHODS OF THE GOVERNING BODIES OF UNESCO**

4. At its 38th session, in 2015, the General Conference, after having examined document 38 C/23, reaffirmed the need for a holistic and comprehensive reform of UNESCO, particularly of its governing bodies, in order to ensure greater effectiveness and efficiency in governance and to improve strategic decision making in the Organization, and indicated that this reform shall be Member State-driven. By its 38 C/Resolution 101, the General Conference decided to establish an open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO, building on the recommendations of the Executive Board.
5. Pursuant to 38 C/Resolution 101, the mandate of the Working Group is to examine the governance, procedures and working methods of the governing bodies of UNESCO on the basis of the views and proposals received from Member States, the External Auditor's *Report on the Governance of UNESCO and dependent Funds, Programmes and entities*, relevant evaluations and audits by the Internal Oversight Service, as well as previous decisions and resolutions related to governance. The Working Group aims at providing a set of recommendations, along with their likely impact and financial implications, to be examined by the General Conference at its 39th session in 2017.
6. The Working group held two meetings respectively on 17 February and 1 April 2016. Some more meetings have been scheduled before the Working Group's recommendations are submitted to the 202<sup>nd</sup> session of the Executive Board (2017) which will transmit them – with its own comments - to the 39th session of the General Conference. The Informal Summary of Contributions from Member States emanating from the meetings of the open-ended Working Group that have already been held is included in Annex I of the present document.

7. Furthermore, by 38 C/Resolution 101, the General Conference invited all intergovernmental programmes, committees and organs of the Conventions to inscribe, in 2016 if feasible, an item on their agenda concerning the follow-up to the recommendations of the External Auditor's report contained in document 38 C/23, to improve their governance by concrete measures, and to report on their proposals to the Chairperson of the open-ended Working Group.

### **III. RECOMMENDATIONS OF THE EXTERNAL AUDITOR'S "REPORT ON THE GOVERNANCE OF UNESCO AND DEPENDENT FUNDS, PROGRAMMES AND ENTITIES"**

8. An Executive Summary of the Auditor's Report on the Governance of UNESCO and dependent funds, programmes and entities can be found in Annex I of Document 38 C/23 attached as Annex II to the present Document.

9. It should be noted that question of governance, and notably of the working methods of the governing bodies of the 1970 Convention (Subsidiary Committee and Meeting of States Parties), has been the subject of several evaluation/audits in the past years (e.g. Audit of the Working Methods of Cultural Conventions and Evaluation of UNESCO's Standard-Setting work of the Culture Sector). Therefore, some of the recommendations of the External Auditor contained in Document 38 C/23 – which are of direct relevance for the 1970 Convention governing bodies - have already been examined by the Meeting of States Parties and/or its Subsidiary Committee. This is notably the case for some of the actions suggested by the Auditor under **Recommendation 3 (part ii)**, as listed below:

➤ ***“accelerate the shortening of sessions” and “make annual meetings biennial, and biennial meetings quadrennial”***. Given the recent establishment of the new governing framework of the 1970 Convention, no action has yet been taken in this regard. However, the Subsidiary Committee may wish to consider to rationalize the agenda of future sessions and change the periodicity of the meetings. The latter, however, would imply a change in the rules of procedure of both the Meeting of States Parties and of the Subsidiary Committee.

➤ ***“simplify and improve the dissemination of results”***. The dissemination of results (i.e; Decisions of the Meeting of the State Parties to the 1970 Convention and of the Subsidiary Committee) has been already simplified in the recent years. Decisions are sent electronically to States Parties as well as uploaded on relevant webpages.

