



United Nations
Educational, Scientific and
Cultural Organization



Convention for the fight
against the illicit trafficking
of cultural property

Rules of Procedure of the 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)

Adopted by the Subsidiary Committee at its First Ordinary session
in Paris, UNESCO Headquarters, 2-3 July 2013

1. As part of the organization of the first session of the 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 (1970), the Secretariat proposes the following Rules of Procedure based on the Rules of Procedure of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage,¹ the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions² and the Committee for the Protection of Cultural Property in the Event of Armed Conflict.³

2. The provisional Rules of Procedure comprise ten sections: Functions (I), Membership (II), Sessions (III), Participants (IV), Agenda (V), Bureau (VI), Conduct of business (VII), Voting (VIII), Secretariat of the Committee (IX), Working languages and reports (X), Adoption, amendment and suspension of the Rules of Procedure (XI).

3. The provisional Rules of Procedure are the following:

(All terms used in these Rules to designate the person discharging duties, mandates or functions shall be interpreted as implying that men and women are equally eligible to fill any post or seat associated with the discharge thereof).

I. FUNCTIONS

The functions of the Committee are:

- a) To promote the purposes of the Convention, as set forth in the Convention;
- b) To review national reports presented to the General Conference by the States Parties to the Convention;
- c) To exchange best practices, and prepare and submit to the Meeting of the States Parties recommendations and guidelines that may contribute to the implementation of the Convention;
- d) To identify problem areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property;
- e) 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;
- f) To report to the Meeting of States Parties on the activities it has carried out.

II. MEMBERSHIP

Rule 1 – The Subsidiary Committee

1.1 The Subsidiary Committee (hereinafter referred to as “the Committee”) shall consist of eighteen States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 1970) (hereinafter referred to as “the Convention”) elected in accordance with Rule 14.4 of the Rules of Procedure of the Meeting of States Parties to the Convention.

¹ <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026>

² <http://www.unesco.org/new/en/culture/themes/cultural-diversity/diversity-of-cultural-expressions/the-convention/operational-guidelines/>

³ http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/rules_procedure_rev6committee_meet_en.pdf

- 1.2 Members of the Committee shall be elected for a term of four years. The term of office of the Members of the Committee shall extend from the end of the session of the Meeting of States Parties to the Convention at which they were elected until the end of its second subsequent ordinary session.
- 1.3 Notwithstanding the provisions of Rule 1.2 above, the term of office of one half of the Members designated at the first election shall expire at the close of the first ordinary session of the Meeting of States Parties to the Convention following that at which they were elected. The names of these Members shall be drawn by lot by the Chairperson of the Meeting of States Parties to the Convention held after the first election.
- 1.4 The Members of the Committee shall not be immediately eligible for re-election.

III. SESSIONS

Rule 2 – Ordinary and extraordinary sessions

- 2.1. The Committee shall meet once a year in ordinary session.
- 2.2. The Committee shall meet in extraordinary session whenever it deems necessary in accordance with the procedure defined below in this Rule.
- 2.3. 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 (hereinafter referred to as “the Director-General”).
- 2.4. 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.
- 2.5. The requested extraordinary session shall be convened if the proposal is approved in writing by a two-thirds majority of the Members of the Committee.

Rule 3 – Convocation

- 3.1. Sessions of the Committee shall be convened by the Chairperson of the Committee (hereinafter referred to as “the Chairperson”) in consultation with the Director-General.
- 3.2. The Director-General shall inform the States Members of the Committee of the date, place and provisional agenda of each session not less than sixty days in advance in the case of an ordinary session and, so far as possible, not less than thirty days in advance in the case of an extraordinary session.
- 3.3. The Director-General shall, at the same time, inform the organizations, individuals and observers mentioned in Rules 6 and 7 of the date, place and provisional agenda of each session.

Rule 4 – Date and place of the sessions

- 4.1 The Committee shall determine at each session, in consultation with the Director-General, the date and place of the next session. The date and/or place may be changed, if necessary, by the Bureau, in consultation with the Director-General.
- 4.2. Any State Member of the Committee may invite the Committee to hold an ordinary or extraordinary session on its territory, provided that it covers the organizational costs.

- 4.3. In determining the place of the next ordinary session, the Committee shall give due consideration to the need to ensure an equitable rotation among the different regions of the world.

IV. PARTICIPANTS

Rule 5 – Delegations

- 5.1. Each State Member of the Committee shall designate a representative, who may be assisted by alternates, advisers and experts.
- 5.2. States Members of the Committee shall transmit to the Secretariat in writing the names, designations and qualifications of their representatives.

