
Fourth Session
Paris, UNESCO Headquarters, Room XI
15-16 May 2017

Item 15 of the Provisional Agenda: Amendments to the Rules of Procedure of the Meeting of States Parties

This document contains the proposed amendments to the Rules of Procedures of the Meeting of States Parties.

Draft Resolution: Paragraph 6
I. BACKGROUND


3. At its Third Meeting, (UNESCO, May 2015), the Meeting of States Parties requested the Secretariat to include an agenda item at its next session concerning the possible amendment of its Rules of Procedure (Resolution 3.MSP/12). States Parties to the Convention were also invited to submit to the Secretariat proposals for amendments in English and/or French by 31 January 2017. By the same Resolution, the Secretariat was also requested to prepare a document containing proposals for amendments to the Rules of Procedure for its possible adoption at the next Meeting of States Parties.

4. The Director of the Heritage Division sent an email on 4 January 2017 to all States Parties to the 1970 Convention to recall the Resolution adopted by the Meeting of States Parties and to invite them to submit their proposals. The Secretariat received replies from Argentina, Armenia, the Czech Republic, Madagascar, the Netherlands, the Nordic States (Denmark, Finland, Iceland, Norway, Sweden) and Palestine.

5. The proposals communicated by the above States Parties to the Secretariat are reflected in the annex in order to facilitate the discussions.

6. The Meeting of States Parties may wish to adopt the following decision:

II. DRAFT RESOLUTION 4.MSP 15

The Meeting of States Parties,

1. Having examined document C70/17/4.MSP/15, and its Annex,

2. Recalling Resolution 3.MSP 12;

3. Decides to amend its Rules of Procedure, as contained in the Annex to this Resolution with the effect from the date of the Fifth Meeting of States Parties.
ANNEX


Rules of Procedure


The Rules of Procedure (RoP) are the following:

I. PARTICIPATION

Article Rule 1 – Participants

The representatives of the States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the General Conference on 14 November 1970 (hereinafter referred to as “the Convention”) may participate, with the right to vote, in the Meeting of States Parties.

Article Rule 2 – Representatives and observers

2.1 The representatives of Member States of UNESCO not parties to the Convention, of Associate Members and of permanent observer missions to UNESCO may participate in the work of the Meeting of States Parties as observers, without the right to vote, and subject to Article Rule 7.3.

2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations that have concluded mutual representation agreements with UNESCO, as well as observers of intergovernmental and international non-governmental organizations and other representatives or observers invited by the Director-General, may participate in the work of the Meeting of States Parties, without the right to vote, and subject to Article Rule 7.3. [Czech Republic]

2.3 Other representatives or observers invited by the Director-General may participate in the work of the Meeting of States Parties, without the right to vote, and subject to Article 7.3. [Czech Republic]
II. ORGANIZATION OF THE MEETING OF STATES PARTIES

New Rule i. – Subsidiary bodies

The Meeting may establish such working groups as are necessary for the conduct of its work. Each of these bodies shall elect its Chairperson and its Rapporteur.

[Palestine]

New Rule ii. – Convening of the Meeting of States Parties

The Meeting of States Parties shall be convened in ordinary session every two years. At the request of a majority of States Parties, the Director-General shall convene an extraordinary session of the Meeting of States Parties.

[Czech Republic]

New Rule iii. – Provisional Agenda:

iii.1 The Provisional Agenda of an ordinary session of the Meeting of States Parties may include:

a. Election of half of the membership of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention (hereafter referred to as the Committee).

b. Any question required by the Convention and the present Rules;

c. Any question the inclusion of which has been decided by the Meeting of States Parties at a previous session;

d. Any question referred by the Committee;

e. Any question proposed by States Parties to the Convention;

f. Any question proposed by the Director-General.

iii.2 The provisional agenda for an extraordinary session shall include those questions for which the session has been convened.