10. It should also be pointed out that some of the recommendations of the External Auditor have a general scope and are of relevance to all Governing bodies of the Culture Conventions. This concerns **several of the actions suggested by the Auditor under Recommendation 3 (part ii), as well as Recommendations n°5, 7, and 8**. These suggested actions and recommendations as well as their potential impact on the Governing bodies are listed below together with comments that the Subsidiary Committee may wish to take into consideration:

➤ ***“group meetings together”***. The possibility of organizing the Subsidiary Committee and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Country of Origin or its Restitution in



Case of Illicit Appropriation (hereinafter called ICPRCP) back to back has been addressed on several occasions. Consequently, efforts have been undertaken by the Secretariat in this regard and both the 4<sup>th</sup> session of the Subsidiary Committee and the 20<sup>th</sup> session of the ICPRCP take place during the same week (26-30 September 2016, UNESCO HQ). Furthermore, at the second Informal Reflection Group Meeting of the Subsidiary Committee, the Group decided to propose to the Subsidiary Committee organizing the next sessions of the Meeting of States Parties and the Subsidiary Committee back to back. One of the objectives of this proposal is having the elections of the Bureau right after renewal of half of the Members of the Subsidiary Committee by the Meeting of States Parties (please refer to the document C70/16/4.SC/9). This scheme would avoid having a vacuum between two bureaus.

- **“make more use of teleconferences”**. It should be noted that while the use of teleconferences for small meetings can be envisaged, and is already frequently used, it would be difficult to implement it for larger statutory meetings for practical reasons (i.e.: time difference between States Parties, organization of debates, of voting processes and procedures, etc...).
- **“convene essential meetings only and finance them through the regular budget”**. By essence, statutory meetings are mandatory, hence, essential. They are, in principle, financed through the UNESCO Regular Budget. States Parties however, provide sometimes additional support, crucial in view of the current financial constraints faced by UNESCO.

11. Finally, concerning suggested actions under Recommendations 3 such as **“reducing the number of meeting participants”**, **“shortening agendas by prioritizing and delegating minor decisions”** **“increase the delegation of authority to the bureau”**, it should be noted that such decisions lie with States Parties and Committee members who may wish to: consider reducing the number of their representatives to statutory meetings; consider further rationalizing agendas of future sessions; consider delegating minor decisions as well as modifying the level of delegation within the respective Governing Bodies. In this regard, it should be underlined that such decisions may imply a revision of the Rules of Procedure of the each of the concerned Governing Body.

- **Recommendation No. 5. On a provisional trial basis, the External Auditor recommends that the General Conference: (i) decide to elect, from 2016, the same States Parties to the governing bodies of the heritage-related conventions and that the governing bodies thus constituted shall hold their respective sessions in a single joint session, under appropriate legal arrangements.**

Implementation of Part (i) of this Recommendation entails that all Member States are parties to the same Conventions. However, it should be noted that it is not the case, and that ratification of Conventions is dealt by each country at the national level. (In this regard, for example 127 States are Parties to the 1954 Convention, 131 States to the 1970 Convention, 191 States to the 1972 Convention, 55 to the 2001 Convention and 168 to the 2003 Convention).

Moreover, a single joint session of all the culture Conventions will undoubtedly imply a change of the texts governing the corrections (Rules of Procedure, Operational Guidelines, Operational Directives, etc..) of each of the Conventions and an entire revision of the internal calendar of the cycle of statutory meetings and deadlines, which

may have significant consequences on the decision-making process, as well as administrative and financial impacts.

Finally, a single joint session may imply an extended Agenda as well as extended representation by countries to cover all relevant fields of competence that would be addressed.

- ***Recommendation No. 7. The External Auditor recommends: (i) drawing up a draft governance code in 2016, under the supervision of the Bureau of the Executive Board, that harmonizes and systematizes the Rules of procedure, texts and practices of the governing bodies of all UNESCO universe entities.***

Part (i) of this Recommendation concerns the systematisation of the Rules of Procedures of “the governing bodies of all UNESCO universe entities” and hence would entail a revision of the texts of the Rules of Procedures of each of the Governing Bodies. In this regard, it is to be noted that such a revision lies with the Governing Body concerned which is responsible for amending and adopting its own Rules of Procedure. Therefore, the harmonization and systematization of the Rules of Procedure, texts and practices of the governing bodies of all “UNESCO universe entities” would have, if such a proposal is approved, to be undertaken in two steps: firstly, at the level of the Body concerned and secondly on a common basis at the level of all Governing Bodies.