Rule 6 – Invitations for consultation

The Committee may at any time, taking account, as appropriate, of the criteria of geographical distribution, invite public or private organizations or individuals to participate in its meeting for consultation on specific matters.

Rule 7 – Observers

- 7.1. States Parties to the Convention which are not Members of the Committee may participate in its sessions as observers without the right to vote, and in those of its subsidiary bodies, and shall be granted the rights set out in Rule 20.3 below.
- 7.2. 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, subject to the provisions of Rule 20.3.
- 7.3. 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, subject to the provisions of Rule 20.3.
- 7.4. Intergovernmental organizations other than those referred to in Rule 7.3, 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, subject to the provisions of Rule 20.3, upon written request to the Secretariat.

V. AGENDA

Rule 8 – Provisional agenda

- 8.1. The provisional agenda of the sessions of the Committee shall be prepared by the Bureau with the assistance of the UNESCO Secretariat.
- 8.2. The provisional agenda of an ordinary session of the Committee may include:
- (a) all questions that the Committee decided to include at a previous session;
 - (b) all questions proposed by the States Members of the Committee;
 - (c) all questions proposed by States Parties to the Convention that are not Members of the Committee;

- (d) all questions proposed by the Director-General;
- (e) all questions referred by the Meeting of States Parties to the Convention.

8.3. The provisional agenda of an extraordinary session shall include only those questions for the consideration of which the session has been convened.

Rule 9 – Adoption of the agenda

The Committee shall adopt at the beginning of each session its agenda for that session.

Rule 10 – Amendments, deletions and new items

The Committee may amend, delete or add items to the agenda so adopted if so decided by a two-thirds majority of States Members present and voting.

VI. BUREAU

Rule 11 – Bureau

- 11.1. The Bureau of the Committee shall consist of the Chairperson, four Vice-Chairpersons and a Rapporteur, in conformity with the principle of equitable geographical representation.
- 11.2. The Bureau shall coordinate the work of the Committee. It shall perform the tasks set out in the Operational Guidelines for the implementation of the Convention and any other task assigned by the Committee through its own decisions. The other members of the Bureau shall assist the Chairperson in carrying out his duties.
- 11.3. 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.
- 11.4. Its meetings shall be open to States Members of the Committee and States Parties to the Convention as observers, unless decided otherwise by the Bureau. Observers may address the Bureau only with the prior consent of the Chairperson.

Rule 12 – Elections of the Bureau

- 12.1. The Committee, at the beginning of every second ordinary session, shall elect, from among those Committee Members whose term of office continues throughout the next ordinary session, a Chairperson, four Vice-Chairpersons and a Rapporteur who shall remain in office until the end of that session. The Bureau shall be elected in accordance with the principle of geographic rotation.
- 12.2. The Chairperson, the Vice-Chairperson(s) and the Rapporteur shall be eligible for immediate re-election for a second term of office, provided that the country that each represents continues to be a State Member of the Committee at least until the end of the new term of office.
- 12.3. 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.

Rule 13 – Duties of the Chairperson

- 13.1. In addition to exercising the powers conferred upon him elsewhere by these Rules, the Chairperson shall open and close each plenary meeting of the Committee, direct the discussion, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to these Rules,

shall control the proceedings and the maintenance of order. He shall perform all other duties entrusted to him by the Committee.

13.2 Should the Chairperson be absent during a meeting, or any part thereof, he shall be replaced by a Vice-Chairperson appointed by the Chairperson. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

13.3 The Chairperson or Vice-Chairperson(s) of a subsidiary body of the Committee shall have the same powers and duties in regard to the body over which they are called upon to preside as Chairperson or Vice-Chairperson(s) of the Committee.

Rule 14 – Replacement of the Chairperson

14.1 If the Chairperson is unable to act at any session of the Committee or Bureau, or part thereof, his functions shall be performed by a Vice-Chairperson in the French alphabetical order of States Members of the Committee commencing with the country of the Chairperson, until the next Chairperson is elected.

14.2 If the Chairperson ceases to represent a State Member of the Committee or is for any reason unable to complete his term of office, he shall be replaced by a Vice-Chairperson in the French alphabetical order of States Members of the Committee commencing with the country of the Chairperson, for the remainder of the term of office.

14.3 The Chairperson shall abstain from performing his functions for all issues relating to the State Party of which he is a national.

Rule 15 – Replacement of the Rapporteur

15.1 If the Rapporteur is unable to act at any session of the Committee or the Bureau, or part thereof, his functions shall be performed by a Vice-Chairperson in the French alphabetical order of States Members of the Bureau commencing with the country of the Rapporteur.

