
Paris, UNESCO Headquarters, Room II
18 – 20 May 2015

Final Report
I. OPENING OF THE SESSION

1. The third Meeting of States Parties to the Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereafter “the Convention”) was held at the UNESCO headquarters in Paris, from 18 to 20 May 2015. It was attended by 229 participants, of which: 194 were from 68 of the 128 States Parties to the Convention of 1970; 7 were from 6 States not parties to the Convention; 7 representatives of 5 intergovernmental organizations (IGOs); 8 observers; 2 journalists; 11 members of the UNESCO Secretariat.

2. The Assistant Director-General for Culture (ADG/CLT) welcomed the participants, sharing his unease concerning the situation regarding the illicit trafficking of cultural property in Iraq and Syria in particular, but also in Nepal. He commended the numerous emergency actions being undertaken by the Secretariat and reminded the States Parties that their financial support was indispensable to proper implementation of the Convention programme. In this regard, he expressed his gratitude to Turkey and more specifically the town hall of Gaziantep for their generous contribution, which had made possible the organization of the third Meeting of States Parties. More generally, the ADG/CLT reminded the States of their responsibilities, whether in terms of ratifying international conventions (notably the UNIDROIT Convention of 1995 on Stolen or Illegally Exported Cultural Objects) or of applying United Nations Security Council Resolution 2199. On this subject, the ADG/CLT underlined the importance of the role of UNESCO, which coordinates monitoring of the implementation of this resolution. Stressing the importance of awareness-raising initiatives, the ADG/CLT mentioned the #unite4heritage campaign, which was being promoted throughout the three days of the meeting by means of a large banner hanging across the rostrum.

3. Mrs Fatma Şahin, mayor of Gaziantep (Turkey), stressed the importance of the role of UNESCO in protecting worldwide cultural heritage. She reminded the States Members of the large numbers of refugees from conflict zones in neighbouring countries, who had been generously received by the town of Gaziantep. Beyond this large-scale humanitarian crisis, Turkey expressed its concern for the cultural property of Syria and Iraq and alerted the States Parties to the threat that Daesh posed to Turkey and the other border regions, deploiring the fact that the international community was insufficiently active against this scourge.

II. ELECTION OF THE COMMITTEE

Document C70/15/3.MSP/2
Resolution 3.MSP 2

4. Morocco, supported by Chile, nominated Mr Mounir Anastas (Palestine) as chairman of the Meeting of States Parties. As there were no other nominations, Mr Mounir Anastas was elected Chairman of the third Meeting of States Parties.

5. The rest of the Committee was made up as follows:
   - Mr Arūnas Gelūnas (Lithuania): Rapporteur;
   - Argentina, India, Italy and Senegal: Vice-Chairs.

III. ADOPTION OF THE AGENDA

Documents C70/15/3.MSP/3.REV, C70/15/3.MSP/INF.3A.REV, C70/15/3.MSP/INF.3B.REV
Resolution 3.MSP 3

6. The Secretariat reminded everybody that the agenda had been revised in order to include a point 12 entitled “Miscellaneous questions” and to enable more time for discussion
of emergency actions. Hence why the three documents relating to adoption of the agenda had been revised.

7. **Ecuador** proposed that point 11, “Discussions and potential adoption of the draft Operational Guidelines approved by the Subsidiary Committee”, be examined after point 6 “Report by the Secretariat”. The Chairman gave his reassurance that the schedule would be amended accordingly, without prejudice to the agenda.

8. **The Secretariat** noted the presence of journalists in the room: formal authorization by the Meeting of States Parties was required.

IV. **ORAL REPORT BY THE RAPPORTEUR ON THE EXTRAORDINARY MEETING OF STATES PARTIES TO THE CONVENTION OF 1970 (2013)**

9. **Mrs Flora van Regteren Altena**, Rapporteur for the extraordinary Meeting of States Parties to the Convention of 1970 (2013), reminded everybody that the main objective of this extraordinary Meeting was to create a Subsidiary Committee and elect its 18 members. Once these members had been elected, lots were drawn to appoint 9 members with reduced mandates.

10. The States also decided to schedule the third Meeting of States Parties in 2015, rather than in 2014, as had initially been planned. All minutes of the extraordinary Meeting of States Parties are available on the Convention of 1970 website.


Documents C70/15/3.MSP/5A, C70/15/3.MSP/5B
Resolutions 3.MSP 5A, 3.MSP 5B

Presentation of document C70/15/3.MSP/5A

11. **Ambassador Alexandre Savov**, Vice-Chairman of the Subsidiary Committee, had been asked by Mr Mauricio Escañero, Chairman of the Subsidiary Committee, to present the Report of the Subsidiary Committee and to give a short address on his behalf. Mr Escañero reminded everybody that the Subsidiary Committee, established in 2013 by the extraordinary Meeting of States Parties, met every year and played a fundamental role in implementing the Convention. With the aid of the Secretariat and a methodology of transparency and consensus, the Subsidiary Committee was able to show itself able to live up to its responsibilities. The work of the Subsidiary Committee thus contributed to the efficient preparation of this third Meeting of States Parties, in particular by adopting draft Operational Guidelines to revitalize the Convention and improve its implementation. The Subsidiary Committee process participates in efforts to achieve convergence between various international organizations responsible for protecting cultural heritage and efforts to strengthen the synergy between the cultural Conventions of UNESCO concluded under the leadership of the Director General.

12. Presenting the Report of the Subsidiary Committee, **Ambassador Savov** reiterated that the Committee had, from its first session, implemented an informal working group made up of its 18 members and responsible in particular for working on draft Operational Guidelines for the implementation of the Convention. This informal working group had successfully fulfilled its mandate while retaining a spirit of consensus. During its second session, the Subsidiary Committee

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1 Cf. Annex I
Committee notably examined the adoption of a new roadmap for the performance of its functions, in accordance with the IOS Evaluation of the standard-setting work. It also approved the draft Operational Guidelines for implementation of the Convention by consensus.

13. **Ecuador**, joined by **Argentina** and **Italy**, commended the importance of the work being carried out by the Subsidiary Committee.

Presentation of document C70/15/3.MSP/5B

14. **Professor Follarin Shylon**, Chairman of the extraordinary Session of the Subsidiary Committee held on 18 May 2015 before the opening of the third Meeting of States Parties, informed the States that the main decision adopted at this session was to postpone the next ordinary session of the Subsidiary Committee from [PA1]28 to 30 September 2015, initially scheduled for 15 to 17 July 2015. The Subsidiary Committee also adopted the report on its activities, as well as the roadmap for performance of the Committee's functions, in order that these documents might be presented at the third Meeting of States Parties.

Adoption of resolution 3.MSP 5A

15. On the proposal of **Ecuador**, and after discussion between the States, two paragraphs were added to Resolution C70/15/3.MSP/5A:

3. *Encourages the Subsidiary Committee to continue its work in terms of revitalization of the Convention;*

4. *Invites the Subsidiary Committee to provide impetus to the synergies with the other cultural Conventions in UNESCO and, in this regard, to support the Secretariat in the cooperation with the relevant international and United Nations bodies;*

16. Concerning paragraph 4, it has long been debated whether it would fall to the Subsidiary Committee itself to cooperate with the international and United Nations bodies. **Ecuador, Italy, Greece** and **Pakistan** in particular maintained that although it would extend the functions of the Subsidiary Committee, this mission was nonetheless perfectly normal for a body set up by UNESCO. Moreover, **the Legal Advisor** confirmed that the Meeting of States Parties was free to modify the functions attributed to the Subsidiary Committee by amending the Rules of Procedure.

17. In contrast, **Germany, Bulgaria, Canada, Côte d'Ivoire, the United States and the Netherlands** considered this extension of the functions of the Subsidiary Committee to be inopportune, insofar as cooperation with United Nations bodies was the responsibility of the Secretariat and would not fall within the remit of the Subsidiary Committee.

18. Finally, **Ecuador** stated that the Subsidiary Committee should be invited to report its activities to the Meeting of States Parties at its next session. **The Czech Republic** suggested including this invitation in a new paragraph 5, worded as follows:

5. *Also invites the Subsidiary Committee to report to the Meeting of States Parties at its next session*

Adoption of resolution 3.MSP 5B

19. **The Secretariat** explained that the roadmap for execution of the functions of the Subsidiary Committee was a general and ambitious document, the content of which committed both the Subsidiary Committee and the Secretariat. It had been drafted flexibly, in order that it might subsequently be amended.
20. Concerning paragraph 7 of the roadmap, Egypt insisted that it was imperative that export certificates for cultural objects should be issued by the country of origin.

21. Argentina, fearing that this roadmap would remain a dead letter due to a lack of resources, suggested adding a paragraph inviting the States Parties to take such measures as were necessary to obtain the financial and human resources needed to implement it.

22. Canada expressed its concern regarding the overly confused procedures whereby the Meeting of States Parties was providing guidance to the Subsidiary Committee. Moreover, this delegation was dubious regarding the Subsidiary Committee’s capacity to fulfil the task provided for in paragraphs 10 and 11 of the roadmap, namely monitoring the sale of cultural objects via the Internet. It suggested that the Meeting of States Parties ask the Subsidiary Committee to draw up a two-year working plan, at the end of which this body should present a report to the Meeting of States Parties.