- ***Recommendation No. 8. The External Auditor recommends: (i) examining means of introducing a screening system for individual candidates for the offices of chair and vice-chair of governing bodies, based on robust and transparent criteria of competence; (ii) adopting a resolution to limit the total length of consecutive terms of office (e.g. to four years) for the same delegate in a governing body so that delegates can gain sufficient experience but the bodies can at the same time be periodically renewed; (iii) that Member States candidates for a seat on a governing body undertake to nominate a full member or alternate with sufficient experience in that body’s field; (iv) introducing mandatory training for the offices of chair and vice-chair of a governing body, tailored to the experience of the new officers.***

This Recommendation suggests the introduction of new rules regarding the designation/election of Chairs and vice-Chairs of Governing Bodies, limitation of length of terms of office as well as requirements for such a tenure. In this regard, such provisions would be included accordingly in the Rules of Procedures of each Governing Body. However, as indicated above, it should be underlined that amendments/revisions of the texts of the Rules of Procedure of each of the Governing Bodies lies with the Governing Body concerned who is responsible for amending and adopting its own Rules of Procedure.

12. The Subsidiary Committee of the Meeting of States Parties may wish to adopt the following decision:

**DRAFT DECISION: C70/16/4.SC/11**

*The Subsidiary Committee,*

1. Having examined Document C70/16/4.SC/11,
2. Recalling the Audit of the working methods of Cultural Conventions and the Evaluation of UNESCO's standard setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS),
3. Takes note of the efforts and steps already undertaken with a view to improve and streamline the working methods of the Governing Bodies of the 1970 Convention in line with the Recommendation by the External Auditor and IOS in this matter;
4. Decides to transmit, as requested, Document C70/16/4.SC/11 as well as relevant decisions adopted on this subject at its fourth session to the Chairperson of the open ended Working Group on the Governance Procedures and Working Methods of the Governing Bodies;



## 4. SC

**C70/16/4.SC/Decisions  
Paris, October 2016  
Original: English**

Limited distribution

**Subsidiary Committee of the Meeting of States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property  
(UNESCO, Paris, 1970)**

**Fourth session  
Paris, UNESCO Headquarters, Room II  
26-28 September 2016**

<b>DECISIONS</b>
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## **DECISION 4.SC 2**

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/2/Rev3,
2. Adopts the agenda contained in the aforementioned document.

## **DECISION 4.SC 6**

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/6,
2. Takes note with satisfaction of the Secretariat's report on its activities in 2015-2016;
3. Welcomes the Secretariat's strengthening of human and financial resources allowing it to respond more effectively to the increasing number of tasks allocated to it, and invites State Parties to provide financial and human resources support;
4. Welcomes the numerous activities carried out since its last session by the Secretariat and the Field Offices, in particular those pertaining to capacity-building, and awareness-raising on the illicit trafficking of cultural property;
5. Encourages the Secretariat to strengthen awareness-raising activities, including those of an interactive nature, for children and youth, and to promote specific programmes in the framework of formal and informal educational systems;
6. Also welcomes the emergency actions undertaken in countries in situations of conflict or disaster, where cultural property is especially at risk, with a special focus on the 1954 Convention and its Protocols, and follow-up of the implementation of United Nations Security Council Resolutions 2199 and 2253;
7. Also encourages States Parties to report to the Secretariat periodically on any measures or activities undertaken for the implementation of paragraphs 15 to 17 of United Nations Security Council Resolution 2199;
8. Reminds States Parties of their reporting obligation to the Security Council on any measures taken concerning cultural objects, as set forth in paragraph 15 of United Nations Security Council Resolution 2253 (2015);
9. Takes note of the broader scope of Resolution 2253 (2015) in terms of suppressing the financing of Islamic State in Iraq and the Levant (ISIL), Al-Nusra Front (ANF) and their associates, and invites States Parties to adopt the necessary measures for Libyan and Yemeni cultural artefacts;
10. Welcomes the adoption by the UN General Assembly of Resolutions A/RES/70/76 on the return or restitution of cultural property to the countries of origin;
11. Welcomes the oral report on synergies between 1970 and 1954 Conventions and encourages States Parties to continue discussing this issue at the Committee's fifth session;