15.2 If the Rapporteur ceases to represent a State Member of the Committee or if he is for any reason unable to complete his term of office, he shall be replaced by a Vice-Chairperson in the French alphabetical order of States Members of the Bureau, for the remainder of the term of office.

VII. CONDUCT OF BUSINESS

Rule 16 – Quorum

16.1 At plenary meetings, a quorum shall consist of a majority of the States Members of the Committee.

16.2 At meetings of subsidiary bodies, a quorum shall consist of a majority of the States Members of the bodies concerned.

16.3 Neither the Committee nor its subsidiary bodies shall decide on any matter unless a quorum is present.

Rule 17 – Public meetings

Meetings shall be held in public unless decided otherwise by the Committee.

Rule 18 – Private meetings and documents

- 18.1 When, in exceptional circumstances, the Committee decides to hold a private meeting, it shall determine the persons who, in addition to the representatives of the States Members of the Committee and other States Parties to the Convention, the latter as observers, shall be present.
- 18.2 Any decision taken by the Committee at a private meeting shall be presented in written form at a subsequent public meeting.
- 18.3 At each private meeting, the Committee shall decide whether the summary record and working documents of that meeting shall be published. Documents resulting from private meetings shall be made public after a period of twenty years.

Rule 19 – Subsidiary bodies

- 19.1 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.
- 19.2 The composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies shall be defined by the Committee at the time of their establishment. These bodies may be constituted only from among States Members of the Committee.
- 19.3 In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions of the world.

Rule 20 – Order and time-limit of speeches

- 20.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.
- 20.2 The Chairperson may limit the time allowed to each speaker if the circumstances make this desirable.
- 20.3 The observer States, the representatives of organizations and individuals referred to in Rules 6 and 7 may address the meeting with the prior consent of the Chairperson after the members of the Committee have completed their interventions.

Rule 21 – Texts of proposals

At the request of any Member of the Committee, supported by two other Members, discussion of any substantive motion, resolution or amendment shall be suspended until the written text has been circulated in the working languages to all Committee members present.

Rule 22 – Division of proposals

Part of a proposal shall be voted on separately if so requested by a Member of the Committee. Those parts of a proposal which have been approved in separate vote shall then be put to a vote as a whole. If all the operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 23 – Voting on amendments

- 23.1 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the

original proposal and then on the amendment next furthest removed therefrom and so on, until all of the amendments have been put to the vote.

23.2 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

23.3 A proposal is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 24 – Order of voting on proposals

If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 25 – Withdrawal of proposals

A proposal may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal has not been amended. A proposal withdrawn may be reintroduced by another State Member of the Committee.

Rule 26 – Points of order

26.1 During a discussion, a State Member of the Committee may rise to a point of order and the point of order shall be immediately decided by the Chairperson.

26.2 An appeal may be made against the ruling of the Chairperson. Such appeal shall be put to the vote immediately and the Chairperson's ruling shall stand unless overruled by a majority of Members present and voting.

Rule 27 – Procedural motions

During the discussion of any matter, a State Member of the Committee may propose a procedural motion: suspension or adjournment of the meeting, adjournment of the debate or closure of the debate.

Rule 28 – Suspension or adjournment of the meeting

During the discussion of any matter, a State Member of the Committee may move the suspension or adjournment of the meeting. Any such motion shall be put to the vote immediately and without discussion.

Rule 29 – Adjournment of debate

During the discussion of any matter, a State Member of the Committee may move the adjournment of the debate on the item under discussion. On moving the adjournment the State Member shall indicate whether he moves the adjournment *sine die* or to a particular time which he shall specify. Any such motion, if seconded, shall be put to the vote immediately and without discussion.

Rule 30 – Closure of debate

A State Member of the Committee may at any time move the closure of the debate whether or not any other speaker has signified his wish to take part in the discussion. Permission to speak against the closure may be granted to not more than two speakers. The Chairperson shall then put the

motion for closure to the vote and, if the Committee is in favour, the Chairperson shall declare the debate closed.

Rule 31 – Order of procedural motions

Subject to Rule 26 the following motions shall have precedence in the following order over all other proposals or motions before the meeting to:

- (a) suspend the meeting;
- (b) adjourn the meeting;
- (c) adjourn the debate on the matter under discussion;
- (d) close the debate on the matter under discussion.

