



United Nations  
Educational, Scientific and  
Cultural Organization



Convention for the fight  
against the illicit trafficking  
of cultural property

**5 MSP**

**C70/19/5.MSP/8**  
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**Meeting of 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)**

**Fifth Meeting**  
**Paris, UNESCO Headquarters, Room XI**  
**20 and 21 May 2019**

**Item 8 of the Provisional Agenda:** Follow-up to the Recommendations of the Working Group on the Governance, Procedures and Working Methods of the Governing Bodies of UNESCO ([39 C/Resolution 87](#))

At its 39th session (2017), the General Conference of UNESCO invited the Executive Board, the Director-General and the governing bodies of UNESCO to implement the recommendations of the open-ended Working Group on governance, as presented in Document [39 C/70 \(39 C/Resolution 87\)](#). This document presents the status of the follow-up to the recommendations that are relevant to the governing bodies of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

**Draft Resolution:** Paragraph 17

## Background

1. Since 2013, the General Conference adopted three resolutions with the aim of reviewing the procedures and working methods of all UNESCO governing bodies in order to strengthen the Organization's governance and reduce its costs.
2. First, 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" ([37 C/Resolution 96](#), [Document 37 C/49 and Add.](#)).
3. Second, "reaffirming the need for a comprehensive and holistic reform of UNESCO (...) in order to ensure greater effectiveness and efficiency in the governance of the Organization", the General Conference established an open-ended Working Group<sup>1</sup> on Governance, Procedures and Working Methods of the Governing Bodies of UNESCO<sup>2</sup> ([38 C/Resolution 101](#)).
4. The General Conference requested that the Director-General implement recommendations 1, 11 and 13 of the report of the External Auditor, included in [Document 38 C/23](#), in its [38 C/Resolution 101](#). It also requested her to take concrete measures to improve governance and to report on the proposals formulated to the Chairperson of the Working Group on Governance.
5. Third, the General Conference examined the report of the Working Group ([Document 39 C/20](#)), and through [39 C/Resolution 87](#), it endorsed its recommendations as amended by the APX Commission<sup>3</sup> in [Document 39 C/70](#). Through the same resolution, the General Conference invited the Executive Board, the Director-General and the governing bodies of the different organs to implement, as appropriate, said recommendations.
6. When the Subsidiary Committee reviews the status of the follow-up to the recommendations of the Working Group, it shall also take into account the follow-up status of recommendations of other audits/evaluations :
  - a) *Audit of the Working Methods of Cultural Conventions* ([IOS/AUD/2013/06](#)): In order to assess the adequacy and effectiveness of the working methods of UNESCO's standard-setting action in the Culture Sector, the corresponding audit looked at the working methods of the six culture-related conventions; the report was published by IOS in September 2013;
  - b) *Evaluation of UNESCO's Standard-Setting Work of the Culture Sector, Part II – Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* ([IOS/EVS/PI/133 REV.2](#)), published in April 2014.

## Discussions on Governance in the Framework of the Governing Bodies of the 1970 Convention

7. As requested by [37 C/Resolution 96](#), a self-assessment questionnaire was circulated to the Chairpersons of the governing bodies of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), who held this position in 2013-2014. Furthermore, pursuant to [38 C/Resolution 101](#), the General

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<sup>1</sup> Pursuant to [38 C/Resolution 101](#), the mandate of the Working Group on governance is to examine the governance, procedures and working methods of the governing bodies of UNESCO on the basis of the following: the views and proposals received from Member States; the External Auditor's report on the governance of UNESCO and its dependent entities, funds, and programmes; relevant evaluations and audits by the Internal Oversight Service (IOS); and previous decisions and resolutions related to governance. The Working Group on governance is tasked with formulating a set of recommendations.

<sup>2</sup> Hereinafter referred to as "the Working Group on Governance"

<sup>3</sup> General Conference commission in charge of finance, administration and general questions, programme support and external relations.

Conference invited all intergovernmental programs, committees and organs of the Conventions to inscribe 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 on Governance.

8. Consequently, the Secretariat presented document [C70/16/4.SC/11](#) to the Fourth Session of the Subsidiary Committee (September 2016), including a series of proposals to improve and streamline its working methods. By its decision [4.SC 11.5](#), the Subsidiary Committee took note of the efforts and steps already undertaken and decided to transmit, as requested, the aforementioned document as well as relevant decisions adopted on this subject to the Chairperson of the Working Group on Governance.
9. Furthermore, the Fourth Meeting of States Parties, by its [Resolution 4.MSP 8](#), requested the Secretariat to include on the provisional agenda of its Fifth Meeting an item regarding governance in order to ensure the proper follow-up to the implementation of the recommendations made by the Working Group on Governance.
10. Finally, following [39 C/Resolution 87](#) and through its decision [6.SC 5.9](#), the Subsidiary Committee requested the Secretariat to follow-up the recommendations on governance by including an item on the agenda of its Seventh Session and to provide proposals for the implementation of the relevant recommendations.
11. In line with the above decision and resolution, the present document provides an update on the follow-up to the recommendations that are relevant to the governing bodies of the 1970 Convention.
12. In particular, this document examines relevant Recommendations of Sub-group 2 of the Working Group on Governance, which was devoted to the structure, composition and methods of work of UNESCO's international and intergovernmental bodies (IIBs) and met four times in 2017. Altogether, the Working Group on Governance adopted 74 recommendations submitted by Sub-Group 2, together with two Appendices containing, respectively, Guidelines on the responsibilities of representatives of Electoral Groups in Bureaus and a Non-exhaustive list of best practices of IIBs.

#### **Follow-up to the Recommendations of the Sub-Group 2 of the Working Group on Governance, Procedures and Working Methods of the Governing Bodies of UNESCO**

13. The Secretariat has prepared a table on the status of the follow-up to the recommendations of the working group on governance, presented in Annex, that have an impact on the governing bodies of the 1970 Convention (both the Meeting of States Parties and the Subsidiary Committee).
14. In order to facilitate the discussions, the Annex proposes the following 3 categories:
  - i. **Implemented:** Current rules/practices comply with the recommendation in question and no further action is required;
  - ii. **Implementation ongoing:** Action has already been initiated by the Secretariat;
  - iii. **Action to be considered:** Action that is the responsibility of the Parties and would require a resolution/decision.
15. The Annex shows that many of the recommendations<sup>4</sup> of the Working Group on governance are related to the Rules of Procedure, which are currently under revision following Resolution [3.MSP 12](#) of the Third Meeting of States Parties (2015). Document C70/19/5.MSP/13 presented to this

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<sup>4</sup> Namely Recommendations 56, 58, 59, 62, 65, 66, 67, 68, 70, 71, 78 and 96

Fifth Meeting of States Parties reflects the proposals submitted by States<sup>5</sup>, together with the work accomplished by the Drafting Group created for this purpose and the discussions held during the Fourth Meeting of States Parties.

16. Furthermore, following the abovementioned [39 C/Resolution 87](#), which “requested the Director-General, (...) to review the relevant UNESCO texts impacted by the (...) Recommendations”, document C70/19/5.MSP/13 also reflects a series of proposals by the Secretariat which build on Recommendations 56, 58, 59, 68, 71 and 96.