23. The delegations of the Netherlands and Germany, in support of the intervention of Canada, highlighted the importance of support from the States for the actions provided for in the roadmap, noting that the main function of the Subsidiary Committee was to propose guidelines for implementation of the Convention to the Meeting of States Parties. In this regard, the recommendations of the Internal Oversight Service (IOS) Evaluation should play a more important role.

24. Concerning paragraphs 10 and 11, the Chairman stated that they were declarations of principles rather than missions per se. Furthermore, the addition of a third paragraph to the resolution could allay the concerns expressed by various delegations:

3. Requests that the Secretariat cooperate with the Subsidiary Committee in order to develop recommendations for implementation mechanisms.

25. Norway, supported by Germany, requested that adoption of this paragraph be postponed until after examination of the Internal Oversight Service evaluation report on UNESCO’s [PA2]Standard-setting Work of the Culture Sector (Part II).3

26. Ecuador indicated that it would be preferable not to include the IOS recommendation in resolution 3.MSP 5B, and that this resolution should be adopted without delay. This position received the support of Greece, Peru, Honduras, the Dominican Republic, Morocco and Cuba.

27. Following the adoption of paragraph 3, as set out above, the Netherlands, supported by Denmark, suggested adding a fourth paragraph requesting that the Subsidiary Committee take due account of all relevant recommendations featuring in the IOS Evaluation.

28. Chile, supported by the Chairman, requested that this proposal feature in the final report of the Meeting of States Parties but not be integrated into the resolution.

VI. REPORT OF THE SECRETARIAT

Document C70/15/3.MSP/6
Resolution 3.MSP 6

Presentation of document C70/15/3.MSP/6

29. The Secretariat presented the Meeting of States Parties with a report of its activity since June 2012. After welcoming ratification of the Convention of 1970 by six new States

3 C70/15/3.MSP/8
Among the numerous cases of returns and restitutions of cultural property of which it is aware, the Secretariat welcomed the active role played by the UNESCO office in Phnom Penh in the restitution of a statue to Cambodia by the Cleveland museum (United States). It went on to note the publication by ICOM in 2013 of the Emergency Red List of Syrian Antiquities at Risk and the Red List of Iraqi Antiquities at Risk, updated in May 2015.

The Secretariat also returned to the subject of the numerous awareness-raising initiatives being led, from media campaigns to more innovative initiatives such as cooperation with the Pergamon Museum in Berlin or indeed with the Colbert Committee, a group bringing together dozens of French luxury brands. In terms of capacity building, between June 2012 and April 2015 the Secretariat held around 26 training workshops involving 132 countries and around 1,000 participants.

Concerning international cooperation, the Secretariat emphasized the participation of Madame Mechtild Rössler at an interministerial conference held in Cairo in cooperation with the Egyptian government and two non-governmental organizations, The Antiquities Coalition and The Middle East Institute, entitled “Cairo Conference on Culture Under Threat: The Security, Economic and Cultural Impact of Antiquities Theft in the Middle East”. The Secretariat reiterated the importance of the collaboration between UNESCO and the European Union, with particular reference to a Syrian cultural heritage safeguard project worth 2.5 million euros, created in 2014.

Adoption of resolution 3.MSP 6

The Netherlands suggested an addition to paragraph 3 of the draft resolution, mentioning the creation of two additional posts, in order to boost the Secretariat’s human resources. This addition, however, was contested by Guatemala, Senegal and Bolivia. When the Assistant Director-General for Culture reminded everybody that the Director-General had already agreed in principle to the creation of these posts, it was finally decided to leave paragraph 3 as worded in the draft resolution.

On the proposal of Bolivia, the words “and UNESCO” were added to paragraph 6 of the draft resolution:

6. Invites States Parties and UNESCO to strengthen their support for activities carried out to ensure the effective implementation of the Convention by making financial and/or human resources available;

The Dominican Republic, supported by Morocco, suggested an amendment to paragraph 7 of the draft resolution, stressing the need to identify new partners in the implementation of the Convention:

7. Encourages the Secretariat to continue its efforts to implement the Convention and identify new partners, and invites it to present another report on its activities at its fourth Meeting.

VII. DISCUSSIONS AND POTENTIAL ADOPTION OF THE DRAFT OPERATIONAL GUIDELINES APPROVED BY THE SUBSIDIARY COMMITTEE
Adoption of resolution 3.MSP 11

36. The Chairman pointed out that the Operational Guidelines submitted for adoption by the third Meeting of States Parties had been the subject of informal discussions, at the end of which the majority of States expressed their readiness to adopt them without amendment. Certain delegations, however, indicated that they wished to express their position after adoption of the Operational Guidelines.

37. France proposed the addition of a fourth paragraph to the draft resolution:

4. Recalls that these Operational Guidelines may be revised by the Meeting of States Parties.

38. A number of delegations objected to this addition (Guatemala, Colombia and China in particular) and the fact that it was not necessary to specify the possibility of revising the Operational Guidelines. Brazil proposed an alternative formulation, supported by Brazil, Cuba and Ecuador, worded as follows:

4. Recalls that these Operational Guidelines may be revised by the Meeting of States Parties if necessary, on the recommendation of the Subsidiary Committee.

39. Following the support given by Italy to the French proposal, on the grounds that this addition would have no specific legal consequences but would reassure certain States, it was decided to adopt this amendment as suggested by France, in order not to prolong the debates with other reformulations.

Declarations of the States

40. France commended the progress achieved at the Meeting of States Parties in a spirit of dialogue and openness. It reiterated its attachment to the principle of non-retroactive effect of the Convention, as well as the unalienable nature of the French public collections. The French delegation commended the proposal to generalize export certificates, while underlining the difficulties that this generalization could cause for the departments responsible for preventing and suppressing fraud. It went on to welcome the quality and efficiency of the close cooperation between the French authorities and stakeholders in the art market, especially concerning the fight against the financing of terrorism by the illicit trafficking of cultural property.

41. France also approved of the work that had been achieved on the Operational Guidelines, which strove to be both exhaustive and consensual. However, it was reminded that these Operational Guidelines could not override the provisions of the Convention and were moreover not binding. According to France, certain provisions of these Operational Guidelines remained problematic, either in principle, or in their implementation. This was especially the case for paragraph 12, which extended the scope of the Convention. In this regard, the requalification of human remains of anthropological value and objects with spiritual value as “cultural property”, within the meaning of the Convention, seemed insufficient. However, France agreed not to return to this point for another two years, in order not to slow down the Meeting. Moreover, it welcomed the fact that the Operational Guidelines could be revised by the Meeting of States Parties.

42. Finally, France underlined two provisions of the Operational Guidelines that raised a problem of conformity with the French legal order. Concerning Article 71, regarding the regulation of commercial activities, the delegate reminded everybody that the Convention addressed States and could therefore not be directly invoked against private sector activities...
governed by domestic civil and commercial law rather than by public international law. Furthermore, French law differed from the draft Operational Guidelines in terms of procedures applicable to the burden of proof: in domestic law, it is the claimant who has to demonstrate the bad faith of the defendant before the courts, by virtue of the principle of the presumption of innocence.

43. **Ecuador** welcomed the adoption of the Operational Guidelines, powerful legal instruments that would facilitate implementation of the Convention of 1970.

44. **Venezuela** underlined the significant progress that had been made at national level and especially the adoption of a large number of texts protecting cultural property. A far-reaching public policy had been established in order to effectively combat the illicit trafficking of cultural property. Thus in order to inventory these assets, a register had been created in collaboration with the indigenous communities, as well as with a Committee especially established to combat the illicit trafficking of cultural property. Furthermore, Venezuela had reaffirmed its attachment to these topics in various declarations, such as that of Caracas and that of the Minister of Culture, but also in the context of the CELAC Conference and of the agreements negotiated at the level of MERCOSUR. Finally, Venezuela undertook to do everything it could to ensure that the Operational Guidelines were implemented effectively.

45. **Italy** stressed the fact that the Operational Guidelines did not depart from the Convention; on the contrary, they often made it possible to interpret it more progressively.

46. **Germany** pointed out that an inclusive approach had been essential to ensure the non-binding nature of the Operational Guidelines. The delegations had been able to express their opinions upstream, in order to reach a consensus. Nevertheless, Germany had shared its concern regarding extension of the scope of the Convention. It went on to announce that a number of measures recommended in the Operational Guidelines had been enacted into its national law.

47. **The United States** approved of the contribution of France and reminded those present that it fell to the Meeting of States Parties and not to the Subsidiary Committee to have a leading role in the implementation of the Convention.

48. **Japan**, **Turkey** and **Honduras** welcomed the adoption of the Operational Guidelines and the fact that the Convention had become an efficient and powerful instrument.

49. **The Czech Republic** also welcomed this adoption but felt bound to raise a few reservations. Firstly, it did not feel that creating a unique identification number for each cultural object was a realistic proposition at the present time, nor was providing customs officials with precise information regarding the protected cultural property and the prohibitions implemented by other States Parties. Finally, the Czech delegation was concerned about the practicalities of implementing an alert system.

50. **The States Parties** unanimously thanked the Secretariat, the Subsidiary Committee and in particular their Chairman, H.E. Ambassador Escañero for the important work that they had undertaken in drafting the Operational Guidelines.