[Czech Republic]

Article Rule 3 – Election of officers (the Members of) the Bureau

The Meeting of States Parties shall elect a Chairperson, one or more Vice-Chairperson(s) and a Rapporteur, in conformity with the principle of equitable representation of the electoral groups of UNESCO, who shall together constitute its Bureau. Their term of office will run from the Meeting of States Parties in which they are elected until the next session of the Meeting of States Parties, when a new Bureau will be elected. Its function is to co-ordinate the work of the Meeting of States Parties.

[Czech Republic]

OR

3.1 The Meeting of States Parties shall elect a Chairperson, one or more Vice-Chairperson(s) and a Rapporteur on the basis of the electoral groups of UNESCO, as determined by the UNESCO General Conference at its most recent session, it being understood that ‘Group V’ shall consist of two separate electoral groups for the African and Arab States.

5 Considering that this RoP (1970) already provides provisions for the creation of the Subsidiary Committee, this amendment may create a duplication with existing rules. See Article 14 below.

6 A possible overlap, please see Palestine’s amendments on Rule 14.1

7 A possible overlap, please see Palestine’s proposal under Rule 13.4
3.2 The Bureau of the Meeting of States Parties shall consist of the Chairperson, the Vice-Chairpersons and the Rapporteur. The Bureau shall co-ordinate the work of the Meeting of States Parties and fixes the dates, hours and order of business of the session. The Vice-Chairpersons and the Rapporteur shall assist the Chairperson in carrying out his/her duties.

3.3 The bureau shall remain in office until the beginning of the following session and shall meet as frequently as deemed necessary. [Palestine]

OR

The Bureau is composed of: a Chairperson, four Vice-Chairpersons and a Rapporteur. Its functions are to co-ordinate the work of the Meeting of States Parties and of its Subsidiary Committee and to fix the date, hours and order of business of the session. [Madagascar]

Article Rule 4 – Duties of Chairperson

4.1 In addition to exercising the powers conferred upon him/her elsewhere by the present Rules of Procedure, the Chairperson shall open and close each plenary meeting of the Meeting of States Parties. He/She shall direct the discussions, ensure observance of these Rules of Procedure, accord the right to speak, put questions to the vote and announce decisions. He/She shall rule on points of order and, subject to the present Rules of Procedure, shall control the proceedings and the maintenance of order. He/She shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf.

4.2 Should the Chairperson be absent during a meeting, or any part thereof, he/she shall be replaced by one of the Vice-Chairperson. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson. [Czech Republic]

4.3 The Rapporteur shall read the resolutions adopted during a session. [Madagascar]

4.4 The Chairpersons and Vice-Chairpersons of the working groups have the same duties as far as the bodies which they are chairing are concerned. [Palestine]

III. CONDUCT OF BUSINESS

Article Rule 5 – Public nature of meetings

Sessions shall be held in public unless decided otherwise by the Meeting of States Parties.

Article Rule 6 – Quorum

6.1 A quorum shall consist of a majority of the States referred to in Article Rule 1 and represented at the Meeting of States Parties.

---

8 It should be noted by States Parties that the Subsidiary Committee has its own Rules of Procedure and Bureau. In this regard, this proposal could be overlapping with the Rules of Procedure of the Subsidiary Committee.

9 In Rule 4.1, “announcing decisions”, is mentioned as the role of the Chairperson. If this proposal is adopted by the States Parties, a slight revision to be made in Rule 4.1 may be useful to avoid any overlaps.
6.2 The Meeting of States Parties shall not decide on any matter unless a quorum is present.

**Article Rule 7 – Order and time-limit of speakers**

7.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

7.2 For the convenience of the discussion, the Chairperson may limit the time allowed for each speaker.

7.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Meeting of States Parties.

**Article Rule 8 – Points of order**

8.1 During a discussion, any delegation of the States Parties may raise a point of order; such a point of order shall be immediately decided upon by the Chairperson.

8.2 An appeal may be made against the ruling of the Chairperson. Such an appeal shall be put to the vote immediately and the Chairperson’s ruling shall stand, unless overruled by a majority of the delegations the States Parties present and voting.