17. The Meeting of States Parties may wish to consider adopting the following Resolution:

#### **DRAFT RESOLUTION 5.MSP 8**

*The Meeting of States Parties,*

1. *Having examined* document C70/19/5.MSP/8 and its Annex;
2. *Recalling* [39 C/Resolution 87](#) of the General Conference, the Audit of the working methods of Cultural Conventions ([IOS/AUD/2013/06](#)) and the Evaluation of UNESCO’s standard-setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS) ([IOS/EVS/PI/133 REV.2](#));
3. *Takes note* of the efforts and steps undertaken to improve and streamline the working methods of the Meeting of States Parties to the 1970 Convention, in line with the past Recommendations by the External Auditor and IOS on this matter;
4. *Also takes note* of the status of the follow-up to the recommendations of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO ([39 C/Resolution 87](#));
5. *Requests* the Secretariat to submit to the Meeting of States Parties, at its Sixth Session, and as necessary, the updated status of the follow-up to the recommendations of the open-ended Working Group on governance, procedures and working methods of the governing bodies of UNESCO, together with its comments and proposals regarding the recommendations requiring action by the States Parties;
6. *Further requests* the Secretariat to submit Document C70/19/7.SC/7, its Annex and the present decision to the Chairperson of the open-ended Working Group on Governance, Procedures and Working Methods of the Governing Bodies of UNESCO.

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<sup>5</sup> A document containing the amendments to the Rules of Procedure submitted by States (Argentina, Armenia, Czechia, Madagascar, the Netherlands, the Nordic States and Palestine) was already presented to the Fourth Meeting of States Parties (2017). However, due to lack of time, States Parties decided to postpone discussions on the amendments of the Rules of Procedure to its Fifth Meeting (2019).

## ANNEX

### STATUS OF THE FOLLOW-UP TO THE RECOMMENDATIONS OF THE WORKING GROUP ON GOVERNANCE

#### Recommendations of the open-ended Working Group on Governance, Procedures and Working Methods of the Governing Bodies of UNESCO Part 2.

#### Structure, composition and methods of work of UNESCO's international and intergovernmental bodies (IIBs)<sup>6</sup>

RECOMMENDATION	IMPLEMENTATION STATUS
<b>B. General recommendations for all international and intergovernmental bodies (IIBs)</b>	
<b>Efficiency (mandate, composition, structure, rules of procedure, methods of work)</b>	
56. IIBs are invited to update their mandates, as appropriate, including their objectives and programmes, to be more coherent with approved C/5 priorities and responsive to current global developments such as the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change.	<p><b>Subsidiary Committee : implementation ongoing</b></p> <p>The functions of the Subsidiary Committee are described in Article 14.6 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> to the 1970 Convention as well as on Article 1 of its own <a href="#">Rules of Procedure</a>.</p> <p>Since its Third Session in 2014, the Committee has provided special attention to <a href="#">target 16.4 of the SDGs</a>, which aims at strengthening the recovery and return of stolen assets. This is reflected in the adoption of several decisions<sup>7</sup> aiming at reinforcing the role of the Subsidiary Committee in the development of tools facilitating the restitution of cultural property, notably through the adoption of a Standard Action Plan for return and restitution of cultural objects illegally on sale on the market<sup>8</sup>.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>The mandate of the Meeting of States Parties is not clearly defined in the Rules of Procedure. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>

<sup>6</sup> To see all recommendations, including Part 1 pertaining to the governing bodies of UNESCO (General Conference and Executive Board), please refer to documents [39 C/20](#) and [39 C/70](#).

<sup>7</sup> [3.SC 4.14](#), [3.SC 7.9](#), [3.SC 10](#), as well as in [4.SC.10](#), [4.SC 15.4](#)

<sup>8</sup> See decision [4.SC 15.4](#)

<p>57. To promote diversity and inclusivity, voluntary term-limits of two consecutive mandates are recommended for IIBs, which currently do not have term limitations for membership.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>According to Articles 1.2 and 1.3 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the members of the Subsidiary Committee are elected for a four year-term and may not be elected for two consecutive terms. Every two years, the Meeting of States Parties renews half of the members of the Committee, according to Rule 14.5 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a>.</p>
<p>58. As a general rule, term-limits of two consecutive mandates for membership in all Bureaux are recommended.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>According to Rule 12.1 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the Subsidiary Committee, at the beginning of each ordinary session, shall elect the Bureau from among those Committee Members whose term of office continues until the beginning of the next ordinary session. Its Members will be eligible for immediate re-election for one additional term of office.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Conversely, the <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent regarding the time limit for membership in the Bureau. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>59. For cost saving, coherence and harmonization, it is recommended that IIBs and the General Conference consider “right-sizing” the composition of the IIBs.</p>	<p><b>Meeting of States Parties: action to be considered</b></p> <p>According to Rule 1.1 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the Committee shall consist of eighteen States Parties to the 1970 Convention elected in accordance with Rule 14.4 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> to the Convention.</p> <p>A change would have to be agreed upon by the Meeting of States Parties by amending its Rules of Procedure.</p>
<p>60. There is a need to reduce and manage the politicization of nominations and decisions.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>The 1970 Convention does not have a nomination mechanism.</p>
<p>61. To enhance visibility and the effectiveness of the work of the IIBs, more effective information-dissemination is recommended through updating and enhancing</p>	<p><b>Subsidiary Committee and Meeting of States Parties : implementation ongoing</b></p> <p>Visibility and effective dissemination of information is crucial for the effectiveness of the work of the Subsidiary Committee and the Meeting of States Parties. This is why, in line with Recommendation 61, <a href="#">the website of the</a></p>

<p>websites and sensitizing all involved actors, including Member States and their National Commissions.</p>	<p><a href="#">Convention</a> is being updated and improved. Furthermore, the Secretariat provides visibility and updates the <a href="#">specific page on the periodic reports</a>.</p> <p>Additionally, when necessary, the Secretariat ensures close communication with the States Parties to the Convention, all Convention stakeholders (particularly the Permanent Delegations to UNESCO, National Commissions, national focal points for the Convention, civil society organizations, UNESCO Chairs, Unitwin and Non-Governmental Organizations).</p>
<p>62. Earlier preparation and dissemination of draft agendas and preliminary timetables, mainly by using the same template containing hyperlinks to documents to be adopted / discussed in sessions.</p>	<p><b>Subsidiary Committee : implemented</b></p> <p>According to Rule 41 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the documents relating to the items on the provisional agenda of each session of the Committee are distributed to Members of the Committee in the two working languages not later than four weeks before the beginning of the session, and are provided in electronic form to States Parties not Members of the Committee and to public or private organizations, individuals and observers under Rules 6 and 7.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>The <a href="#">Rules of Procedure of the Meeting of States Parties</a> do not define a statutory deadline. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p> <p>Regarding the use of hyperlinks, starting from the Sixth Session of the Subsidiary Committee all working documents include hyperlinks to documents and draft decisions, when relevant.</p> <p><b>Note:</b> As the working documents are however generally finalized later than the agenda, it is difficult to add hyperlinks for documents that are not yet final, unless a revised version of the agenda is released once the working documents are.</p>
<p>63. The Secretariat is invited to promote a harmonized virtual working environment for all IIBs and to revisit UNESCO's "Strategy on Knowledge Management and Information &amp; Communication Technology". Simple, more user-friendly documentation (i.e. less fragmented reporting and easier document tracking; annotated agenda with hyperlinks to reports and draft decisions).</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>A knowledge management system has been established and is in constant development. It uses six languages and allows Member States to have access to all documents of the statutory meetings of the governing bodies, as well as various platforms vital for the implementation of the Convention's mechanisms.</p>