**VIII. EMERGENCY MEASURES**

**Document** C70/15/3.MSP/9
**Resolution** 3.MSP 9

Presentation of document C70/15/3.MSP/9
51. **The Secretariat** reminded everybody that the emergency measures that it applied in crisis situations took a wide variety of forms, particularly awareness-raising campaigns, at the forefront of which was #unite4heritage, or partnerships such as that established with the Pergamon Museum in Berlin. It was emphasized that local relays had a major role to play in spreading the UNESCO message around the world. The Secretariat then gave a detailed presentation of all of the actions being undertaken to protect cultural heritage in regions in crisis. Finally, the Secretariat announced the establishment of a platform specifically dedicated to monitoring the implementation of United Nations Security Council Resolution 2199 and reminded the States of their obligation to present a report on the measures taken pursuant to the resolution, before 12 June 2015.

52. **Mr Boccardi, head of the CLT/EPR unit**, despite considerable collateral damage in terms of pillaging or destruction of cultural property incurred as a result of conflicts, noted with satisfaction that strong international mobilization had made it possible to take important decisions in order to fight this scourge. In response to these new challenges, UNESCO had developed four action procedures:
- UNESCO, thanks to its leadership in the protection of cultural heritage, was able to rally all of the stakeholders involved;
- UNESCO also played an important role in training and building the skills of those involved in direct action on the ground;
- UNESCO also attached a great deal of importance to awareness-raising;
- finally, UNESCO, thanks to its experience in managing post-conflict situations, was able to facilitate reconstruction of the institutional capacities of the countries concerned, in order to implement heritage conservation projects.

53. UNESCO was nonetheless confronting a number of challenges, in particular its lack of resources given the scale of the risks facing heritage in times of crisis. In this regard, the **head of the CLT/EPR unit** commended the decision to create an emergency fund which would increase its capacities for action, thanks to donors’ contributions. A number of courses of action had been considered regarding these challenges: creating protected cultural zones; working with non-state armed groups (with the exception of Daesh and Islamic State); including “cultural cleansing” within the notion of “ethnic cleansing” in order to prevent genocide; creating a peacekeeping force for heritage; using new technology such as drones to strengthen capacities for information gathering and action. Finally, a draft text to meet the States’ requests concerning Resolution 2199 was soon to be presented to the United Nations General Assembly.

54. **Ms Nada Al Hassan, chief of the Arab States Unit of the World Heritage Centre** of UNESCO presented the actions that had been led in a concerted manner by the various Conventions of UNESCO, in Syria, Iraq, Yemen and Libya – as well as in the border countries of Tunisia and Lebanon.
- Syrian cultural heritage had been very badly hit by the war, particularly the sites of Aleppo and Palmyra. However, certain actions led by civil society had resulted in ceasefires. Furthermore, a partnership with the European Union and the Government of Flanders had enabled a project to be implemented to safeguard Syrian heritage, the first positive results of which could be observed. UNESCO also demonstrated its convening power in May 2014 by bringing together all of the political groups in Syria.
- In Iraq, since 2014, the rise of extremism had resulted in tragic losses associated with the persecution of cultural and religious minorities and the destruction of their cultural heritage. Since July 2014, an action plan supported by Japan, Norway and Italy, had been providing risk prevention and management activities.
- In Libya, the division of the country made it difficult to implement concerted measures. However, some important initiatives should be commended, such as the
Declarations of participants

55. **The Greek Minister of Culture** presented the main measures taken by Greece in the context of the fight against illicit trafficking. These were based on close cooperation established between the various state and international bodies concerned, from awareness-raising among stakeholders in the art market as well as the general public, particularly through the promotion of official certificates of provenance. Greece also welcomed the 30 restitutions that it had obtained since 2009. Finally, it announced that it had dispatched a mission to Iraq to fight the illicit trafficking of cultural property, which was financing terrorism.

56. **The Bolivia Minister of Culture** commended the efforts made by Peru and Mexico to combat the illicit trafficking of cultural property. For many long years, cultural assets had been subject to massive cultural pillaging – over 50,000 objects were currently disseminated across the world. Nevertheless, some encouraging signs for the future needed to be mentioned, notably the importance of raising awareness regarding the commodification of stolen goods and regarding the symbolic and memorial weight of cultural heritage. In this context, the minister thanked Switzerland for returning an Ekeko statue in 2014. To conclude, he expressed his desire that additional resources be allocated to the Subsidiary Committee to enable it to discharge its responsibilities effectively.

57. **The Cambodian Minister of Culture** presented to the Meeting of States Parties the restitution of a tenth-century statue of the Hindu deity Hanuman, stolen during the civil war of 1972. Following the discovery of other relics corresponding to the statue, Cleveland museum, which was its owner at the time, decided in 2014 to return it to Cambodia. This restitution was part of a dynamic that had, since 2013, permitted the restitution of five Cambodian statues and demonstrated both the effectiveness of the Convention and the changing mentalities in museums as well as auction rooms. However, coordinated international efforts were necessary more than ever, especially since the illicit trafficking of cultural property was qualified as a crime in Cambodia. Finally, the minister solemnly called for the restitution of pillaged Cambodian heritage.

58. **The ICOM representative** stressed the initiatives being pursued in Syria and Iraq, especially through the publication and updating of the Red Lists of Antiquities at Risk in these two countries, as well as the Syrian cultural Observatory, whose online database currently held about 6,000 entries. At the end of 2015, ICOM published an analysis report on the scope and the development of illicit trafficking of cultural property.

59. **The INTERPOL representative** stressed the importance of close cooperation between the different partners: UNIDROIT, ICOMOS, ICOM and UNESCO. Information exchange is fundamental to the coordination of police and customs. In order to successfully discharge their responsibilities, it was necessary for States to provide INTERPOL with all of the information that they had at their disposal concerning thefts of cultural property on their territory. Additional financial resources were also indispensable to them.

60. **The UNIDROIT representative** stressed the importance of adopting medium- and long-term measures, observing that this should not mask concerns for emergency actions. Synergy should also be improved between complementary cultural Conventions, particularly between the Convention of 1970 and the UNIDROIT Convention of 1995 on stolen or illicitly exported cultural property. Finally, the scope of these instruments could only be extended by increasing the number of States Parties: hence why the UNIDROIT representative was urging States to ratify the Convention of 1995, which currently numbered 37 States members and was continuing to gain support.
61. **Egypt** presented the Meeting of States Parties with the Declaration of Cairo, adopted on 14 May 2015 at the end of a Conference entitled *Les biens culturels en péril, les répercussions économiques, politiques, sociales et patrimoniales des pillages systématiques* (Endangered cultural property, the economic, political, social and heritage repercussions of systematic pillaging). This Declaration notably promoted cooperation, awareness-raising campaigns and increased sanctions against traffickers of cultural property. Egypt went on to commend regional efforts to protect cultural heritage in the Middle East. By way of a conclusion, it condemned the recent terrorist attack on one of the largest mosques in Cairo.

62. **Iraq** wished to thank the international community for its initiatives in response to the destruction of Iraqi cultural property by Islamic State, which initiatives had had a positive impact at an international, regional and local level. However, coordination between the diplomatic aspects and operational aspects remained delicate. The delegation also highlighted the importance and responsibility of the media, whose activity should not result in promotion of the atrocities of Islamic State. An appeal particularly targeting border States had finally been launched to safeguard Iraqi heritage.

63. **Libya** warned the Meeting of States Parties against extremist groups whose ideology aimed to completely eradicate cultural identities by systematic destruction or pillaging. The delegation expressed its fears regarding the importation of Iraqi and Syrian crises into Libya, which was already the victim of illicit exportations of cultural property. It had therefore called for regular meetings to be held on the subject, as well as for a fund to be created dedicated to the Convention.

64. **Italy** reminded the States Parties that it was ready to deploy its paramilitary police force, the carabinieri, in the service of international cooperation in the fight against the illicit trafficking of cultural property. Moreover, it indicated that it had, jointly with Spain, submitted a project to the Executive Board on the importance of Culture in crisis zones, that had been acclaimed by the States Members. Finally, as announced at the last meeting of the Executive Board, Italy was currently working on a proposal for the next session of the Board, aimed at raising the awareness of the Security Council regarding the need to define an international protection mechanism for cultural heritage.

65. Furthermore, Italy wished to propose two amendments to the draft resolution. The first would encourage the States to develop new mechanisms, at an international level, to fight the illicit trafficking of cultural property. The second would invite the States Members to promote education programmes to raise awareness of the importance of cultural heritage in the younger generations.

66. **Germany** returned to the draft resolution “Let’s save Iraqi cultural heritage”, submitted to the United Nations General Assembly by Iraq and Germany. This programme proposes a body of measures intended to put an end to the destruction and pillage of archaeological sites and cultural property: in particular, it provides for proceedings and sanctions against the perpetrators and the implementation of an administrative and legislative framework to prevent the illicit trafficking of cultural property.

67. Moreover, Germany stressed the importance of aide for Iraq, through the implementation of preventive measures against illicit trafficking financed by the Cultural Preservation Programme of the German Federal Foreign Office. A project had also been launched for Syria, in partnership with the German Archaeological Institute and the Berlin Museum of Islamic Art, to perform a numerical inventory of Syrian cultural assets and monuments. Finally, the recent ‘Illicit’ project was intended to gather information on the trafficking of cultural assets in Germany.
68. **Norway**, speaking on behalf of Denmark, Finland, Sweden and Iceland, highlighted the importance of mobilizing public opinion and involving local populations in the fight against the illicit trafficking of cultural property. It was with this in mind that a number of awareness-raising campaigns had been organized in the Nordic States. In March 2015, the Norwegian Ministers of Culture and Foreign Affairs jointly urged professionals in the art market, as well as the general public, to demonstrate reasonable diligence in checking the provenance of objects. A joint conference of the Nordic countries had moreover recently been convened, in order to implement a Nordic platform dedicated to the illicit trafficking of cultural property.