12. Invites States Parties to strengthen their support for activities carried out to ensure the effective implementation of the Convention, with special focus on its Operational Guidelines;
13. Also invites States Parties to widely promote and disseminate the awareness-raising videos for tourists, in airports and travel hubs;
14. Encourages the Secretariat to pursue its efforts to implement the Convention with special focus on its Operational Guidelines, and invites it to submit a report on its activities at the Committee's fifth session.

#### **DECISION 4.SC 9**

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/9/Rev, and its Annex I,
2. Recalling decision 3.SC 8;
3. Adopts its Rules of Procedure, contained in Annex I, as amended;
4. Requests the Secretariat to transmit the Rules of Procedure, as amended, for information to the chairperson of the Working Group on governance, procedures and working methods of the governing bodies of UNESCO, pursuant to Resolution 38 C/Resolution 101 of the General Conference;
5. Recommends to the Meeting of the States Parties to the 1970 Convention to amend its rule 14.5 to allow the Member States to the Subsidiary Committee to be re-elected for one additional term of office and to refer its decisions back to the Subsidiary Committee for the adoption of the decision in its own Rules of Procedure;
6. Decides that the current Bureau will stay in office until the elections of the next Bureau at the beginning of the fifth session of the Subsidiary Committee.

#### **DECISION 4.SC 10**

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/10,
2. Strongly encourages States Parties to regularly monitor online sales and should include national and regional sites, in addition to international sites;
3. Requests the Secretariat to strengthen the cooperation with all actors involved in online sales of cultural objects, including representatives of art markets and auction houses who provide online sale services, representatives of Internet platforms as well as social media platforms;
4. Also requests the Secretariat to establish new partnerships with relevant international organizations involved in monitoring and reporting on e-commerce and cyber-crime, such as OECD and UNCTAD, UN Analytical Support and Sanctions Monitoring Team,

UNODC and INTERPOL, and invite their representatives to participate in its next session;

5. Invites the Secretariat to organize an expert group meeting involving the art market professionals who provide online sales, Internet service providers and social media representatives and present its outcomes at one of its next sessions;
6. Reminds the States Parties that fighting against illicit trafficking starts with preventive measures and awareness-raising initiatives, including the internet;
7. Invites States Parties to produce videos in their own language(s) to raise awareness on the risks of online sales, and keep the Secretariat informed about such practices,
8. Encourages States Parties to make use of the Operational Guidelines of the 1970 Convention and make use, as appropriate, of all the relevant instruments such as the United Nations Convention against Transnational Organized Crime, in order to better implement them, and seek possibilities of integrating cultural property component into e-commerce or cybercrime related documents while implementing them at the national level;
9. Calls upon Internet platforms, Internet dealers and Internet art markets and Internet auction houses to use a checklist which will, automatically be sent to the seller when they place a cultural object for sale; this check list should include questions about provenance and necessary documents for export.

#### **DECISION 4.SC 11**

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/11,
2. Recalling the Audit of the working methods of Cultural Conventions and the Evaluation of UNESCO's standard setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS),
3. Takes note of the recommendations of IOS on improving and streamlining the Governing Bodies of the 1970 Convention;
4. Also takes note of the efforts and steps already undertaken with a view to improve and streamline the working methods of the Governing Bodies of the 1970 Convention;
5. Decides to transmit, as requested, Document C70/16/4.SC/11 as well as the debate and relevant decisions adopted on this subject at its fourth session to the Chairperson of the open-ended Working Group on governance, procedures and working methods of the governing bodies of UNESCO, pursuant to Resolution 38 C/Resolution 101 of the General Conference.