<p>64. Open - ended informal consultations on draft decisions to promote inclusive and effective decision-making.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>The Secretariat of the 1970 Convention holds meetings with the Bureaux to discuss items on the agenda of the session, content of the working and information documents and draft decisions.</p> <p>See also Recommendation 76</p>
<p>65. It is recommended that the Rules of Procedure of the IIBs be amended, when relevant, to advance the deadline for submission of candidatures to their subsidiary bodies from 48 hours to seven days before elections.</p>	<p><b>Meeting of States Parties: action to be considered</b></p> <p>The <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent regarding the deadline for submission of candidatures to the Committee. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p><b>Harmonization (role of Bureaux and transparency)</b></p>	
<p>66. The role, composition and procedures of Bureaux and their members should be clarified and harmonized through codification in rules of procedure / statutes or development of general guidelines for all IIBs, in close cooperation with the Secretariat.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>The role, composition and procedures of Bureaux and their members is clarified in Chapter VI <a href="#">of the Rules of Procedure of the Subsidiary Committee</a>.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Articles 3 and 4 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> stipulate only the composition of the bureau and the duties of the Chairperson respectively. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>67. It is suggested that Bureaux composition be set, as much as compatible with individual IIBs' mandates, at a maximum of six members (Chairperson, Rapporteur, and four Vice-Chairpersons from the six electoral groups).</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>According to <a href="#">Rule 11 of the Rules of Procedure of the Subsidiary Committee</a>, composition of the Bureau of the Committee is limited to six members.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>However, Article 3 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> state that the Meeting of States Parties shall elect a Chairperson, <b>one or more Vice-Chairperson(s)</b> and a Rapporteur. Therefore, they are silent regarding the maximum number of members. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>



<p>68. The intergovernmental nature of Bureaux should be reaffirmed while maintaining expert engagement.</p>	<p>The Bureaux of the governing bodies are composed of representatives of the Committee members and of the States Parties to the Convention and are therefore, by definition, intergovernmental in nature.</p> <p><b>Subsidiary Committee: implemented</b></p> <p><a href="#">Rule 12.3 of the Rules of Procedure of the Subsidiary Committee</a> reads “In electing the Bureau, the Committee shall have due regard to the need to ensure equitable geographical representation and conformity with the principle of rotation”.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Conversely, the <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent as regards the geographical representation of Bureaus. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p> <p>The Secretariat will share with all new Bureau members the guidelines developed for this purpose.</p>
<p>69. Documents related to Bureau meetings should appear online before meetings take place; outcomes, including reports of Bureau meetings, should be communicated to all members, and as appropriate, all Permanent Delegations, in a timely manner.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>The Bureau meetings of the Committee and the Meeting of States Parties are held when deemed necessary. No documents are prepared for them other than those strictly necessary.</p> <p>The Secretariat will make sure that the outcomes are communicated to all members and all Permanent Delegations.</p>
<p>70. Elections of Bureaus should be held, as much as possible, soon after elections for seats on the IIBs conducted at the General Conference, to avoid having Bureau members from Member States that are no longer members of the IIBs concerned.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>Members of the Committee are elected by the Meeting of States Parties. In order to avoid having Bureau members from Member States which are no longer members of the IIBs concerned, <a href="#">rule 12.1 of the Rules of Procedure of the Subsidiary Committee</a> states that the Bureau should be elected from those Committee Members whose term of office continues until the beginning of the next ordinary session.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Regarding the Meeting of States Parties, bureau members are elected at the beginning of each session. They remain in office until the beginning of the following session. This is however not explicitly described in the Rules of Procedure. An amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>

<p>71. As much as feasible, Bureau meetings should be open to observers and working methods made more transparent.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p><a href="#">Rule 13.1 of the Rules of Procedure of the Subsidiary Committee</a> states that “[the bureau] meetings shall be open to States Members of the Committee and States Parties to the Convention as observers”.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>The <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent regarding this point. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>73. Gender-neutral language should be adopted throughout all UNESCO documents.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>Both the <a href="#">Rules of Procedure of the Subsidiary Committee</a> and the <a href="#">Rules of the Procedure of the Meeting of States Parties</a> have already integrated gender-neutral language. The Secretariat pays utmost attention to gender-neutral language throughout all UNESCO documents.</p>
<p><b>Alignment with overarching priorities of UNESCO</b></p>	
<p>74. All IIBs should have the opportunity to submit formal inputs to the Medium-Term Strategy (C/4) and the Programme and Budget (C/5) documents of UNESCO.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>Member States submit formal inputs to C/4 and C/5 Documents and adopt them at the General Conference. The discussions held within the Convention’s organs are taken into account by the Secretariat when preparing preliminary proposals on the C/4 and C/5.</p> <p>Furthermore, the Meeting of States Parties and the Subsidiary Committee will have the opportunity to contribute to the preparation of the preliminary proposals for the next Medium Term Strategy 2022-2029 (41C/4) and the Programme and Budget for 2022-2023 (41C/5) in the framework of UNESCO’s strategic transformation, launched in 2018 by the Director-General. This will allow both IIBs to reflect on how to continue the process of aligning the programme on prohibiting and preventing the illicit import, export and transfer of ownership of cultural property with the Agenda 2030 and other internationally agreed frameworks.</p>

<p>75. A feedback mechanism can be envisaged for substantive dialogue between Member States and IIBs, beyond the limited reporting to the General Conference. This could be through information meetings or briefings. Reporting to the General Conference should be enhanced through a new more strategic and results-oriented reporting format to be followed by debate and General Conference resolutions to provide feedback to IIBs.</p>	<p><b>Subsidiary Committee and Meeting of States Parties : implemented</b></p> <p>The report on the implementation of the programme and, by extension, on the work of the governing bodies of the Convention, is ensured through Documents EX/4 (Report by the Director-General on the execution of the programme, submitted to the Executive Board) and C/3 (Report of the Director-General on the activities of the Organization submitted to the General Conference).</p> <p>See also Recommendation 98.</p> <p>Furthermore, the Committee reports on its activities to the General Conference at each session through the submission of a formal report.</p>
<p>76. Orientation sessions for new members of all IIBs, especially for Chairpersons and Bureau members, should be institutionalized and include introduction to the C/4 and C/5 frameworks. To that end, a short user-friendly guidebook including best practices and acronyms could be produced to familiarize members with working methods and C/4 and C/5 mechanisms.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>The Secretary of the Convention holds preparatory meetings before each session with the Chairperson concerning the items of the agenda, the role of the Chairperson, Rules of Procedure and the working methods.</p>
<p><b>Coherence, coordination and synergies</b></p>	
<p>77. Balanced resource allocation is necessary to ensure the effectiveness of all IIBs.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: action to be considered</b></p> <p>This recommendation is directly related to the adoption of the C/5 programme and budget document, which is the responsibility of UNESCO Member States, exercised during the General Conference.</p>