69. **Japan** announced its support for the emergency measures taken by UNESCO and the granting of an extrabudgetary contribution of 1.5 million euros to finance the preservation of cultural sites and museum collections by capacity building.

70. **France** reiterated that it had made a commitment to the Security Council in favour of Resolution 2199 and its follow-up. Furthermore, a symposium of experts in Iraqi heritage was held in September 2014 on the initiative of the French delegation, and a mission of experts in Iraq would be financed to the tune of 50,000 dollars. Finally, France stressed the important role of specialist cultural heritage protection departments within the ministries concerned, such as the *Office central de lutte contre le trafic de biens culturels*.

71. **Portugal** returned to the example of the pilot project Passport for Heritage set up in Mali for the Multidimensional Integrated Stabilization Mission (MINUSMA), which it felt ought to have been generalized.

72. **The Netherlands** reiterated its contribution to the fight against the illicit trafficking of cultural property, particularly through the involvement of the customs services, as well as to the organization of training and awareness-raising campaigns. The Netherlands gave the example of an international course held in April entitled First Aid to Heritage in Times of Crisis (FAC).

73. **Turkey** declared that it was very concerned by the destruction, pillage and theft of cultural property in the neighbouring States and considered these atrocities to be crimes against humanity. Despite the complexity of the situation, it had mobilized its resources, coordinated by the Ministry of Culture and Tourism and in partnership with INTERPOL and ICOM. Furthermore, in December 2014, Turkey held a training course with the security forces on the Syrian border and in May 2015, in cooperation with the American Embassy in Ankara, it held a seminar on the protection of Syrian and Iraqi cultural property. Finally, a number of objects had been seized at the Syrian border in the various operations of the Turkish customs authorities.

74. **Denmark** affirmed its support for the UNESCO #Unite4Heritage campaign and announced that it was working to fight illicit trafficking, especially at European level, adopting Regulations and coordinating the various customs services. Moreover, Denmark was pleased to have ratified the UNIDROIT Convention and encouraged the other States to follow its example.

75. **Argentina** stressed the leadership role of UNESCO in implementing relevant and efficient measures for the conservation of world cultural heritage. It was committed to efficiently implementing United Nations Security Council Resolution 2199. Recalling that Latin America was a region particularly affected by the illicit trafficking of cultural property, it reaffirmed its commitment to the creation of coordinated action plans to protect endangered cultural assets.

76. **China** reminded everybody that it had suffered theft and pillaging of its cultural heritage throughout its history. It therefore expressed its full support for the population of the ancient Mesopotamian civilization.
77. **Sweden** declared itself impatient to see the first results of the joint conference of the Nordic States mentioned by Denmark, and reaffirmed the commitment of the Nordic countries to protect the cultural heritage of humanity.

78. **Lebanon** welcomed its procedures to combat the illicit trafficking of cultural property, which had made possible the restitution of a number of illicitly trafficked objects, notably from Iraq and Syria. The delegation also denounced the barbarism that sought to uproot specific communities by ethnically cleansing their heritage.

79. **Algeria** announced its recent ratification of the UNIDROIT Convention, marking the completion of its legal system for heritage protection. It also indicated that the pillaging had reached an almost “geological” scale, affecting entire cultural ecosystems, and thereby contributing to the territorial, sociological and political breakdown of the zones concerned. The notion of common heritage of humanity must therefore be supported by that of shared responsibility of the States.

80. **Canada** stressed that it was implementing the Convention scrupulously and continuously, for example by systematically prohibiting the importation of illegally exported cultural assets and returning these objects to their legitimate owners.

81. **Tunisia** presented the preventive measures that it had adopted since the revolution of January 2011, which event had resulted in a certain amount of thefts and pillaging. An internal Committee against pillaging and the illicit trafficking of cultural property had been created and was currently very active, especially since the recent attack on the Bardo Museum in Tunis. Moreover, Tunisia called for increased international cooperation, especially at the level of the Maghreb region. Finally, Tunisia welcomed the recent restitution by Algeria of a Gorgon’s head stolen from a Tunisian archaeological site.

82. **The United States** reported on its emergency actions to protect the cultural heritage of the Middle East. In particular, it had established a sustainable partnership with the Iraqi State Board of Antiquities and Heritage and the Iraqi Ministry of Culture and Tourism, aimed at creating plans for a museum in Baghdad, largely financed by the United States. For Syria, a heritage conservation project was envisaged in partnership with the American school of research into Middle Eastern art. Finally, restrictions had been imposed on the sale of Iraqi cultural assets since 2008.

83. **Australia** presented its national legislation, which enabled assets to be returned to their countries of origin. Concerning implementation of United Nations Security Council Resolution 2199, Australia was currently drafting new regulations prohibiting the sale or transfer of cultural property covered by the resolution, as well as compulsory notification of such goods to the authorities.

Adoption of resolution 3.MSP 9

84. Following a request from **Norway** for clarification regarding the meaning of “support to the Secretariat”, mentioned in paragraph 4, **Algeria** pointed out that this mention was duplicated in Paragraph 8 of the draft resolution. Paragraph 4 was therefore deleted by consensus.

85. Concerning the adoption of paragraph 5 of the draft resolution, the **Chairman** indicated that the Secretariat was proposing to add mention of Yemen and Nepal, and that Libya also wished to appear in this paragraph. **Bulgaria**, followed by **Algeria, Canada and Iran** objected to the fact that United Nations Security Council Resolution 2199 only addressed Iraq and Syria:
extending this paragraph to other States should be accompanied by deletion of the reference to Resolution 2199.

86. **Italy**, supported by **Bulgaria, Iraq** and **Norway**, proposed keeping the reference to Resolution 2199, as well as the mention of Nepal, Yemen and Libya, while retaining a wording that clearly indicates that these three States are not covered by the text of the resolution.

87. **Brazil**, supported by **Pakistan**, suggested that all allusions to this resolution be deleted, so as to be able to encompass all of the situations concerned.

88. **The United States** felt bound to specify that Resolution 2199, issued pursuant to Chapter VII of the United Nations Charter, was binding and compulsory for the states; therefore, the use of the verb ‘to envisage’ did not seem appropriate. Furthermore, the delegation indicated that it would be appropriate to specify that reference is made in paragraphs 15 to 17, and not to the resolution as a whole. This remark obtained the approval of **Bulgaria, Greece** and **Italy**.

89. In order to reconcile the various positions, **Turkey** proposed that the reference to Resolution 2199 be retained for Iraq and Syria, and that another paragraph make mention of the other countries – Libya, Nepal and Yemen. As this suggestion won widespread approval, new paragraphs 4 and 6 were thus adopted:

4. Highlights the obligation for all States Parties to urgently implement the provisions in paragraphs 15 to 17 of the United Nations Security Council Resolution 2199, in reference to the cultural heritage at risk in Iraq and Syria; […]

6. Also encourages all States Parties, in the same spirit of paragraphs 15 to 17 of the United Nations Security Council Resolution 2199, to apply the same measures to Libya and Yemen;

90. The delegations were then set to examine the various measures listed in paragraph 5 of the draft resolution. Following a reformulation proposed by **Canada**, point c was amended as follows:

   c. consider adopting the principles of the 1995 UNIDROIT Convention, particularly on the reversal of the burden of proof with respect to due diligence,

91. On the proposal of **Egypt**, supported by **Iraq** and **Libya**, point d was supplemented as follows:

   d. strengthen investigative and seizure procedures, and facilitate the restitution procedures to the country of origin,

92. Point e of paragraph 5 was the subject of long discussions between the States. On the proposal of **Chile**, supported by the **Legal adviser**, a distinction was drawn between the sanctions and the criminal proceedings.

93. Following a remark from **Iraq**, a mention was added of the “entities” involved in the illicit trafficking of cultural property.

94. Although certain states, such as **Norway** and **Chile**, wondered about the relevance of this paragraph, **Mexico** proposed that it should be retained with the addition of a reference to the “International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences”, as adopted by the United Nations General Assembly Resolution 69/196. This idea was supported by **Bolivia, Bulgaria, Ecuador, Pakistan** and **the Netherlands**.

95. **Italy** also approved the Mexican proposal, adding the nuance “envisage implementing”. This reformulation was approved by the **United States** and **Switzerland**.
96. On the proposal of a drafting group made up of the United States, Italy, Libya, Morocco, Mexico, Norway, Russia and Syria, the delegations finally reached agreement on the following two paragraphs:

- e. establish appropriate criminal sanctions and prosecute those individuals or entities involved in trafficking of cultural property,

97. Adoption of the old point f, now point g, immediately prompted intervention from the INTERPOL representative, who highlighted the fact that not all of the ‘information’ covered by this paragraph was of such a nature that it should be shared.