**Article Rule 9 – Procedural motions**

9.1 During a discussion, any delegation of the States Parties may move the suspension or adjournment of the meeting or the adjournment or closure of the debate.

9.2 Such a motion shall be put to the vote immediately. Subject to Article 8.1, such motions shall have precedence in the following order over all other proposals or motions before the meeting:

   a) suspension of the meeting;
   b) adjournment of the meeting;
   c) adjournment of the debate on the question under discussion;
   d) closure of the debate on the question under discussion. [Palestine] (moved between Rule 10 and Rule 11)

**New Rule v – Adjournment and Closure**

Any of the States Parties may, at any time, move the adjournment or closure of the debate or the meeting. Such a motion shall be put to the vote immediately. [Madagascar]

**Article Rule 10 – Working languages**

10.1 The working languages of the Meeting of States Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

10.2 Speeches made at the Meeting of States Parties in one of the working languages shall be interpreted into the other languages. [Czech Republic, Palestine]

---

10 Correction by the Secretariat, for the sake of clarity. To be applied in the whole Rules of Procedure.

11 Possible overlap with Article 9
10.3 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. [Palestine]

New Rule vi – Procedural motions

vi.1 During a discussion, any of the States Parties may move the suspension or adjournment of the meeting or the adjournment or closure of the debate.

vi.2 Such a motion shall be put to the vote immediately. Subject to Rule 8.1, such motions shall have precedence in the following order over all other proposals or motions before the meeting:

   a) suspension of the meeting;
   b) adjournment of the meeting;
   c) adjournment of the debate on the question under discussion;
   d) closure of the debate on the question under discussion. [Palestine] (old Article 9)

Article Rule 11 – Draft Resolutions and amendments [Palestine]

11.1 Draft resolutions and amendments may be proposed by the participants referred to in Rule 1 and shall be transmitted in writing to the Secretariat of the Meeting of States Parties, which shall circulate copies to all participants. [Palestine]

11.2 As a general rule, no draft resolution or amendment shall be discussed or put to the vote unless it has been circulated sufficiently in advance to all participants States Parties in the working languages of the Meeting of States Parties.[Czech Republic].

OR

11.2 As a general rule, no draft resolution or amendment shall be discussed or put to the vote unless it has been circulated sufficiently in advance to all participants States Parties in the working languages of the Meeting of States Parties. [Palestine].

11.3 At the end of each session, the Meeting of States Parties shall adopt the list of resolutions that shall be published and distributed to the States Parties within one month of the closure of the session and in the working languages of the Secretariat (English and French). [Czech Republic]

Article Rule 12 – Voting

12.1 The representative of each State Party referred to in Article Rule 1 shall have one vote in the Meeting of States Parties.

12.2 Unless otherwise provided, decisions shall be taken by a majority of the States Parties present and voting.

12.3 For the purpose of the present Rules of Procedure, the expression “States Parties present and voting” shall mean States Parties casting an affirmative or negative vote. States abstaining from voting shall be regarded as having not voted.

12.4 Voting shall normally be carried out by show of hands except for the election of members of the Committee. When the result of a vote by show of hands is in doubt, the Chairperson may take a second vote by roll-call. A vote by roll-call shall also be taken if it is requested by no less than two delegation of the States Parties before the voting takes place. [Czech Republic]
12.X After the Chairperson has announced the beginning of voting, no one shall interrupt the voting except on a point of order in connection with the actual conduct of voting. [Czech Republic]

12.5 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 Meeting of States Parties 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 the amendments have been put to the vote.

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

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

IV. SECRETARIAT OF THE MEETING OF STATES PARTIES

Article Rule 13 –Secretariat

13.1 The Director-General of UNESCO or his/her representative shall participate in the work of the Meeting of States Parties, without the right to vote. He/She may, at any time, make either oral or written statements to the Meeting of States Parties on any question under discussion.

13.2 The Director-General of UNESCO shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Meeting of States Parties, as well as other officials who shall together constitute the Secretariat of the Meeting of States Parties.

