

Second Meeting of the States Parties to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

(UNESCO, Paris, 1970)

Paris, UNESCO Headquarters, Room II

20-21 June 2012

Oral Report of the Rapporteur

I. Opening of the Meeting

The Director-General of UNESCO, Ms. Irina Bokova, opened the Meeting through a previously recorded message welcoming participants to the second Meeting of the States Parties. She stressed UNESCO's readiness to work with Member States to raise awareness of the problem of the illicit trafficking of cultural property, and that the protection of cultural property is the protection of societies.

- a. Following this introduction, the Assistant Director-General for Culture, Mr. Francesco Bandarin, also welcomed Member States to this important Meeting.
- b. Ms. Katalyn Bogyay, the President of the General Conference, then addressed the Meeting and stated that the goals of this Meeting are to optimize the implementation of the 1970 Convention, appraise its efficiency, and reflect on the modalities for its implementation and follow-up.
- c. The Assistant Director-General for Culture then stated that the application and follow-up of the implementation needed to be improved. He also thanked the Republic of Korea and Turkey for their generous donations that were crucial to the holding of this Meeting.

II. Item 1 of the Provisional Agenda : Election of a Chairperson, Vice-Chairperson(s) and Rapporteur of the Meeting of the Member States (Election was by consensus)

The Meeting elected by consensus H. E. Mr. Carlos de Icaza, Ambassador of Mexico to UNESCO, as Chairperson. It also elected by consensus Cambodia, Egypt, Greece, and Senegal as Vice-Chairpersons. Dr. Henrietta Galambos (Hungary) was elected by consensus as the Rapporteur.

III. Item 2 of the Provisional Agenda : Adoption of the Agenda

The Meeting decided to insert item 10 (Proposals Concerning the Follow-up on the Implementation of the 1970 Convention) after item 5 (Report of the Secretariat on its Activities and the Implementation of the 1970 Convention by States Parties – Analysis of 2007-2011). The provisional agenda was therefore adopted as amended.

IV. Item 3: Adoption of the Rules of Procedure

The Rules of Procedure for the Meeting, up to Article 13.3, were provisionally adopted by consensus. The discussion of Articles 14 and 15 was postponed.

V. Item 4: Approval of the Final List of Observers

The final list of observers was adopted as amended.

VI. Item 5: Report of the Secretariat on its Activities and the Implementation of the 1970 Convention by States Parties – Analysis of 2007-2011

Following the introduction of this report by the Secretariat, the Republic of Cyprus provided clarification with regard to the October 2011 Nicosia meeting on illicit traffic. Chile provided further information.

The discussion then turned to the adoption of the Resolution. The Meeting decided to put paragraph 7 of the draft resolution in this document (The Creation of a Fund to Strengthen the Human Resources of the Secretariat) in square brackets. It also inserted an additional paragraph in the preamble related to the decision of the 36th session of the General Conference in 2011 regarding the 1954 and 1970 Conventions.

VII. Item 6 (former Item 10: Proposals Concerning the Follow-up on the Implementation of the 1970 Convention)

The Secretariat introduced its document and explained that it included possible legal modalities to accomplish the implementation of the 1970 Convention. The three possible solutions are: revision of the Convention, creation of an additional instrument, and the creation of a monitoring body. Procedural issues, such as amending the proposed Rules of Procedure for the Meetings of States Parties, were discussed.

After a long discussion among States Parties regarding their preference for each of the options presented in this document, the Meeting turned to the Peruvian comments proposing amendments to the Secretariat's document concerning Item 3: *Adoption of the Rules of Procedure 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 (1970) (Document C70/12/2.MSP/3)*.

At this point, a discussion ensued regarding a point of order as to whether the Peruvian comments should be considered in light of the submission of the document after the Secretariat's deadline of 31 May 2012. The Chairperson considered that this point of order should have been raised at the time of the adoption of the provisional agenda. The ruling of the Chairperson was put to vote, and 46 Parties decided that the Peruvian proposal should be considered. Twenty-two Parties were against considering this proposal.

The main discussion points may be summarized as follows:

- 1) the advantages and drawbacks of the revision of the Convention or adoption of an additional Protocol;
- 2) a possible declaration of ethical principles concerning archaeological objects coming from illicit excavations;
- 3) the frequency of the Meetings of States Parties;
- 4) the need for a monitoring body;
- 5) its nature and functions;
- 6) procedural and legal aspects of the creation of such a body;
- 7) the need to strengthen the national implementation of the Convention, particularly through capacity-building and awareness-raising;

The Chairperson then proposed a draft decision for document C70/12/2.MSP/6 that contained provisions regarding the frequency of the Meeting of States Parties and the establishment of a subsidiary Committee, including the modalities for the election of its members, its composition and functions.

The decision included in this document also stated that its provisions will be included in the Rules of Procedures of the Meetings of the States Parties.

This decision was adopted by consensus.

After the adoption of the decision, some Delegations expressed their preference for the submission of the elements contained in the decision to have been made much more earlier. They stressed their support for the decision adopted by consensus, but they also requested that their concern with the procedural hastiness be noted in the report of the Meeting.

This decision (document C70/12/2.MSP/6) was therefore integrated into the text of document C70/12/2.MSP/3 as sub-sections of Article 14. Finally, the Meeting enjoyed presentations on the regional implementation of the 1970 Convention.

The Chairperson expressed his appreciation to the States Parties for their constructive spirit and desire to work toward consensus.

I wish to thank the Chairperson, the Bureau of the Meeting, all participants and observers, experts and the Secretariat for your dedication and hard work.