98. Discussions also covered the possibility of enlarging the established list of organizations. As Switzerland had proposed the addition of ICOM, and certain delegations such as Bolivia, Bulgaria and Portugal wished to see the term ‘coordination’ feature there, a broader formulation was adopted:

- g. share information, where possible, in order to coordinate efforts in the fight against illicit trafficking of cultural property with UNESCO, INTERPOL, WCO, UNODC, or other international organizations, as appropriate,

99. The old paragraph g concerning regulation of the art market and police reports relating to purchases brought out two different and conflicting approaches. Certain delegations, such as Australia, the United States and Russia considered the wording proposed by the Secretariat to be too restrictive and felt that the recommended measures should be adapted to the national legislative frameworks. On the other hand, Canada, Egypt, Greece, Italy, Morocco and Turkey reminded everybody that this paragraph should be read as a continuation of the heading encouraging States to take the measures listed: therefore, the binding nature of the proposals had to be put into perspective and the initial wording retained.

100. In response to the States’ reservations, the Chairman charged the above-mentioned drafting group with proposing an appropriate wording, which was finally adopted by the States:

- g. share information, where possible, in order to coordinate efforts in the fight against illicit trafficking of cultural property with UNESCO, INTERPOL, WCO, UNODC, or other international organizations, as appropriate,

101. The States went on to add a new point j to paragraph 5, worded as follows:

- j. promote, in collaboration with UNESCO, educational programmes at all levels, especially directed at younger generations, on the importance of fighting against illicit trafficking of cultural property and its impact at local, regional and global level;

102. In the old paragraph 7, renumbered 9, the Chairman highlighted the fact that paragraphs 15 to 17 of Resolution 2199 should be specifically mentioned. On the request of the Secretariat, the paragraph was also revised to invite the States Parties to provide UNESCO with a copy of the reports submitted pursuant to the above-mentioned resolution:

- 9. Also encourages all States Parties, in the same spirit of paragraphs 15 to 17 of the United Nations Security Council Resolution 2199, to apply the same measures to Libya and Yemen;

103. Finally, the old paragraph 8, renumbered 10, was slightly reworded:

- 10. Also invites the UNESCO Director-General to continue to reinforce the Secretariat with appropriate financial resources and, in particular, human resources to continue its emergency action initiatives.
IX. ELECTIONS TO THE SUBSIDIARY COMMITTEE OF THE MEETING OF STATES PARTIES

Document C70/15/3.MSP/7
Resolution 3.MSP 7

104. The States Parties adopted Resolution 3.MSP 7, renewing half of the members of the Subsidiary Committee by electing the following States:

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<tr>
<th>Group I</th>
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<tr>
<td>Cyprus</td>
<td>Armenia</td>
<td>Plurinational State of Bolivia</td>
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<td>Group IV</td>
<td>Afghanistan</td>
<td>India</td>
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<td>Group V(a)</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>Group V(b)</td>
<td>Iraq</td>
<td>Libya</td>
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Documents IOS/EVS/PI/133REV., C70/15/3.MSP/8
Resolution 3.MSP 8

Presentation of documents C70/15/3.MSP/8 and IOS/EVS/PI/133REV.

105. Mrs Barbara Torggler, representative of the IOS unit, presented the Internal Oversight Service evaluation report on UNESCO’s Standard-setting Work of the Culture Sector (Part II) to the Meeting of the States Parties, the objective of which was to examine the impact of the Convention of 1970 on the legislation and policies of the States Parties, but also the implementation of the Convention and the activities of UNESCO. The main conclusions of this study were the priority that States gave to the fight against the illicit trafficking of cultural property, and the central position occupied by the Convention in this fight. Nevertheless, the rate of ratification of the Convention remains lower than that for the other Conventions in the Culture sector and a number of States Parties have only partially fulfilled their obligations under this treaty. The States’ attention is drawn to the 28 recommendations proposed in the conclusion of the report, particularly concerning the need to regularly submit their national reports on the implementation of the Convention.

106. The Secretariat indicated that it had created an action plan breaking down the various recommendations of the IOS Evaluation report according to whether they were addressed to the States Parties, the management bodies or the Secretariat. This plan, presented to the second session of the Subsidiary Committee in July 2014 and to the nineteenth session of the ICPRCP committee in October 2014, was submitted to the third Meeting of the States Parties.

Adoption of Resolution 3.MSP 8

107. China wished to stress that, although it had become the world’s largest art market, sales of antiquities remained in the minority and were subject to the production of certificates of provenance. It went on to state that a significant share of the transactions in cultural assets
took place in Hong Kong and Macao, territories in which the Convention of 1970 does not apply.

108. Chile observed that the draft resolution was not faithful to the Evaluation report, insofar as it did not mention the role of the Subsidiary Committee in monitoring implementation of the recommendations submitted by the IOS.

109. Following a request for clarification submitted by Japan, the IOS representative explained that recommendation 26, referring to an “overall results framework for the Convention” was aimed at establishing an evaluation tool intended for the Secretariat. Recommendation 11, meanwhile, was justified by the need to orient the States in relation to national focal points in the fight against illicit trafficking, in order to ease international cooperation. The Secretariat stated that in February 2014 it had begun drafting a road map for this purpose, but had not been able to pursue the project due to insufficient human resources.

110. The Chairman, judging the draft resolution to be too long, proposed replacing the old paragraphs 3, 5, 6, 7 and 8 with a simple reference to the IOS recommendations, worded as follows:

4. Urges the States Parties, the Subsidiary Committee and the Secretariat to implement the IOS recommendations set forth in the Annex to the document C70/15/3.MSP/8;

111. On the request of Denmark and Sweden in particular, a new paragraph 5 was added:

5. Requests the Subsidiary Committee, in cooperation with the Secretariat, to prioritize the areas of work related to the implementation of the above mentioned recommendations, as well as the activities included in the Roadmap, and to report on the status of their implementation at the next Meeting of States Parties.

XI. DISCUSSIONS ON THE POTENTIAL CREATION OF A FUND FOR THE CONVENTION OF 1970

112. The Secretariat briefly reminded everybody that the possibility of creating a fund for the Convention of 1970 had been presented at the second session of the Subsidiary Committee in July 2014. In order to boost the human resources and operational capacities of the Convention Secretariat, it was proposed to the States Parties to create an account specifically intended for the implementation of this Convention. The draft financial regulation for this fund is presented in annex to document C70/15/3.MSP/10.

113. Numerous delegations supported this draft resolution; in particular, those of China, Ecuador and Venezuela.

114. In response to the request of Germany, the Secretariat clarified that the creation of the fund should, pursuant to Articles 6.5 and 6.6 of the UNESCO Financial Regulations, be submitted to the Executive board of the Organization.

115. Concerning paragraph 6 of the draft resolution, the Chairman indicated that it was incorrect to “ask the Director-General”. He invited the States Parties to decide on a choice of
wording, between “invites the Director-General” and “asks the Secretariat”. Since Brazil had expressed its preference for the first option, and in the absence of any objection, the following wording was therefore adopted:

6. Invites the Director-General to establish such a Fund;

116. On the suggestion of Germany and to avoid any confusion, the expression “approve the budget” in paragraph 8 was replaced by “approve the budget plan”.

XII. MISCELLANEOUS QUESTIONS

Revision of the Rules of Procedure of the Convention of 1970

Resolution 3.MSP 12

117. The Chairman indicated that a number of delegations were wondering about how the agenda and various informative and working documents were prepared for Meetings of the States Parties, given that the elected committee only sat during the duration of the Meeting. He therefore invited the States Parties to submit any proposed revisions to the Rules of Procedure to the Secretariat, in order to mitigate this difficulty.

118. The Meeting of the States Parties therefore adopted a new Resolution 3.MSP 12, the draft of which was worded by the Secretariat as follows:

The Meeting of States Parties,

1. Requests the Secretariat to include an item on the agenda at the next Meeting of States Parties in 2017, concerning the possible amendment or revision of the Rules of Procedure of the Meeting of States Parties;
2. Invites States Parties to submit to the Secretariat proposals in English and/or in French for the amendment of the Rules of Procedure of the Meeting of States Parties to the 1970 Convention by 31 January 2017 at the latest;
3. Also requests the Secretariat to submit to it a draft document containing proposals for amendments or revisions of the Rules of Procedure of the Meeting of States Parties for possible adoption at the next Meeting of States Parties in 2017.

Official declaration of Greece

119. Greece wished to submit a draft declaration to the third Meeting of States Parties, entitled “Stop illicit trafficking of cultural property”, intended to affirm the commitment of the States Members of the Convention to protecting heritage and fighting the illicit trafficking of cultural property.

120. Brazil highlighted the need to explicitly mention the Convention of 1970 in the sub-heading of the declaration.

121. Concerning paragraph 2, Canada pointed out the danger of naming the illicit trafficking of cultural property as “one of the most serious forms of trafficking”: such an expression could implicitly lead to inappropriate hierarchization of various types of trafficking according to their seriousness. Cambodia, furthermore, felt bound to note that illicit trafficking of cultural property constituted a crime in its national law.

122. On the proposal of Armenia, Greece and the Czech Republic, the terms “looting” and “illegal excavations” were added to paragraph 3.

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4 Cf. Annex III
123. Certain States such as Guatemala, Iraq and Norway suggested mentioning the UNIDROIT Convention of 1995 in paragraph 4, stressing the very strong complementarity between this instrument and the Convention of 1970. It was, however, finally considered that the call for ratification in this declaration should be limited to the UNESCO Convention of 1970 alone, in the interests of media readability.