## DECISION 4 SC 12

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/12 and the study presented by Mexico on behalf of the SEGOB and the National Archives of Mexico,
2. Thanks Mexico for the preparation and completeness of the reference document on documentary heritage;
3. Requests States Parties to enable greater access to information on stolen documents for international organizations, such as INTERPOL, to carry out investigations, and to UNESCO, to develop better counter measures to reduce instances of trafficking of documentary heritage;
4. Encourages States Parties to implement the UNESCO Recommendation concerning the preservation of and access to documentary heritage, including in digital form, with the aim to prevent trafficking of cultural property;
5. Also encourages States Parties to raise awareness, promote the use of ethical codes for archives, and exchange information on preventive measures and research, and develop regulation on the issue, and keep the Secretariat informed of all initiatives in this regard;
6. Further encourages States Parties to apply existing referencing tools and useful instruments against illicit trafficking of cultural property to safeguard documentary heritage such as the Operational Guidelines of the 1970 Convention, and as appropriate, the United Nations Convention against Transnational Organized Crime;
7. Also requests the Secretariat to urge auction houses to apply to documentary heritage the same due diligence considerations as they do to cultural property and to inform relevant authorities of any suspicious activities;
8. Invites the Secretariat to strengthen collaboration and synergies with the Memory of the World Programme (MoW) to fight against illicit trafficking of documentary heritage, subject to available financial and human resources, in particular to explore non-invasive identification mechanisms of documentary heritage, develop programmes to making facsimile versions of historical documents available to everyone, and prepare reference guides to support customs and police authorities to identify trafficked documentary heritage;
9. Further requests the Secretariat, in cooperation with the Subsidiary Committee and the Government of Mexico, to organize a meeting on the illicit trafficking of documentary heritage, subject to the availability of the extrabudgetary funds, with the participation of MoW, experts and key international partners (INTERPOL, WCO, UNIDROIT, UNODC, ICOM...), as well as relevant archives and libraries associations (IFLA, ICA...). This meeting shall take place in parallel to the Conference of the International Council on Archives/Latin American Association of Archives, which will meet in Mexico from 23 to 27 October 2017;
10. In this regard, also invites States Parties to provide additional financial and human support to the Secretariat.



#### **DECISION 4.SC 14**

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/14/Rev, and its annex,
2. Adopts its reporting form, contained in the annex, as amended in accordance with the Operational Guidelines of the 1970 Convention;
3. Allows the Secretariat in emergency cases to submit to it draft proposals on further amendments on the reporting form with a view to enable the collection of information on new trends and developments in the fight against illicit trafficking;
4. Requests the Secretariat to present to its next session, a proposal for an electronic reporting system which corresponds to the needs and expectations of the States Parties;
5. Decides to present the new version of the reporting form to the Meeting of States Parties at its next session.

#### **DECISION 4.SC 15**

*The Subsidiary Committee,*

1. Having examined document C70/16/4.SC/15,
2. Recalling its decision 3.SC 4,
3. Thanks the Secretariat and the experts for their inputs in the drafting of this document;
4. Adopts the Standard Action Plan for return and restitution of cultural objects illegally on sale on the market;
5. Takes into account that the Action Plan also applies to stolen and/or illegally exported cultural objects located abroad;
6. Requests the Secretariat to update the document and its title, as appropriate, in accordance with the most recent developments, and present these updates to the Committee for its adoption;
7. Invites States Parties to take into account the indicative steps formulated in the document while requesting the return of a cultural object;
8. Reminds the States Parties that a better standard could be set by a ratification of the 1995 UNIDROIT Convention and a better implementation of the 1970 UNESCO Convention as well as of its Operational Guidelines.

## **DECISION 4.SC 19**

*The Subsidiary Committee,*

1. Decides to hold its 5<sup>th</sup> session in May 2017 at UNESCO Headquarters;
2. Requests the Secretariat, in coordination with the Education Sector, to produce a document on the role of education in preventing illicit trafficking of cultural property to be submitted at its next session.
3. Decides to include a follow up point on the prevention of the illicit trafficking of documentary heritage.