<p>78. Use of languages for inclusivity and effectiveness remains an important objective.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>According to <a href="#">Rule 40 of the Rules of Procedure of the Subsidiary Committee</a>, the working languages of the Committee are French and English. When the conditions permit, every effort is made, including recourse to extra budgetary funding, to facilitate the use of the other official languages of UNESCO. It should also be noted that, according to Rule 40.3, “speakers may, however, speak in any other language, provided that they make their own arrangements for interpretation of their speeches into one of the working languages”. The documents of the Committee are issued simultaneously in French and English. When the conditions permit, they are also issued in the other official languages of UNESCO.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Rule 10 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a>, only provides that the working languages of the Meeting of States Parties are Arabic, Chinese, English, French, Russian and Spanish. An amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13).</p>
<p>79. IIBs and their Secretariats are requested to enhance coordination in scheduling of meetings to avoid overlap.</p>	<p><b>Subsidiary Committee and Meeting of States Parties : implemented</b></p> <p>The Partnerships, Communications and Meetings Unit of the Culture Sector ensures that there is no overlap between the meetings of the six cultural conventions.</p>
<p>80. Best practices should be shared and replicated or, if necessary, adjusted to reflect specificities with the aim to promote governance mechanisms that facilitate strategies and action plans anchored on the C/4 and C/5.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>When relevant, the Secretariat will endeavour to implement the best practices identified by the Working Group.</p>

## E. Specific recommendations for all UNESCO Conventions Cultural Conventions

<p>94. A more balanced approach in terms of equitable financial and human resource allocation for all cultural conventions was called for, considering their importance to the mandate of UNESCO. All cultural conventions are in need of additional resources to fulfil their objectives fully.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: action to be considered</b></p> <p>The adoption of the programme and budget is the responsibility of Member States exercised during the General Conference.</p> <p>For many years, the Secretariat has been drawing the Member States' attention to the need to strengthen human and financial resources to implement the 1970 Convention in an effective and sustainable way. The lack of available resources makes it difficult to ensure the implementation of a greater number of projects, including those that would respond to the State Parties' plea for strengthening the implementation of the Convention and reinforcing communication and visibility.</p> <p>States Parties are encouraged to increase their support to the Secretariat through voluntary contributions and other types of human resources support.</p> <p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>The 1970 Convention Secretariat is composed of a Director who holds the position of Secretary of the Convention, a senior Programme Specialist, two Associate Programme Specialists and a Secretarial Assistant.</p> <p>Germany has kindly reinforced the human resources of the Secretariat with a Junior Professional Officer.</p>
<p>96. Governing Bodies of the Conventions, through broad consultations, are invited to further explore, as appropriate, harmonization of rules of procedure and coherence in decision-making procedures, taking into account their respective mandates and specificities. They can consider best practices from the environmental treaties/UNEP to further develop synergies in organizational matters, information-sharing, and cost-efficiency.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>The <a href="#">Rules of Procedure of the Subsidiary Committee</a> - adopted by its Fourth session in 2016- are already based on best practices taken from the <a href="#">Rules of Procedure of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage</a>, the <a href="#">Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions</a> and the <a href="#">Committee for the Protection of Cultural Property in the Event of Armed Conflict</a>.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>The amendments proposed for the consideration of the Meeting of States Parties as part of the current revision of its Rules of Procedure aim at harmonizing these with the Rules of Procedure of other governing bodies (please refer to doc. C70/19/5.MSP/13).</p>

<p>97. Meetings of the Chairpersons of the Committees of the Cultural Conventions can be more interactive and action oriented. Chairpersons should work strategically together to address common themes and challenges and consider shared responses and cooperation.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>The Chairpersons of the Committees of the six cultural conventions had the opportunity to hold two meetings between 2015 and 2016. Common themes and challenges were discussed, such as the protection of heritage in period of conflict and the 2030 Agenda for Sustainable Development. The six chairs indicated how the Conventions could contribute to achieving these goals, and highlighted the importance for all stakeholders to deliver a joint message on how culture is essential for human development. The Secretariat will continue to facilitate synergies between the Chairpersons and foster cooperation among these organs.</p>
<p>98. A closer relationship between Governing Bodies of Conventions and the General Conference is desirable, including through the opportunity to provide inputs to the C/5.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>The State Parties to the Convention are UNESCO Member States that contribute, inter alia, to the development of the C/5 Document and participate in the work of and decisions taken by the Executive Board and the General Conference in that respect. Moreover, the working documents submitted to the governing bodies of the Convention are based and focused on the C/5 Document. Finally, the Committee reports to the General Conference on its activities at every session through the submission of a formal report.</p> <p>See also Recommendation 75.</p>
<p>99. Transparency and accountability measures can be enhanced, such as dissemination of minutes/ key results of Bureaux meetings.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>See Recommendation 69.</p>
<p>100. Capacity-building and common training on all cultural conventions should be strengthened.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>This practice has already been put in place by the Secretariats of the 1970 and 2001 Conventions, when permitting, with a view to reduce costs and increase the impact.<sup>9</sup></p> <p>The Secretariat will continue to promote common capacity-building.</p>
<p>101. Governing bodies of Conventions and their Secretariats are encouraged to develop appropriate ratification strategies.</p>	<p><b>Subsidiary Committee: action proposed</b></p> <p>The Secretariat already follows a strategic approach to the ratification of the 1970 Convention, focusing on regions that experience low levels of adhesion.</p>

<sup>9</sup> Please refer, for example, to the [regional project in Central America](#) financed by the Spanish Agency for International Development Cooperation

<p>102. The Convention's relations and cooperation with other international entities and initiatives should contribute to visibility, impact, and fundraising, without compromising UNESCO's core competencies.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation ongoing</b></p> <p>Since 2007, collaboration is steadily increasing between UNESCO and INTERPOL, UNIDROIT, WCO, UNODC, ICOM, ICCROM and ICOMOS, as well as with the specialized police corps of the Carabinieri (Italy), the Office Central de Lutte contre le Trafic des Biens Culturels (OCBC, France), and the Guardia Civil (Spain), among others.</p> <p>These organizations communicate frequently with each other, particularly concerning thefts and illicit exports of cultural property worldwide and procedures for its restitution. Such cooperation yields tangible results such as the establishment of highly operational professional networks, lawful restitutions of cultural property and an improvement in the legal and practical framework for combating the pillaging and illicit transfer of cultural property.</p>
<p><b>Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)</b></p>	
<p>104. Reinforcement of staff supporting the Convention</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>The 1970 Convention Secretariat is composed of five staff members (a Director, who holds the position of Secretary of the Convention, a senior Programme Specialist, two Associate Programme Specialists and a Secretarial Assistant).</p> <p>Germany has kindly reinforced the human resources of the Secretariat with a Junior Professional Officer.</p>



United Nations  
Educational, Scientific and  
Cultural Organization



Convention for the fight  
against the illicit trafficking  
of cultural property

**7 SC**

**C70/19/7.SC/7**  
**Paris, April 2019**  
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**Subsidiary Committee of the Meeting of 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)**

**Seventh Session**  
**UNESCO Headquarters, Room XI**  
**22 and 23 May 2019**

**Item 7 of the Provisional Agenda:** Follow-up to the Recommendations of the Working Group on the Governance, Procedures and Working Methods of the Governing Bodies of UNESCO ([39 C/Resolution 87](#))