Rule 32 – Decisions

32.1 The Committee shall adopt such decisions and recommendations as it may deem appropriate.

32.2 The text of each decision shall be adopted at the end of the discussion of the agenda item.

VIII. VOTING

Rule 33 – Voting rights

Each State Member of the Committee shall have one vote in the Committee.

Rule 34 – Conduct during voting

After the Chairperson has announced the beginning of voting, no one shall interrupt the voting except a State Member of the Committee on a point of order in connection with the actual conduct of the voting.

Rule 35 – Simple majority

Except where otherwise specified in these Rules, all decisions of the Committee shall be taken by a simple majority of the States Members of the Committee present and voting.

Rule 36 – Counting of votes

For the purposes of these Rules, the expression “States Members of the Committee present and voting” shall mean States Members of the Committee casting an affirmative or negative vote. States Members who abstain from voting shall be regarded as not voting.

Rule 37 – Method of voting

37.1 Voting shall be by a show of hands unless a secret ballot is requested by one State Member of the Committee and seconded by two others.

37.2 If there is any doubt concerning the result of a vote by a show of hands, the Chairperson may take a second vote by roll-call.

37.3 A vote by roll-call shall also be taken if it is requested by not less than two States Members of the Committee before the vote is taken.

Rule 38 – Conduct of voting by secret ballot

- 38.1 Before the vote begins, the Chairperson shall appoint two tellers to scrutinize the votes cast.
- 38.2 When the counting of the votes is completed and the tellers have reported to the Chairperson, he shall announce the results of the ballot bearing in mind that the voting will be recorded as follows:

From the total number of the States Members will be deducted:

- (a) the number of States Members of the Committee absent, if any;
- (b) the number of blank ballot papers, if any;
- (c) the number of invalid ballot papers, if any.

The remaining number will constitute the number of votes recorded.

IX. SECRETARIAT OF THE COMMITTEE

Rule 39 – Secretariat

- 39.1 The Committee shall be assisted by the UNESCO Secretariat.
- 39.2 The Director-General or his representative shall participate in the work of the Committee and subsidiary bodies without the right to vote. He may at any time make either oral or written statements on any question under consideration.
- 39.3 The Director-General shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Committee, and other officials who shall together constitute the Secretariat of the Committee.
- 39.4 The Secretariat shall receive, translate and distribute all official documents of the Committee and shall arrange for the interpretation of the discussions.
- 39.5 The Secretariat shall perform all other duties necessary for the proper conduct of the work of the Committee.

X. WORKING LANGUAGES AND REPORTS

Rule 40 – Working languages

- 40.1 The working languages of the Committee shall be English and French. When the conditions permit, every effort shall be made, including recourse to extrabudgetary funding, to facilitate the use of the other official languages of UNESCO.
- 40.2 Statements made at a meeting of the Committee in one of the working languages shall be interpreted into the other language.
- 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.
- 40.4 The documents of the Committee shall be issued simultaneously in French and English. When the conditions permit, they shall also be issued in the working languages of UNESCO.

Rule 41 – Deadline for distribution of documents

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, individuals and observers under Rules 6 and 7.

Rule 42 – Reports of the sessions

At the end of each session, the Committee shall adopt the list of decisions that shall be published simultaneously in the two working languages not later than one month after the close of the session.

Rule 43 – Summary record

The Secretariat shall prepare a summary record of all statements made during the plenary meetings of the Committee in the two working languages for approval at the opening of the next session.

Rule 44 – Communication of documentation

The final reports of the sessions, list of decisions and summary record of the debates in public meetings shall be transmitted by the Director-General to the members of the Committee, all States Parties to the Convention, observer States, all public and private organizations, and individuals mentioned in Rules 6 and 7. Such documents shall preferably be sent electronically, if possible.

Rule 45 – Reports to the Meeting of States Parties

45.1 The Committee shall submit a report on its activities and decisions to the Meeting of States Parties at each ordinary session.

45.2 The Committee may authorize its Chairperson to submit these reports on its behalf.

45.3 Copies of the reports shall be sent to all States Parties to the Convention. Such reports shall preferably be sent electronically, if possible.

XI. ADOPTION, AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Rule 46 – Adoption of the Rules of Procedure

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.

Rule 47 – Amendment to the Rules of Procedure

The Committee may amend the Rules of Procedure by a decision taken in plenary meeting by a two-thirds majority of States Members present and voting, provided that the proposed amendment has been included in the agenda of the session in accordance with Rules 8 and 9 of these Rules of Procedure.

Rule 48 – Suspended application of the Rules of Procedure

The Committee may suspend the application of any of these Rules of Procedure by a decision taken in plenary meeting by a two-thirds majority of States Members present and voting.