13.3 (i) The Secretariat is charged with the tasks of receiving, translating and distributing all official documents of the Meeting of States Parties, and of interpreting discussion in accordance with Article Rule 10 of the present Rules of Procedure. It shall perform any other task necessary for the proper conduct of the work of the Meeting of States Parties.

(ii) The Secretariat shall prepare a summary record of the Meeting`s session, for approval at the opening of the next session. [Czech Republic]

OR

13.3 The Secretariat is charged with the tasks of receiving, translating and distributing all official documents of the Meeting of States Parties, and of interpreting discussion in accordance with Article Rule 10 of the present Rules of Procedure. It shall perform any other task necessary for the proper conduct of the work of the Meeting States Parties [Palestine].

13.4 The Secretariat shall prepare, in consultation with the Bureau, the provisional agenda of the sessions of the meeting. The provisional agenda of an ordinary session of the meeting shall include:

a. all questions, the inclusion of which has been decided by the meeting at previous sessions;

b. all questions proposed by States Parties to the Convention;

c. all questions proposed by the Director-General [Palestine]12

12 A possible overlap, please see Czech Republic’s proposal ‘New Rule iii’
13.5 The Secretariat shall receive, translate and distribute, in the six working languages and at least thirty days before the opening of the session of the Meeting of States Parties, all official documents. [Palestine]

13.6 It shall arrange for the interpretation of the discussions and also perform all other duties necessary for the proper conduct of the work of the Meeting of States Parties. [Palestine]

V. MEETING OF STATES PARTIES

Article Rule 14 – The Meeting of States Parties

14.1 The Meeting of States Parties shall be convened every two years. It may meet in extraordinary session if it is so decided or at the request either of the Subsidiary Committee or of at least one-third of the States Parties. [Palestine]

14.2 The Meeting of States Parties shall establish a subsidiary committee (hereafter the Committee). [Palestine]

14.3 The Committee shall be convened by the Secretariat every year.

14.4 The Committee shall be composed of representatives of 18 States Parties, 3 per regional electoral group as determined by the UNESCO General Conference at its most recent session, it being understood that ‘Group V’ shall consist of two separate groups for the African and Arab States, elected by the Meeting of States Parties. The election of the Committee shall obey the principles of equitable geographical representation and rotation. [Palestine]

14.5 Members of the Committee shall be elected for a term of four years. However, the term of office of half of the members to the Committee elected at the first election is limited to two years. These members shall be chosen by lot at the first election. Every two years, the Meeting of States Parties shall renew half of the members of the Committee. A member to the Committee may not be elected for two consecutive terms. (To keep as it is) [The Netherlands]

OR

14.5 Members of the Committee shall be elected for a term of four years. However, the term of office of half of the members to the Committee elected at the first election is limited to two years. These members shall be chosen by lot at the first election. Every two years, the Meeting of States Parties shall renew half of the members of the Committee. A member to the Committee may not be re-elected for two consecutive terms one additional term of office. [Czech Republic]

OR

14.5 Members of the Committee shall be elected for a term of four years. However, the term of office of half of the members to the Committee elected at the first election is limited to two years. These members shall be chosen by lot at the first election. Every two years, the Meeting of States Parties shall renew half of the members of the Committee. A member to the Committee may not be elected for two consecutive terms only. [Palestine]

14.6 The functions of the Committee are:

---

13 A possible overlap, please see Czech Republic’s proposal ‘New Rule ii’
14 A possible duplication if Palestine’s proposal under ‘New Rule i’ would be adopted.
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 with a view to identify trends and challenges to strengthen the implementation of the Convention; [Denmark, Finland, Iceland, Norway and Sweden]

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 trends and challenges arising from the implementation of the Convention, including issues relating to the protection and return of cultural property; [Denmark, Finland, Iceland, Norway and Sweden]

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 combatting illicit traffic in cultural property;

f) To report to the Meeting of States Parties on the activities it has carried out.