At its 39th session (2017), the General Conference of UNESCO invited the Executive Board, the Director-General and the governing bodies of UNESCO to implement the recommendations of the open-ended Working Group on Governance, Procedures and Working Methods of the Governing Bodies of UNESCO as presented and amended in Document [39 C/70](#) ([39 C/Resolution 87](#)). This document presents the status of the follow-up to the recommendations that are relevant to the governing bodies of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)

**Draft Decision:** Paragraph 15



## Background

1. Since 2013, the General Conference adopted three resolutions with the aim of reviewing the procedures and working methods of all UNESCO governing bodies in order to strengthen the Organization's governance and reduce its costs.
2. First, 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" ([37 C/Resolution 96](#), [Document 37 C/49 and Add.](#)).
3. Second, "reaffirming the need for a comprehensive and holistic reform of UNESCO (...) in order to ensure greater effectiveness and efficiency in the governance of the Organization", the General Conference established an open-ended Working Group<sup>1</sup> on Governance, Procedures and Working Methods of the Governing Bodies of UNESCO<sup>2</sup> ([38 C/Resolution 101](#)).
4. The General Conference requested that the Director-General implement recommendations 1, 11 and 13 of the report of the External Auditor, included in [Document 38 C/23](#), in its [38 C/Resolution 101](#). It also requested her to take concrete measures to improve governance and to report on the proposals formulated to the Chairperson of the Working Group on Governance.
5. Third, the General Conference examined the report of the Working Group ([Document 39 C/20](#)), and through [39 C/Resolution 87](#), it endorsed its recommendations as amended by the APX Commission<sup>3</sup> in [Document 39 C/70](#). Through the same resolution, the General Conference invited the Executive Board, the Director-General and the governing bodies of the different organs to implement, as appropriate, said recommendations.
6. When the Subsidiary Committee reviews the status of the follow-up to the recommendations of the Working Group, it shall also take into account the follow-up status of recommendations of other audits/evaluations :
  - a) *Audit of the Working Methods of Cultural Conventions (IOS/AUD/2013/06)*: In order to assess the adequacy and effectiveness of the working methods of UNESCO's standard-setting action in the Culture Sector, the corresponding audit looked at the working methods of the six culture-related conventions; the report was published by IOS in September 2013;
  - b) *Evaluation of UNESCO's Standard-Setting Work of the Culture Sector, Part II – Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and*

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<sup>1</sup> Pursuant to [38 C/Resolution 101](#), the mandate of the Working Group on governance is to examine the governance, procedures and working methods of the governing bodies of UNESCO on the basis of the following: the views and proposals received from Member States; the External Auditor's report on the governance of UNESCO and its dependent entities, funds, and programmes; relevant evaluations and audits by the Internal Oversight Service (IOS); and previous decisions and resolutions related to governance. The Working Group on governance is tasked with formulating a set of recommendations.

<sup>2</sup> Hereinafter referred to as "the Working Group on Governance"

<sup>3</sup> General Conference commission in charge of finance, administration and general questions, programme support and external relations.

*Transfer of Ownership of Cultural Property* ([IOS/EVS/PI/133 REV.2](#)), published in April 2014.

## **Discussions on the Governance in the Framework of the Governing Bodies of the 1970 Convention**

7. As requested by [37 C/Resolution 96](#), a self-assessment questionnaire was circulated to the Chairpersons of the governing entities of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), who held this position in 2013-2014. Furthermore, pursuant to [38 C/Resolution 101](#), the General Conference invited all intergovernmental programmes, committees and organs of the Conventions to inscribe 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 on Governance.
8. Consequently, the Secretariat presented document [C70/16/4.SC/11](#) to the Fourth Session of the Subsidiary Committee (September 2016), including a series of proposals to improve and streamline its working methods. By its Decision [4.SC 11.5](#), the Subsidiary Committee took note of the efforts and steps already undertaken and decided to transmit, as requested, the aforementioned document as well as relevant decisions adopted on this subject to the Chairperson of the Working Group on Governance.
9. Furthermore, the Fourth Meeting of States Parties, by its [Resolution 4.MSP 8](#), requested the Secretariat to include on the provisional agenda of its Fifth Meeting (2019) an item regarding governance in order to ensure the proper follow-up to the implementation of the recommendations made by the Working Group on Governance.
10. Finally, following [39 C/Resolution 87](#) and through its Decision [6.SC 5.9](#), the Subsidiary Committee requested the Secretariat to follow-up the recommendations on governance by including an item on the agenda of its Seventh Session and to provide proposals for the implementation of the relevant recommendations. In line with this decision, the present document provides an update on the follow-up to the recommendations that are relevant to the governing bodies of the 1970 Convention.
11. In particular, this document examines relevant Recommendations of Sub-group 2 of the Working Group on Governance, which was devoted to the structure, composition and methods of work of UNESCO's international and intergovernmental bodies (IIBs) and met four times in 2017. Altogether, the Working Group on Governance adopted 74 recommendations submitted by Sub-Group 2, together with two Appendices containing, respectively, Guidelines on the responsibilities of representatives of Electoral Groups in Bureaus and a Non-exhaustive list of best practices of IIBs.

## **Follow-up to the Recommendations of the Sub-Group 2 in Governance, Procedures and Working Methods of the Governing Bodies of UNESCO**

12. The Secretariat has prepared a table on the status of the follow-up to the recommendations of the Working Group on governance, presented in Annex, that have an impact on the governing bodies of the 1970 Convention (both the Meeting of States Parties and the Subsidiary Committee).
13. In order to facilitate the Subsidiary Committee's discussions, the Annex proposes the following 3 categories:

- i. **Implemented:** Current rules/practices comply with the recommendation in question and no further action is required;
  - ii. **Implementation on-going:** Action has already been initiated by the Secretariat;
  - iii. **Action to be considered:** Action that is the responsibility of the Parties and would require a decision/resolution.
14. The Annex shows that most of the recommendations of the Working Group on governance have already been implemented by the Subsidiary Committee. One example is Recommendation 58, which advocates term limits of two consecutive mandates for members of the Bureau of the Committee. As provided for in the Rules of Procedure of the Committee, that is already put into practice.
15. The Subsidiary Committee may wish to consider adopting the following decision:

#### **DRAFT DECISION 7.SC 7**

*The Subsidiary Committee,*

1. *Having examined* document C70/16/4.SC/11 and its Annex;
2. *Recalling* [39 C/Resolution 87](#) of the General Conference, the Audit of the working methods of Cultural Conventions ([IOS/AUD/2013/06](#)) and the Evaluation of UNESCO's standard setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS) ([IOS/EVS/PI/133 REV.2](#));
3. *Takes note* of the efforts and steps already undertaken with a view to improving and streamlining the working methods of the Subsidiary Committee to the Meeting of States Parties to the 1970 Convention, in line with the past Recommendations by the External Auditor and IOS in this matter;
4. *Also takes note* of the status of the follow-up to the recommendations of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO ([39 C/Resolution 87](#));
5. *Requests* the Secretariat to submit document C70/19/7.SC/7, its Annex and the present decision to the Chairperson of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO.