124. Examination of paragraph 4 also led the delegations to debate the opportuneness of a reference to the Operational Guidelines – supported by Argentina, Ecuador and Turkey. The Legal adviser however drew the States’ attention to the fact that these Operational Guidelines could not be presented as “supplements” or “enrichments” to the Convention. The reference to this text was finally added in paragraph 5 of the declaration.

125. Cambodia proposed that “all interested third parties” should also be targeted in paragraph 6. This suggestion was supported and supplemented by Greece, the Netherlands and Venezuela, with the addition of a reference to “intergovernmental cooperation”.

126. In paragraph 7, Egypt proposed adding a reference to purchasers, whose commitment to the fight against the illicit trafficking of cultural property, alongside other players in the art market, is crucial. Canada, supported by Greece and the Netherlands, wanted the ethical codes to be explicitly mentioned. The following wording was finally adopted for this paragraph: Underlines the need for respect of the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM Code of Ethics for Museums;

127. In paragraph 8, Brazil suggested stressing the need to raise the awareness of the general public concerning cultural heritage protection issues. Libya proposed including the media; Argentina, the "other stakeholders", in this paragraph, finally worded as follows: Calls upon States, media and other stakeholders, to raise public awareness concerning the respect and protection of cultural property.

Declarations of the States

128. Syria addressed an important speech to the third Meeting of States Parties on the situation of the Syrian cultural heritage, the entirety of which is reproduced in annex to this report.

129. Qatar furthermore invited the Arab States not yet parties to the Convention of 1970 to ratify this treaty at the earliest opportunity.

130. Australia informed the Meeting of States Parties that it had recently returned a statue of Shiva to India, and that it had in 2014 published a guide to best practice based on national and international standards and ethical codes.

Report by the Rapporteur

131. The Rapporteur welcomed the quality of the debates and the significant results obtained by this third Meeting of States Parties; in particular, the adoption of the Operational Guidelines and the decision to create a specific fund for the Convention.

XIII. ADOPTION OF THE RESOLUTIONS

132. The Chairman declared the resolutions adopted.

5 Cf. Annex IV
6 Cf. Annex V
7 Cf. Annex II
XIV. CLOSURE OF THE MEETING

133. The States, notably Brazil, Cuba, Ecuador, Iraq, Morocco, Peru and El Salvador, thanked the Rapporteur and congratulated the Chairman for his efficient management of the debates, stressing the positive consequences of the participation of Palestine in the work of various UNESCO conventions. The Secretariat and the Subsidiary Committee were also thanked for the important preparation work carried out ahead of this third Meeting of States Parties.

134. The Secretariat welcomed the historic advance represented by the third Meeting of States Parties, 45 years after adoption of the Convention of 1970. Although the situation was becoming ever more threatening in the Middle East and the Director-General had launched an appeal to protect the Palmyra site, it underlined the importance of strengthening synergies between all players in the fight against the illicit trafficking of cultural property. It finally reminded the States Parties of the need to send in their national evaluation reports on the implementation of the Convention of 1970 before 12 June 2015.

135. The Chairman closed the third Meeting of the States Parties, after having thanked the States Parties, the Secretariat and the Rapporteur.
## ANNEX I

### Composition of the Subsidiary Committee 2013


Elected on 1 July 2013

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<tr>
<th>Group I</th>
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<tr>
<td>Greece</td>
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<td>Croatia</td>
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<td>Romania</td>
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<td>Mexico</td>
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<td>Peru</td>
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<td>Japan</td>
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<td>Pakistan</td>
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<td>Madagascar</td>
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<td>Chad</td>
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<tbody>
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<td>Egypt</td>
<td>2013-2015</td>
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<tr>
<td>Morocco</td>
<td>2013-2017</td>
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<tr>
<td>Oman</td>
<td>2013-2015</td>
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ANNEX II

Resolutions adopted by the third Meeting of States Parties

RESOLUTION 3.MSP 2

The Meeting of States Parties,

1. Elects Mr Mounir Anastas (Palestine) Chairperson of the third Meeting of States Parties;
2. Elects Mr Arūnas Gelūnas (Lithuania) Rapporteur of the third Meeting of States Parties;
3. Elects Argentina, India, Italy and Senegal Vice-Chairpersons of the third Meeting of States Parties;
4. Decides to maintain this Bureau operational until its next election.

RESOLUTION 3.MSP 3

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/3.Rev,
2. Adopts the agenda contained in the aforementioned document.

RESOLUTION 3.MSP 5A

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/5A,
2. Welcomes the Report of the Subsidiary Committee contained in the aforementioned document;
3. Encourages the Subsidiary Committee to continue its work in terms of revitalization of the Convention;
4. Invites the Subsidiary Committee to provide impetus to the synergies with the other cultural Conventions in UNESCO and, in this regard, to support the Secretariat in the cooperation with the relevant international and United Nations bodies;
5. Also invites the Subsidiary Committee to report to the Meeting of States Parties at its next session.
RESOLUTION 3.MSP 5B

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/5B,
2. Welcomes the adopted roadmap for the fulfillment of the functions of the Subsidiary Committee contained in the aforementioned document;
3. Requests the Secretariat to cooperate with the Subsidiary Committee in order to develop recommendations for implementation mechanisms.

RESOLUTION 3.MSP 6

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/6,
2. Thanks those States Parties which have generously contributed financial support for the activities conducted by the Secretariat;
3. Takes note with satisfaction of the Secretariat’s report on its activities from June 2012 to May 2015;
4. Welcomes the many training activities carried out by the Secretariat and UNESCO Field Offices, their growing scope and the continued effectiveness of the global capacity-building strategy;
5. Also welcomes action taken to raise awareness on the fight against trafficking in cultural property;
6. Invites States Parties and UNESCO to strengthen their support for activities carried out to ensure the effective implementation of the Convention by making financial and/or human resources available;
7. Encourages the Secretariat to continue its efforts to implement the Convention and identify new partners, and invites it to present another report on its activities at its fourth Meeting.

RESOLUTION 3.MSP 7

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/7,
3. Elects the following 9 States Parties as Members of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention:

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<tr>
<th>Group I</th>
<th>Group II</th>
<th>Group III</th>
<th>Group IV</th>
<th>Group V(a)</th>
<th>Group V(b)</th>
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<tbody>
<tr>
<td>Cyprus</td>
<td>Armenia</td>
<td>Plurinational State of Bolivia</td>
<td>Afghanistan</td>
<td>Democratic Republic of Congo</td>
<td>Iraq</td>
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RESOLUTION 3.MSP 8

The Meeting of States Parties,


2. Welcomes the findings of the evaluation and the Recommendations in the aforementioned Evaluation;

3. Takes note, with appreciation, of the decision to create in 38C/5 two P2 posts to strengthen the Secretariat of the 1970 Convention, thus following up Recommendation 21 of the aforementioned Evaluation, and invites States Parties to provide further financial and human resources support;

4. Urges the States Parties, the Subsidiary Committee and the Secretariat to implement the IOS recommendations set forth in the Annex to the document C70/15/3.MSP/8;

5. Requests the Subsidiary Committee, in cooperation with the Secretariat, to prioritize the areas of work related to the implementation of the above mentioned recommendations, as well as the activities included in the roadmap, and to report on the status of their implementation at the next Meeting of States Parties.

RESOLUTION 3.MSP 9

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/9,

2. Takes note of the information provided by the Secretariat on the initiatives in relation to emergency actions contained in the aforementioned document;

3. Also takes note of the increase in activities related to emergency actions assigned to the Secretariat, and of the need to strengthen its human and financial resources;

4. Highlights the obligation for all States Parties to urgently implement the provisions in paragraphs 15 to 17 of the United Nations Security Council Resolution 2199, in reference to the cultural heritage at risk in Iraq and Syria;

5. Encourages all States Parties to implement the following measures, in emergency situations of armed conflict or natural disaster:
   a. revise their legislation to strengthen controls of exports, imports and acquisitions of cultural property,
   b. make provisions in their national legislations regarding due diligence and checking of provenance,
   c. consider adopting the principles of the 1995 UNIDROIT Convention particularly on the reversal of the burden of proof with respect to due diligence,
   d. strengthen investigative and seizure procedures, and facilitate the restitution procedures to the country of origin,
   e. establish appropriate criminal sanctions and prosecute those individuals or entities involved in trafficking of cultural property,
   f. implement the “International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other
Related Offences", as adopted under United Nations General Assembly Resolution 69/196,
g. share information, where possible, in order to coordinate efforts in the fight against illicit trafficking of cultural property with UNESCO, INTERPOL, WCO, UNODC, or other international organizations, as appropriate,
h. reinforce bilateral regional and international cooperation and ensure greater transparency, concerning transactions of cultural property,
i. strengthen the monitoring of the export and import of cultural property and, where appropriate, keep registers of acquisitions updated,
j. promote, in collaboration with UNESCO, educational programmes at all levels, especially directed at younger generations, on the importance of fighting against illicit trafficking of cultural property and its impact at local, regional and global level;

6. Also encourages all States Parties, in the same spirit of paragraphs 15 to 17 of the United Nations Security Council Resolution 2199, to apply the same measures to Libya and Yemen;

7. Further encourages all States Parties to initiate outreach activities related to the fight against the illicit trafficking in cultural property in emergency situations and support already existing ones, such as the #unite4heritage campaign;

8. Also encourages all States Parties to cooperate with the Secretariat to develop new mechanisms to fight against illicit trafficking in cultural property at the international level, including greater consideration of the cultural dimension in strategies for action in times of crisis or conflict situations;


10. Also invites the UNESCO Director-General to continue to reinforce the Secretariat with appropriate financial resources and, in particular, human resources to continue its emergency action initiatives.