14.7 The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members;

14.8 States Parties to the Convention, which are not members of the Committee, and other Member States of UNESCO, may participate in the meetings of the Committee, as observers.

14.9 The Committee may invite to its meetings any person or entity, including intergovernmental as well as international non-governmental organizations with recognized competence in the areas of protection of cultural heritage and combatting illicit trafficking of cultural property, in order to consult them on specific matters.

NEW CHAPTER. ELECTION OF MEMBERS OF THE SUBSIDIARY COMMITTEE [Czech Republic]

New Rule vii – Procedures for the presentation of candidatures to the Committee

vii.1 The Secretariat shall ask all States Parties, three months prior to the date of the election, whether they intend to stand for election to the Committee. States Parties are requested to send their candidature to the Secretariat at least six weeks prior to the opening of the Meeting.

vii.2 At least four weeks prior to the opening of the Meeting, the Secretariat shall send to all States Parties the provisional list of candidate States Parties, indicating the electoral group to which they belong and the number of seats to be filled in each electoral group. The list of candidatures will be revised as necessary.

vii.3 The list of candidatures shall be finalized three working days prior to the opening of the Meeting. No candidature will be accepted in the three working days preceding the opening of the Meeting. [Czech Republic]
New Rule viii – Election of Members of the Committee

viii.1 The election of Members of the Committee shall be conducted by secret ballot except that, where the number of candidates within geographical distribution is the same as or less than the number of seats to be filled, the candidates shall be declared elected without the need to hold a ballot.

viii.2 Before the election begins, the Chairperson shall appoint two tellers among the delegates present; he/she shall hand to them the list of States Parties entitled to vote and the list of candidate States Parties. He/She shall announce the number of seats to be filled.

viii.3 The Secretariat shall prepare for each State Party having the right to vote an envelope without any distinguishing mark and separate ballot papers, one for each of the electoral groups. The ballot paper for each electoral group shall bear the names of all the candidate States Parties in that electoral group.

viii.4 Each of the States Parties shall cast its vote by encircling the names of those States for which it desires to vote.

viii.5 The tellers shall collect from each States Party the envelope containing the ballot papers and shall count the votes, under the supervision of the Chairperson.

viii.6 The absence of any ballot paper in the envelope shall be considered an abstention.

viii.7 Ballot papers on which more names have been circled than there are seats to be filled as also those containing no indication as to the intention of the voter shall be considered invalid.

viii.8 The counting of the votes for each electoral group shall take place separately. The tellers shall open the envelopes, one by one, and shall sort the ballot papers into electoral groups. The votes cast for the candidate States Parties shall be entered on lists prepared for that purpose.

viii.9 The Chairperson shall declare elected those candidates who obtain the greatest number of votes up to the number of seats to be filled. If two or more candidates obtain the same number of votes, and, as a result, there are still more candidates than seats to be filled, there shall be a second secret ballot restricted to those candidates who obtained the same number of votes. If in the second ballot two or more candidates obtain the same number of votes, the Chairperson shall draw lots to decide the elected candidate.

viii.10 When the counting of the votes is completed, the Chairperson shall announce the results of the ballot separately for each of the electoral groups. [Czech Republic]

VI. AMENDMENTS TO AND SUSPENSION OF THE RULES OF PROCEDURE [Palestine]

Article Rule 15 – Amendments

The Meeting of States Parties may amend these Rules of Procedure by a decision taken in plenary meeting by a two-thirds majority of the representatives of States present and voting. [Czech Republic]

15 For the consistency the Secretariat proposes "(...) two-thirds majority of the States Parties (…)" instead of using the word “representatives".
New Rule ix – Adoption

The Meeting of States Parties shall adopt its Rules of Procedure by a decision taken in plenary meeting by a simple majority of the States Parties present and voting. [Czech Republic]

New Rule x – Suspension

The Meeting of States Parties may suspend the application of any of these Rules of Procedure, except when they reproduce provisions of the Convention, by a decision taken in plenary meeting by a two-thirds majority of the States Parties present and voting. [Czech Republic, Palestine]