**ANNEX - STATUS OF THE FOLLOW-UP TO THE  
RECOMMENDATIONS OF THE WORKING GROUP ON GOVERNANCE**

**Recommendations of the open-ended Working Group on Governance, Procedures and  
Working Methods of the Governing Bodies of UNESCO,  
Part 2.**

**Structure, composition and methods of work of UNESCO's international and  
intergovernmental bodies (IIBs)<sup>4</sup>**

RECOMMENDATION	IMPLEMENTATION STATUS
<b>B. General recommendations for all international and intergovernmental bodies (IIBs)</b>	
<b>Efficiency (mandate, composition, structure, rules of procedure, methods of work)</b>	
<p>56. IIBs are invited to update their mandates, as appropriate, including their objectives and programmes, to be more coherent with approved C/5 priorities and responsive to current global developments such as the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change.</p>	<p><b>Subsidiary Committee : Implementation on-going</b></p> <p>The functions of the Subsidiary Committee are described in Article 14.6 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> to the 1970 Convention as well as on Article 1 of its own <a href="#">Rules of Procedure</a>.</p> <p>Since its Third Session in 2014, the Committee has provided special attention to <a href="#">target 16.4 of the SDGs</a>, which aims at strengthening the recovery and return of stolen assets. This is reflected in the adoption of several decisions<sup>5</sup> aiming at reinforcing the role of the Subsidiary Committee in the development of tools facilitating the restitution of cultural property, notably through the adoption of a Standard Action Plan for return and restitution of cultural objects illegally on sale on the market<sup>6</sup>.</p>

<sup>4</sup> To see all recommendations, including Part 1 pertaining to the governing bodies of UNESCO (General Conference and Executive Board), please refer to documents [39 C/20](#) and [39 C/70](#).

<sup>5</sup> [3.SC 4.14](#), [3.SC 7.9](#), [3.SC 10](#), as well as in [4.SC.10](#), [4.SC 15.4](#)

<sup>6</sup> See decision [4.SC 15.4](#)

	<p><b>Meeting of States Parties: action to be considered</b></p> <p>The mandate of the Meeting of States Parties is not clearly defined in the Rules of Procedure. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>57. To promote diversity and inclusivity, voluntary term-limits of two consecutive mandates are recommended for IIBs, which currently do not have term limitations for membership.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>According to Articles 1.2 and 1.3 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the members of the Subsidiary Committee are elected for a four year-term and may not be elected for two consecutive terms. Every two years, the Meeting of States Parties renews half of the members of the Committee, according to Rule 14.5 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a>.</p>
<p>58. As a general rule, term-limits of two consecutive mandates for membership in all Bureaux are recommended.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>According to Rule 12.1 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the Subsidiary Committee, at the beginning of each ordinary session, shall elect the Bureau from among those Committee Members whose term of office continues until the beginning of the next ordinary session. Its Members will be eligible for immediate re-election for one additional term of office.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Conversely, the <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent regarding the time limit for membership in the Bureau. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>59. For cost saving, coherence and harmonization, it is recommended that IIBs and the General Conference consider “right-sizing” the composition of the IIBs.</p>	<p><b>Meeting of States Parties: action to be considered</b></p> <p>According to Rule 1.1 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the Committee shall consist of eighteen States Parties to the 1970 Convention elected in accordance with Rule 14.4 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> to the Convention.</p> <p>A change would have to be agreed upon by the Meeting of States Parties by amending its Rules of Procedure.</p>

<p>60. There is a need to reduce and manage the politicization of nominations and decisions.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>The 1970 Convention does not have a nomination mechanism.</p>
<p>61. To enhance visibility and the effectiveness of the work of the IIBs, more effective information-dissemination is recommended through updating and enhancing websites and sensitizing all involved actors, including Member States and their National Commissions.</p>	<p><b>Subsidiary Committee and Meeting of States Parties : implementation on-going</b></p> <p>Visibility and effective dissemination of information is crucial for the effectiveness of the work of the Subsidiary Committee and the Meeting of States Parties. This is why, in line with Recommendation 61, <a href="#">the website of the Convention</a> is being updated and improved. Furthermore, the Secretariat provides visibility and updates the <a href="#">specific page on the periodic reports</a>.</p> <p>Additionally, when necessary, the Secretariat ensures close communication with the States Parties to the Convention, all Convention stakeholders (particularly the Permanent Delegations to UNESCO, National Commissions, national focal points for the Convention, civil society organizations, UNESCO Chairs, Unitwin and Non-Governmental Organizations).</p>
<p>62. Earlier preparation and dissemination of draft agendas and preliminary timetables, mainly by using the same template containing hyper-links to documents to be adopted / discussed in sessions.</p>	<p><b>Subsidiary Committee : implemented</b></p> <p>According to Rule 41 of the <a href="#">Rules of Procedure of the Subsidiary Committee</a>, the documents relating to the items on the provisional agenda of each session of the Committee are distributed to Members of the Committee in the two working languages not later than four weeks before the beginning of the session, and are provided in electronic form to States Parties not Members of the Committee and to public or private organizations, individuals and observers under Rules 6 and 7.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>The <a href="#">Rules of Procedure of the Meeting of States Parties</a> do not define a statutory deadline. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p> <p>Regarding the use of hyperlinks, starting from the Sixth Session of the Subsidiary Committee all working documents include hyperlinks to documents and draft decisions, when relevant.</p>

	<p><b>Note:</b> As the working documents are however generally finalized later than the agenda, it is difficult to add hyper-links for documents that are not yet final, unless a revised version of the agenda is released once the working documents are.</p>
<p>63. The Secretariat is invited to promote a harmonized virtual working environment for all IIBs and to revisit UNESCO's "Strategy on Knowledge Management and Information &amp; Communication Technology". Simple, more user-friendly documentation (i.e. less fragmented reporting and easier document tracking; annotated agenda with hyperlinks to reports and draft decisions).</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>A knowledge management system has been established and is in constant development. It uses six languages and allows Member States to have access to all documents of the statutory meetings of the governing bodies, as well as various platforms vital for the implementation of the Convention's mechanisms.</p>
<p>64. Open - ended informal consultations on draft decisions to promote inclusive and effective decision-making.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>The Secretariat of the 1970 Convention holds meetings with the Bureaux to discuss items on the agenda of the session, content of the working and information documents and draft decisions.</p> <p>See also Recommendation 76</p>
<p>65. It is recommended that the Rules of Procedure of the IIBs be amended, when relevant, to advance the deadline for submission of candidatures to their subsidiary bodies from 48 hours to seven days before elections.</p>	<p><b>Meeting of States Parties: action to be considered</b></p> <p>The <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent regarding the deadline for submission of candidatures to the Committee. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>

<b>Harmonization (role of Bureaux and transparency)</b>	
<p>66. The role, composition and procedures of Bureaux and their members should be clarified and harmonized through codification in rules of procedure / statutes or development of general guidelines for all IIBs, in close cooperation with the Secretariat.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>The role, composition and procedures of Bureaux and their members is clarified in Chapter VI <a href="#">of the Rules of Procedure of the Subsidiary Committee</a>.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Articles 3 and 4 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> stipulate only the composition of the bureau and the duties of the Chairperson respectively. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>67. It is suggested that Bureaux composition be set, as much as compatible with individual IIBs' mandates, at a maximum of six members (Chairperson, Rapporteur, and four Vice-Chairpersons from the six electoral groups).</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>According to <a href="#">Rule 11 of the Rules of Procedure of the Subsidiary Committee</a>, composition of the Bureau of the Committee is limited to six members.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>However, Article 3 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a> state that the Meeting of States Parties shall elect a Chairperson, <b>one or more Vice-Chairperson(s)</b> and a Rapporteur. Therefore, they are silent regarding the maximum number of members. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>68. The intergovernmental nature of Bureaux should be reaffirmed while maintaining expert engagement.</p>	<p>The Bureaux of the governing bodies are composed of representatives of the Committee members and of the States Parties to the Convention and are therefore, by definition, intergovernmental in nature.</p> <p><b>Subsidiary Committee: implemented</b></p> <p><a href="#">Rule 12.3 of the Rules of Procedure of the Subsidiary Committee</a> reads "In electing the Bureau, the Committee shall have due regard to the need to ensure equitable geographical representation and conformity with the principle of rotation".</p> <p><b>Meeting of States Parties: action to be considered</b></p>