RESOLUTION 3.MSP 10

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/10 and its annexes,

2. Recalling Decision 1.SC 8,

3. Acknowledging the need to enhance the implementation of the 1970 Convention on a long-term basis, in order that it may better respond to the wishes and needs of States Parties,

4. Expresses its appreciation to the States Parties that have already provided funds or support to the Secretariat to enhance its resources;

5. Considers that it is desirable to establish a dedicated Fund for the 1970 Convention;

6. Invites the Director-General to establish such a Fund;
7. Takes note of the draft Financial Regulations of this Fund as contained in Annex 1 in document C70/15/3.MSP/10;

8. Approves the planned budget for the use of the resources to be financed by the Fund of the 1970 Convention, as contained in Annex 2 in document C70/15/3.MSP/10. If the amount of the Fund is insufficient to meet all the activities of the plan, the Secretariat, in consultation with the Bureau of the Meeting of States Parties, shall make a choice on which activities to finance;

9. Also invites States Parties, and other interested institutions, to contribute to the Fund;


RESOLUTION 3.MSP 11

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/11 and its annex,

2. Appreciates the efforts undertaken by the Subsidiary Committee in providing a consensual draft of the Operational Guidelines;

3. Decides to adopt the Operational Guidelines for the Implementation of the 1970 Convention included in the annex of the document C70/15/3.MSP/11;

4. Recalls that these Operational Guidelines may be revised by the Meeting of States Parties.

RESOLUTION 3.MSP 12

The Meeting of States Parties,

1. Requests the Secretariat to include an item on the agenda at the next Meeting of States Parties in 2017, concerning the possible amendment or revision of the Rules of Procedure of the Meeting of States Parties;

2. Invites States Parties to submit to the Secretariat proposals in English and/or in French for the amendment of the Rules of Procedure of the Meeting of States Parties to the 1970 Convention by 31 January 2017 at the latest;

3. Also requests the Secretariat to submit to it a draft document containing proposals for amendments or revisions of the Rules of Procedure of the Meeting of States Parties for possible adoption at the next Meeting of States Parties in 2017.
ANNEX III

Declaration of Greece

STOP ILLICIT TRAFFICKING OF CULTURAL PROPERTY

Statement of the third Meeting of States Parties to the UNESCO Convention of 1970

18-20 May 2015
Initiative of Greece


Recognizing that in a world characterized by rapid change and innovation, the international community has to face illicit trade of cultural property as a severe form of trafficking,

Deeply concerned about the current situation in many parts of the world where massive destruction and the looting of cultural heritage as well as illegal excavations, result in the increasing illegal trade of cultural property,

Urges States to become parties to the UNESCO Convention of 1970;

Makes an appeal to all States to adopt specific measures according to international law, including the UNESCO 1970 Convention, in order to prevent illicit trafficking and the destruction and pillaging of cultural property on their territory, and also referring in this regard to the recently adopted Operational Guidelines to the UNESCO 1970 Convention;

Stresses the need for intergovernmental cooperation on the matter, as well as active participation of all interested third parties especially those active in the fields of art and culture;

Underlines the need for respect of the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM Code of Ethics for Museums;

Calls upon States, media and other stakeholders, to raise public awareness concerning the respect and protection of cultural property.
ANNEX IV

Speech by Syria

INTERVENTION DE
Son Excellence Madame Lania CHAKKOUR
Ambassadeur Extraordinaire et Plénipotentiaire
Délégué permanent de la République Arabe Syrienne
auprès de l’UNESCO
Lors de la Troisième Réunion Intergouvernementale
Des États parties à la Convention de l’UNESCO de 1970
(Du 18 mai au 20 mai 2015)

Monsieur Le Président,
Le Secrétariat de la Convention de 1970,
Le Département de la Culture,
Madame La Directrice Générale,

Monsieur le Président, je félicite la Palestine pour sa première présidence d’une réunion des États parties au sein de l’UNESCO, et je salue la performance du Secrétariat de la Convention de 1970, le Département de la culture et le Centre du patrimoine mondial, ainsi que les efforts constructifs et courageux que dépeint Madame La Directrice Générale Irina BOKOVA, spécialement dans la mise en œuvre de la Convention de l’UNESCO concernant les mesures à prendre pour interdire et empêcher l’importation, l’exportation et le transfert de propriétés illicites des biens culturels.


De ce haut lieu, je déclare qu’à l’heure qu’il est, Palmyre est défendue, ainsi que sa population par l’armée arabe syrienne, les forces populaires et ses propres habitants, tous en lutte contre les groupes terroristes de DAESH, « l’État islamique de l’Irak et du Levant », et ses filiales, groupes armés mercenaires, avides de gain, appelés « l’opposition modérée » auxquels certains États fournissent le soutien et arment lourdement.

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Durant les deux derniers jours, les 18 et 19 mai, le gouverneur du Gouvernorat de Homs a visité la ville et le site archéologique, ainsi que le Musée de Palmyre. Il s’est concerté avec ses habitants et met tout en œuvre pour soutenir leur résilience face à l'invasion de DAESH, qui a été stoppée par l'armée régulière après de violents affrontements.

A l’heure ou je m’adresse à vous, le site antique de la ville est épargné, mais il reste menacé et en danger. Les autorités syriennes de compétence ont déclaré, il y a peu, que des centaines de sculptures et joyaux du patrimoine de Palmyre ont été transférés dans des lieux sûrs. Palmyre, carrefour des civilisations qui a su résister aux hordes des invasions barbares à travers l’histoire résiste, résiste, résiste encore et résistera toujours.

Excellences,

Je saisir l’occasion de notre présente réunion, la réunion des Etats parties à la Convention de 1970, pour saluer au nom de la Délégation permanente de la République Arabie Syrienne auprès de l’UNESCO, la présence de leurs Excellence Messieurs les Ministres de Grèce, de Bolivie et du Cambodge et d’accueillir favorablement leurs allocations respectives, ainsi que le message responsable qui était le leur et qui prône la nécessité d’un engagement politique et humaniste de tous les décideurs en faveur de la Convention de 1970 « interdire et empêcher l’importation, l’exportation et le transfert de propriétés illégitimes des biens culturels... ». En nous notant qu’un tel engagement universel a le mérite de dévoiler le leurre de certains des États régionaux et spécifiquement ceux impliqués dans le pillage et le vol du patrimoine culturel de mon pays. Les édits régionaux - qui malgré les preuves accablantes de leur implication dans le pillage de notre patrimoine - ne cessent de déclarer leur attachement au droit international et leur respect des résolutions onusiennes qui criminalisent et interdisent les actes de trafic illégitime du patrimoine culturel des États et des peuples.

L’heure est venue d’Unir nos efforts, nous les Etats membres et les Etats parties à la Convention de 1970, face à l’Épidémie Noire qui envahit le monde. Je nomme l’épidémie des effondrements des souverainetés nationales et la déchéance des États, l’Épidémie noire qui propage le chaos et la destruction annonçant une escalade de la violence sans précédent entraînant des pertes humaines, le pillage des richesses des pays et la destruction et le trafic illégitime de leur patrimoine.

L’heure est venue pour insuffler avec une énergie sans faille les prémices du Renouveau, le Renouveau de l’Acte Constitutif de l’Organisation en se remémorant que ce dernier est né des entraîlles de la deuxième guerre mondiale, la plus meurtrière et la plus destructrice de l’histoire de l’Humanité. N’est-il pas légitime de s’interroger : de quelle manière l’UNESCO, ainsi que ses instances - fussent-elles capables - auraient-elles assumé les responsabilités qui leurs incombait à travers les diverses résolutions du Conseil de Sécurité, relatives à la protection du patrimoine culturel et la résolution 2199 (2015) plus précisément, sans cette avancée historique à laquelle nous avions tous pris part, hier, lors de l’adoption des Directives Opérationnelles de la Convention, 45 ans après son instauration ?

Excellences,
Au nom de mon pays et en mon nom, je félicite le Comité subsidiaire de la Convention de 1970 qui a travaillé avec acharnement pour la préparation de ces directives qui feraient valoir une nouvelle ére de justice et de suprématie du droit des peuples pour la sauvegarde de leur patrimoine culturel.

Par ailleurs, je saisie cette occasion pour remercier l’Etat partie, la Grèce, pour ses efforts dans la mise en œuvre de la Convention de 1970 et je me joins au nom de mon pays au consensus obtenu par les Etats membres concernant l’Initiative présentée par la Grèce sous forme de Déclaration d’intentions émise aux noms des Etats parties qui sont réunis ici aujourd’hui, pour renforcer les fondements de la Convention de 1970.

Excellences,

L’échec des efforts de sauvegard du patrimoine culturel, victime du pillage et du terrorisme n’est que la preuve d’une impuissance collective, à l’échelle planétaire, face à l’effroyable effondrement moral qui abolit les consciences. Aux regards de l’Histoire Nous sommes appelés à explorer des voies nouvelles qui pourraient renforcer et préserver le rôle pionnier d’une organisation telle que l’UNESCO et sa vocation noble : la sauvegarde des civilisations, la protection du patrimoine culturel matériel et immatériel et le renforcement des capacités des Etats membres à restituer leurs richesses, leur patrimoine, leurs symboles culturels pillés au présent et à travers l’histoire.

Comment pourrait-il en être autrement ? En sachant que notre honorable organisation est entrainée ces derniers temps dans une lutte délasive qui défi son impartialité et son leadership.


Excellences,

Il n’y a pas lieu ici de faire état de la résilience de notre peuple, de notre armée ainsi que de notre gouvernement dans notre combat légitime contre les horreurs d’envahisseurs. Mais il me paraît utile de vous informer que les autorités nationales, à savoir le Ministère de la Culture et les directions et institutions sous son égide, ainsi que la Commission Nationale Syrienne pour l’UNESCO, déploient des efforts naxéens sur le plan national pour la sauvegarde du patrimoine en Syrie, mais aussi maintiennent une coopération assidue avec l’UNESCO, ses organes consultatifs, l’INTERPOL et les Etats amis, alliés. Mais aussi ils engagent un travail de fond, au niveau bilatéral et multilatéral avec La République iraquienne et La République Libanaise, afin d’unifier les efforts dans la lutte contre le trafic illicite des antiquités et des biens culturels syriens. A ce jour , et malgré les dangers qui menacent notre patrimoine les rapports nationaux émanant du Ministère de la Culture et de la Direction Générale des Antiquités et des Musées stipulent avoir empêché le transfert et le trafic illicite de 6 000 pièces d’antiquité qui étaient destinées à quitter illicITEMENT le territoire syrien en direction de la Turquie et du Liban.
Par ailleurs, un nombre considérable de restitutions de pièces d’antiquité pillées ont eu lieu, parmi lesquelles, un trésor de 1 600 pièces de bronze incrustées d’argent, découverts dans la montagne Al Chaur, entre Palmyre et Homs. Nous mettons à la disposition des États membres et États parties de plus amples informations sur ces restitutions.

Excellences,

De ce haut lieu, saluons la résistance de notre armée, la résilience de notre peuple et sa prise de conscience de la valeur de son patrimoine qui est manifeste à travers le soutien inestimable de la société civile et des populations locales aux efforts officiels et nationaux qu’engage l’état syrien dans la préservation et la sauvegarde du patrimoine culturel face aux affres du terrorisme de DAESH et ses filières.

Excellences,
Le Secrétariat de la Convention de 1970,
Madame La Directrice générale.

Je lance un appel à nous tous, dans ces moments de grandes épreuves, nous les États membres et les États parties à la Convention de 1970 pour faire les pressions inéluctables afin de mettre un terme immédiat aux dangers et destructions qui menacent la ville de Palmyre, sa population, son site archéologique et son patrimoine culturel.

Je lance un appel pour adjoindre nos efforts dans le but de faire échouer les dessins et objectifs de ces États Pyromanes et leurs actions dévastatrices et criminelles car tout en prétendant participer à l’extinction des feux, ces États les propagent dans mon pays et le monde entier dans un affront aux lois des religions, et des valeurs morales universelles de l’Humanité que nous partageons.

Je lance un appel aux peuples souverains que nous représentons, ici aujourd’hui, afin de soutenir mon pays la Syrie dans sa lutte et sa guerre contre la marée barbare qui nous vient de l’enfer et qui conduit l’Humanité tout entière en enfer, et je demande au Secrétariat de la Convention de bien vouloir joindre mon intervention, de ce jour, aux documents officiels de notre réunion.

Merci.
ANNEX V

Report by the Rapporteur of the third Meeting of States Parties

Dr Arūnas Gelūnas, ambassador of Lithuania to UNESCO

Mr Chairman, dear colleagues, ladies and gentlemen,

Listening to the discussions of the third Meeting of States Parties to the 1970 Convention I have spontaneously remembered a saying that is usually considered to be a traditional Chinese curse: May you live in interesting times. However, this saying is said to be apocryphal and the nearest related REAL Chinese expression is: Better to live as a dog in an era of peace than a man in times of war.

One has to agree: we live in a scary reality finding ourselves the children of the family where mother is our beloved UNESCO, but father…is a rather strict figure of INTERPOL…Who would have ever thought?!

The main conceptual axis of the third Meeting is undoubtedly the perception that we live in a time of unprecedented crisis and ever increasing violence; the situation of cultural heritage in a NUMBER of countries has never been in a worse state. Each and every speaker in the Meeting has expressed her or his feelings of extreme shock as well as their willingness to contribute to resolving this crisis by any means possible. But do we have such means? Individual countries and separate organizations – do not. Networks of countries and organizations have sufficient means and many of them are not yet used to their full potential. In this situation nobody should be left isolated.

I have to commend the work of the Secretariat of the 1970 Convention for their ongoing fantastic work (bearing in mind the lack of financial and human resources) – especially in identifying new partners and networking - this is already producing very favourable results. We also have to applaud the efforts of the Secretariat that contributed to the adoption of the UNITED NATIONS Security Council resolution 2199 – a document of crucial practical relevance. I would also like to underline the importance of the results of the work done by the Subsidiary Committee and their historical achievement – careful and meticulous preparation of the Operational Guidelines of the Convention for the first time in 45 years of its existence; as well as the Roadmap for Action – an indispensable set of practical instruments for cooperation in the area of prevention of Illicit Trafficking of the cultural goods.

This Meeting was rich in discussions – I did not quite like the extended comparative analysis of the terms – “Request – Encourage – Invite” – (that took us nearly one hour and a half), but it culminated in a general understanding of the participants of the Meeting that the Subsidiary committee is not quite a suitable body for reaching out to the agencies of the UN system, but rather can and will be able to provide very valuable analytical material as well as the position of the 18 member states for UNESCO’s Secretariat. I would add to this, if I may – we need not multiply the faces of UNESCO’s representation to the world, as our DG Irina Bokova is fulfilling this function with grace and perfection. Nothing personal – a pure practicality: In this way we can only succeed better.

Ladies and gentlemen,

Particular attention should be given to the term ‘synergy’, here. This very fashionable word was imported from the field of physical sciences via that of the humanities and social sciences in the 1980s and has come a very popular metaphor for the convergence of initiatives in the
1990s. The States Parties have dedicated a great deal of time and scaled up their actions to ‘request’, ‘encourage’ and ‘invite’ the Secretariat to promote synergy between the other cultural conventions in order to try to resolve the crisis situations in Syria and in Iraq (as well as the very recent crisis situations that have arisen in Libya, Yemen and Nepal).

In practice, a synergistic approach always means more effort and an additional workload. Consequently, the pertinent question that we should be asking ourselves here is as follows: are the financial and human resources of the Secretariat going to be increased? I am deeply convinced that, in the long term, the success of the fight against illicit trafficking and other ways in which cultural property is destroyed will depend considerably on the skill with which the various stakeholders coordinate the measures taken, share information and join forces; in a word, ‘synergize’ all of the existing forces dedicated to this fight worldwide. And only a combined action of this nature will be crowned with success.

Allow me now to highlight the historic nature of this third Meeting of States Parties to the Convention of 1970, which has resulted in the unanimous adoption of a document of capital importance: the Operational Guidelines of the Convention of 1970. It is hard to find words to express the enthusiasm shown by numerous involved parties during this meeting, welcoming the proposals being made.

The meeting was punctuated by ever more brilliant actions: three ministers of culture from three different continents shared their practical experiences in Greece, Bolivia and Cambodia, in order to address the challenge of the illicit trafficking of cultural property. The auditorium responded with joy (satisfaction) to the best practices being implemented in the context of returning cultural assets to their country of origin, but cases of theft continue relentlessly to be brought to our attention (and one might indeed raise the question of the return of 50,000 Bolivian cultural objects scattered across the globe). The States parties were reassured by the approaches taken by the Greek, Bolivian and Cambodian governments in order to implement new means of fighting illicit trafficking.

These are by no means the only successes in a context that requires coordinated efforts from a number of governments, institutions and individuals. We have heard about the initiatives of the five Nordic countries to fight the illicit trafficking of cultural property, just as we have heard about those of the neighbours of Syria, namely Lebanon and Turkey, to help protect Syrian cultural property until the conflict is over (specific reference was made to the creation of secure zones for cultural assets). We have been informed of the willingness of Italy to put its Carabinieri at the service of international cooperation, in order to combat criminal networks linked to the trafficking of cultural property; Japan has made an extrabudgetary contribution towards training and capacity building in the context of UNESCO training workshops; Germany has decided to modify its national legislative system concerning the importation and exportation of cultural assets into and from its territory, as well as its aid to Iraq with preventive measures against illicit trafficking as part of a programme financed by the Federal Office.

Here, I would not like to overlook the remarkable presentations of Mrs Flora Van Regteren Altena (Netherlands); H.E. Ambassador Alexandr Savov (Bulgaria), and Professor Folarin Shyllon (Nigeria). We can easily consider all the serious aspects associated with the preparatory work inherent to this meeting and which have enabled it to be a success.

I will also mention the actions of such partners as ICOM, INTERPOL and UNIDROIT.