	<p>Conversely, the <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent as regards the geographical representation of Bureaus. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p> <p>The Secretariat will share with all new Bureau members the guidelines developed for this purpose.</p>
<p>69. Documents related to Bureau meetings should appear online before meetings take place; outcomes, including reports of Bureau meetings, should be communicated to all members, and as appropriate, all Permanent Delegations, in a timely manner.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>The Bureau meetings of the Committee and the Meeting of States Parties are held when deemed necessary. No documents are prepared for them other than those strictly necessary.</p> <p>The Secretariat will make sure that the outcomes are communicated to all members and all Permanent Delegations.</p>
<p>70. Elections of Bureaus should be held, as much as possible, soon after elections for seats on the IIBs conducted at the General Conference, to avoid having Bureau members from Member States that are no longer members of the IIBs concerned.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>Members of the Committee are elected by the Meeting of States Parties. In order to avoid having Bureau members from Member States which are no longer members of the IIBs concerned, <a href="#">rule 12.1 of the Rules of Procedure of the Subsidiary Committee</a> states that the Bureau should be elected from those Committee Members whose term of office continues until the beginning of the next ordinary session.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Regarding the Meeting of States Parties, bureau members are elected at the beginning of each session. They remain in office until the beginning of the following session. This is however not explicitly described in the Rules of Procedure. An amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>

<p>71. As much as feasible, Bureau meetings should be open to observers and working methods made more transparent.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p><a href="#">Rule 13.1 of the Rules of Procedure of the Subsidiary Committee</a> states that “[the bureau] meetings shall be open to States Members of the Committee and States Parties to the Convention as observers”.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>The <a href="#">Rules of Procedure of the Meeting of States Parties</a> are silent regarding this point. However, an amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13)</p>
<p>73. Gender-neutral language should be adopted throughout all UNESCO documents.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>Both the <a href="#">Rules of Procedure of the Subsidiary Committee</a> and the <a href="#">Rules of the Procedure of the Meeting of States Parties</a> have already integrated gender-neutral language. The Secretariat pays utmost attention to gender-neutral language throughout all UNESCO documents.</p>
<p><b>Alignment with overarching priorities of UNESCO</b></p>	
<p>74. All IIBs should have the opportunity to submit formal inputs to the Medium-Term Strategy (C/4) and the Programme and Budget (C/5) documents of UNESCO.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>Member States submit formal inputs to C/4 and C/5 Documents and adopt them at the General Conference. The discussions held within the Convention’s organs are taken into account by the Secretariat when preparing preliminary proposals on the C/4 and C/5.</p> <p>Furthermore, the Meeting of States Parties and the Subsidiary Committee will have the opportunity to contribute to the preparation of the preliminary proposals for the next Medium Term Strategy 2022-2029 (41C/4) and the Programme and Budget for 2022-2023 (41C/5) in the framework of UNESCO’s strategic transformation, launched in 2018 by the Director-General. This will allow both IIBs to reflect on how to continue the process of aligning the programme on prohibiting and preventing the illicit import, export and transfer of ownership of cultural property with the Agenda 2030 and other internationally agreed frameworks.</p>

<p>75. A feedback mechanism can be envisaged for substantive dialogue between Member States and IIBs, beyond the limited reporting to the General Conference. This could be through information meetings or briefings. Reporting to the General Conference should be enhanced through a new more strategic and results-oriented reporting format to be followed by debate and General Conference resolutions to provide feedback to IIBs.</p>	<p><b>Subsidiary Committee and Meeting of States Parties : implemented</b></p> <p>The report on the implementation of the programme and, by extension, on the work of the governing bodies of the Convention, is ensured through Documents EX/4 (Report by the Director-General on the execution of the programme, submitted to the Executive Board) and C/3 (Report of the Director-General on the activities of the Organization submitted to the General Conference). See also Recommendation 98.</p> <p>Furthermore, the Committee reports on its activities to the General Conference at each session through the submission of a formal report.</p>
<p>76. Orientation sessions for new members of all IIBs, especially for Chairpersons and Bureau members, should be institutionalized and include introduction to the C/4 and C/5 frameworks. To that end, a short user-friendly guidebook including best practices and acronyms could be produced to familiarize members with working methods and C/4 and C/5 mechanisms.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>The Secretary of the Convention holds preparatory meetings before each session with the Chairperson concerning the items of the agenda, the role of the Chairperson, Rules of Procedure and the working methods.</p>
<p><b>Coherence, coordination and synergies</b></p>	
<p>77. Balanced resource allocation is necessary to ensure the effectiveness of all IIBs.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: action to be considered</b></p> <p>This recommendation is directly related to the adoption of the C/5 programme and budget document, which is the responsibility of UNESCO Member States, exercised during the General Conference.</p>

<p>78. Use of languages for inclusivity and effectiveness remains an important objective.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>According to <a href="#">Rule 40 of the Rules of Procedure of the Subsidiary Committee</a>, the working languages of the Committee are French and English. When the conditions permit, every effort is made, including recourse to extra budgetary funding, to facilitate the use of the other official languages of UNESCO. It should also be noted that, according to Rule 40.3, “speakers may, however, speak in any other language, provided that they make their own arrangements for interpretation of their speeches into one of the working languages”. The documents of the Committee are issued simultaneously in French and English. When the conditions permit, they are also issued in the other official languages of UNESCO.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>Rule 10 of the <a href="#">Rules of Procedure of the Meeting of States Parties</a>, only provides that the working languages of the Meeting of States Parties are Arabic, Chinese, English, French, Russian and Spanish. An amendment has been proposed for the consideration of States Parties as part of their current revision (please refer to doc. C70/19/5.MSP/13).</p>
<p>79. IIBs and their Secretariats are requested to enhance coordination in scheduling of meetings to avoid overlap.</p>	<p><b>Subsidiary Committee and Meeting of States Parties : implemented</b></p> <p>The Partnerships, Communications and Meetings Unit of the Culture Sector ensures that there is no overlap between the meetings of the six cultural conventions.</p>
<p>80. Best practices should be shared and replicated or, if necessary, adjusted to reflect specificities with the aim to promote governance mechanisms that facilitate strategies and action plans anchored on the C/4 and C/5.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>When relevant, the Secretariat will endeavour to implement the best practices identified by the Working Group.</p>

## E. Specific recommendations for all UNESCO Conventions Cultural Conventions

<p>94. A more balanced approach in terms of equitable financial and human resource allocation for all cultural conventions was called for, considering their importance to the mandate of UNESCO. All cultural conventions are in need of additional resources to fulfil their objectives fully.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: action to be considered</b></p> <p>The adoption of the programme and budget is the responsibility of Member States exercised during the General Conference.</p> <p>For many years, the Secretariat has been drawing the Member States' attention to the need to strengthen human and financial resources to implement the 1970 Convention in an effective and sustainable way. The lack of available resources makes it difficult to ensure the implementation of a greater number of projects, including those that would respond to the State Parties' plea for strengthening the implementation of the Convention and reinforcing communication and visibility.</p> <p>States Parties are encouraged to increase their support to the Secretariat through voluntary contributions and other types of human resources support.</p> <p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>The 1970 Convention Secretariat is composed of a Director who holds the position of Secretary of the Convention, a senior Programme Specialist, two Associate Programme Specialists and a Secretarial Assistant.</p> <p>Germany has kindly reinforced the human resources of the Secretariat with a Junior Professional Officer.</p>
<p>96. Governing Bodies of the Conventions, through broad consultations, are invited to further explore, as appropriate, harmonization of rules of procedure and coherence in decision-making procedures, taking into account their respective mandates and specificities. They can consider best practices from the environmental treaties/UNEP to further develop synergies in organizational matters, information-sharing, and cost-efficiency.</p>	<p><b>Subsidiary Committee: implemented</b></p> <p>The <a href="#">Rules of Procedure of the Subsidiary Committee</a> - adopted by its Fourth session in 2016- are already based on best practices taken from the <a href="#">Rules of Procedure of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage</a>, the <a href="#">Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions</a> and the <a href="#">Committee for the Protection of Cultural Property in the Event of Armed Conflict</a>.</p> <p><b>Meeting of States Parties: action to be considered</b></p> <p>The amendments proposed for the consideration of the Meeting of States Parties as part of the current revision of its Rules of Procedure aim at harmonizing these with the Rules of Procedure of other governing bodies (please refer to doc. C70/19/5.MSP/13).</p>

<p>97. Meetings of the Chairpersons of the Committees of the Cultural Conventions can be more interactive and action oriented. Chairpersons should work strategically together to address common themes and challenges and consider shared responses and cooperation.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>The Chairpersons of the Committees of the six cultural conventions had the opportunity to hold two meetings between 2015 and 2016. Common themes and challenges were discussed, such as the protection of heritage in period of conflict and the 2030 Agenda for Sustainable Development. The six chairs indicated how the Conventions could contribute to achieving these goals, and highlighted the importance for all stakeholders to deliver a joint message on how culture is essential for human development. The Secretariat will continue to facilitate synergies between the Chairpersons and foster cooperation among these organs.</p>
<p>98. A closer relationship between Governing Bodies of Conventions and the General Conference is desirable, including through the opportunity to provide inputs to the C/5.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implemented</b></p> <p>The State Parties to the Convention are UNESCO Member States that contribute, inter alia, to the development of the C/5 Document and participate in the work of and decisions taken by the Executive Board and the General Conference in that respect. Moreover, the working documents submitted to the governing bodies of the Convention are based and focused on the C/5 Document. Finally, the Committee reports to the General Conference on its activities at every session through the submission of a formal report.</p> <p>See also Recommendation 75.</p>
<p>99. Transparency and accountability measures can be enhanced, such as dissemination of minutes/ key results of Bureaux meetings.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>See Recommendation 69.</p>
<p>100. Capacity-building and common training on all cultural conventions should be strengthened.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>This practice has already been put in place by the Secretariats of the 1970 and 2001 Conventions, when permitting, with a view to reduce costs and increase the impact.<sup>7</sup></p> <p>The Secretariat will continue to promote common capacity-building.</p>

<sup>7</sup> Please refer, for example, to the [regional project in Central America](#) financed by the Spanish Agency for International Development Cooperation

<p>101. Governing bodies of Conventions and their Secretariats are encouraged to develop appropriate ratification strategies.</p>	<p><b>Subsidiary Committee: action proposed</b></p> <p>The Secretariat already follows a strategic approach to the ratification of the 1970 Convention, focusing on regions that experience low levels of adhesion.</p>
<p>102. The Convention's relations and cooperation with other international entities and initiatives should contribute to visibility, impact, and fundraising, without compromising UNESCO's core competencies.</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>Since 2007, collaboration is steadily increasing between UNESCO and INTERPOL, UNIDROIT, WCO, UNODC, ICOM, ICCROM and ICOMOS, as well as with the specialized police corps of the Carabinieri (Italy), the Office Central de Lutte contre le Trafic des Biens Culturels (OCBC, France), and the Guardia Civil (Spain), among others.</p> <p>These organizations communicate frequently with each other, particularly concerning thefts and illicit exports of cultural property worldwide and procedures for its restitution. Such cooperation yields tangible results such as the establishment of highly operational professional networks, lawful restitutions of cultural property and an improvement in the legal and practical framework for combating the pillaging and illicit transfer of cultural property.</p>
<p><b>Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)</b></p>	
<p>104. Reinforcement of staff supporting the Convention</p>	<p><b>Subsidiary Committee and Meeting of States Parties: implementation on-going</b></p> <p>The 1970 Convention Secretariat is composed of five staff members (a Director, who holds the position of Secretary of the Convention, a senior Programme Specialist, two Associate Programme Specialists and a Secretarial Assistant).</p> <p>Germany has kindly reinforced the human resources of the Secretariat with a Junior Professional Officer.</p>

## RESOLUTION 5.MSP 8

The Meeting of States Parties,

1. *Having examined* document C70/19/5.MSP/8 and its Annex,
2. *Recalling* [39 C/Resolution 87](#) of the General Conference, the Audit of the working methods of Cultural Conventions ([IOS/AUD/2013/06](#)) and the Evaluation of UNESCO's standard-setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS) ([IOS/EVS/PI/133 REV.2](#));
3. *Takes note* of the efforts and steps undertaken to improve and streamline the working methods of the Meeting of States Parties to the 1970 Convention, in line with the past Recommendations by the External Auditor and IOS on this matter;
4. *Also takes note* of the status of the follow-up to the recommendations of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO ([39 C/Resolution 87](#));
5. *Requests* the Secretariat to submit to the Meeting of States Parties, at its Sixth Session, and as necessary, the updated status of the follow-up to the recommendations of the open-ended Working Group on governance, procedures and working methods of the governing bodies of UNESCO, together with its comments and proposals regarding the recommendations requiring action by the States Parties;
6. *Further requests* the Secretariat to submit Document C70/19/7.SC/7, its Annex and the present decision to the Chairperson of the open-ended Working Group on Governance, Procedures and Working Methods of the Governing Bodies of UNESCO.

## DECISION 7.SC 7

The Subsidiary Committee,

1. *Having examined* document C70/19/7.SC/7 and its Annex;
2. *Recalling* [39 C/Resolution 87](#) of the General Conference, the Audit of the working methods of Cultural Conventions ([IOS/AUD/2013/06](#)) and the Evaluation of UNESCO's standard setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS) ([IOS/EVS/PI/133 REV.2](#));
3. *Takes note* of the efforts and steps already undertaken with a view to improving and streamlining the working methods of the Subsidiary Committee to the Meeting of States Parties to the 1970 Convention, in line with the past Recommendations by the External Auditor and IOS in this matter;



4. Also takes note of the status of the follow-up to the recommendations of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO ([39 C/Resolution 87](#));
5. Requests the Secretariat to submit document C70/19/7.SC/7, its Annex and the present decision to the Chairperson of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO.