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

DECISIONS
DECISION 7.SC 2

The Subsidiary Committee,

1. Elects Mr. Wael Abdel Wahab (Egypt) Chairperson of the Subsidiary Committee of the Meeting of States Parties;

2. Elects Mr. Aleksei Kovalenko-Narochnitskii (Russian Federation) Rapporteur of the Subsidiary Committee of the Meeting of States Parties;

3. Elects Côte d'Ivoire, Peru, Republic of Korea and Turkey Vice-Chairpersons of the Subsidiary Committee of the Meeting of States Parties.

DECISION 7.SC 3

The Subsidiary Committee,

1. Having examined document C70/19/7.SC/3,

2. Adopts the agenda as indicated in the above-mentioned document and the amended timetable.

DECISION 7.SC 5

The Subsidiary Committee,

1. Having considered document C70/19/7.SC/5;

2. Recalling Resolution 5.MSP 6;

3. Takes note of the report of the Secretariat on its activities and in particular the numerous activities carried out with field offices of UNESCO and its major partners;

4. Thanks Members of the Committee and the States Parties who generously provided financial and human support for the activities developed by the Secretariat;

5. Welcomes the activities developed in the field of education, training and awareness-raising for the fight against illicit trafficking of cultural property;

6. Encourages the 53 Member States of UNESCO who have not yet done so to become Parties, by the Eighth Session of the Subsidiary Committee, and encourages also the States which have not yet done so to accede the UNIDROIT Convention of 1995;

7. Invites the Members of the Committee and the States Parties to increase their human and financial support for activities designed to support the effective implementation of the Convention;

8. Highlights the need to increase the number of personnel with expertise in the Secretariat and also invites the Director General to ensure the necessary steps are being taken in order to implement paragraph 6 of the Resolution 5.MSP 6;
9. Requests the Secretariat to pursue its efforts for the implementation of the Convention and further invites the Secretariat to submit at its Eighth session a new report on its activities.

**DECISION 7.SC 6**

_The Subsidiary Committee_,

1. **Having considered** document C70/19/7.SC/6;

2. **Thanks** the States Parties to the 1970 Convention who have actively responded to the obligation to submit Periodic Reports and **welcomes** their efforts to guarantee relevant follow-up at national level;

3. **Reminds** States Parties of their obligations under the 1970 Convention in respect of effective implementation, and in particular their obligation to report under its Article 16;

4. **Emphasizes** that the content of such reports should be as detailed as possible to enable an accurate understanding and evaluation of the implementation of the 1970 Convention at national level;

5. **Also welcomes** the Secretariat for the development of the electronic reporting platform for the 2019 Periodic Reporting Cycle and **requests** the Secretariat to pursue its efforts to complete the implementation of the new reporting system;

6. **Encourages** States Parties to the 1970 Convention to assess the adequacy and effectiveness of national measures undertaken to implement the Convention so that areas of weakness may be identified and appropriate adjustments or improvements made;

7. **Invites** the Director-General to send a summary of the reports received from Member States on measures taken to implement the 1970 Convention accompanied by comments from the Subsidiary Committee, to the 40th Session of the General Conference.

**DECISION 7.SC 7**

_The Subsidiary Committee_,

1. **Having examined** document C70/19/7.SC/7 and its Annex;

2. **Recalling 39 C/Resolution 87** of the General Conference, the Audit of the working methods of Cultural Conventions (IOS/AUD/2013/06) and the Evaluation of UNESCO’s standard setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS) (IOS/EVS/PI/133 REV.2);

3. **Takes note** of the efforts and steps already undertaken with a view to improving and streamlining the working methods of the Subsidiary Committee to the Meeting of States Parties to the 1970 Convention, in line with the past Recommendations by the External
Auditor and IOS in this matter;

4. *Also takes note* of the status of the follow-up to the recommendations of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO (39 C/Resolution 87);

5. *Requests* the Secretariat to submit document C70/19/7.SC/7, its Annex and the present decision to the Chairperson of the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO.

DECISION 7.SC 8a

The Subsidiary Committee,

1. *Having examined* document C70/19/7.SC/8a,

2. *Recalling* the importance of exercising due diligence by all stakeholders concerned as a response to illicit trafficking in cultural property, as confirmed in paragraphs 59 and 94 of the Operational Guidelines for the implementation of the 1970 Convention;


4. *Encourages* States Parties to the 1970 Convention to consider adopting appropriate legislation, encompassing due diligence into national legislation

5. *Recommends* States Parties to widely circulate the code of ethics developed by national and international bodies, such as the ICOM Code of Ethics for Museums and the International Code of Ethics for Dealers in Cultural Property;

6. *Also recommends* States Parties to ensure through their regulations and cultural policy that the art market actors, heritage institutions and collectors abide by the code of ethics developed by national, regional and international bodies;

7. *Requests* the Secretariat to present at the next session of the Committee a document on the links between the due diligence and provenance concepts, based on consultations with UNIDROIT;

8. *Invites* States Parties to share their good practices in the implementation of due diligence at national level.

DECISION 7.SC 8b

The Subsidiary Committee,

1. *Having examined* document C70/19/7.SC/8b,

2. *Taking note* of the Secretariat’s initiatives to cooperate with the art market;

3. *Encourages* States Parties to initiate and further pursue cooperation with the art market
in view of strengthening provenance research and due diligence principles;

4. **Emphasizes** the need to improve instruments related to the regulation of the art market and **invites** States Parties to enhance their national regulations and/or cultural policies to this end;

5. **Also invites** States Parties to consider developing awareness-raising and capacity-building initiatives targeting professional associations of the art market, where appropriate.

DECISION 7.SC 8c

The Subsidiary Committee,

1. **Having examined** document C70/19/7.SC/8c,

2. **Reminds** States Parties that the actions and decisions by the members of the judiciary have a strong effect on shaping the understanding of the general public on any matter;

3. **Recalls** the Operational Guidelines for the implementation of the 1970 Convention, in particular paragraph 22 encouraging States Parties to create a pool of prosecutors dedicated to the protection of cultural property and recovery of stolen cultural property;

4. **Requests** States Parties to consider sensitization of the members of the judiciary regarding the offences relating to cultural property as well as on return and restitution cases as a priority;

5. **Encourages** States Parties to strengthen the cooperation between the members of the judiciary and the cultural heritage professionals in order to increase the experience exchange;

6. **Invites** States Parties to consider developing awareness-raising activities as well as capacity-building initiatives also in coordination with the professional associations and the training centres for the members of the judiciary, where appropriate;

7. **Also invites** the Secretariat to produce a model awareness-raising and capacity-building strategy document customized for the members of the judiciary in order to inspire the initiatives to be taken by the States Parties at the national level, and launch it by 31 October 2019;

8. **Welcomes** the adoption of the “Declaration of Judicial Training Principles” by the International Organization for Judicial Training Centres;

9. **Also requests** the Secretariat to explore ways to cooperate with the International Organization for Judicial Training Centre for further discussions on possible future joint projects;

10. **Also encourages** States Parties to include modules on preventing illicit trafficking of cultural property as well as the return and restitution of cultural objects to the training of newly appointed members of the judiciary;

11. **Further invites** State Parties to establish a training curriculum for special training courses
for the members of the judiciary in order to contribute to the competency of the justice system regarding the offences relating to cultural property as well as the return and restitution of cultural objects.

DECISION 7.SC 8d

The Subsidiary Committee,

1. **Having examined** document C70/19/7.SC/8d.
2. **Takes note** of the many opportunities for educational and awareness-raising activities to be developed on the value of cultural heritage to mankind and on the illicit trafficking of cultural property;
3. **Encourages** States Parties to share their good practices regarding the role of youth in the fight against illicit trafficking in cultural property;
4. **Also encourages** States Parties to increase youth awareness in schools, universities and community structures of the problem of illicit trafficking;
5. **Invites** the Secretariat to strengthen inter-sectoral collaboration with the Education Sector and the Human and Social Sciences Sector in order to raise awareness among young people of the problem of illicit trafficking through global citizenship education and the Youth Forum.

DECISION 7.SC 10

The Subsidiary Committee,

1. **Having examined** document C70/19/7.SC/10.REV;
2. **Recalling** Articles 7, 13 and 15 of the 1970 Convention concerning the cooperation in this regard;
3. **Also recalling** Resolution A/RES/73/130 of the United Nations General Assembly on the return and restitution of cultural property to the countries of origin;
4. **Further recalling** paragraphs 82 to 99 of the Operational Guidelines for the Implementation of 1970 Convention which contain useful guidance for the effective application of the above-mentioned Articles;
5. **Reaffirming** that the 1970 Convention remains a priority for UNESCO;
6. **Considering** that the failure to return or restitute, as mentioned in Articles 7 and 13.b of the 1970 Convention, of cultural property that have been illicitly transferred is an obstacle to the mutual understanding between nations that UNESCO is seeking to encourage;
7. **Realizing** the importance ascribed by the countries of origin to the return or restitution of cultural property that have a spiritual, historical and cultural value for them in order for them to be able to build up collections representing the cultural heritage that belongs to each country;
8. **Encourages** all States Parties to take the necessary measures consistent with the law of each State in accordance with Art. 7, 13 and 15 of the 1970 Convention in order to facilitate the return or restitution of illicitly exported cultural property;

9. **Also encourages** all States Parties to cooperate more intensively with INTERPOL in terms of setting up national databases of stolen cultural property directly connected with the corresponding INTERPOL Database and establishing specialized police units dedicated to the protection of cultural heritage, wherever appropriate;

10. **Further encourages** all States Parties to cooperate more intensively with WCO and establish specialized customs units dedicated to the import and export of cultural property;

11. **Requests** the Secretariat to conduct capacity-building activities with a special focus on return and/or restitution procedures within the scope of the 1970 Convention and consider the development of online training courses in this regard and subject to the availability of funds;

12. **Encourages** Member States to make voluntary contributions in order to support the Secretariat’s efforts for capacity-building;

13. **Also requests** the Secretariat to strengthen cooperation with museums and to ensure the content of the relevant events to be coherent with the legal terminology and practice of the 1970 Convention to promote the return and restitution of cultural objects;

14. **Further requests** the Secretariat to continue updating the UNESCO Database of national cultural heritage laws with a view to making the information more user-friendly and accessible to States Parties;

15. **Calls for a reinforced** cooperation with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, as set forth in the functions of the Committee within the framework of their respective mandates.

**DECISION 7.SC 11**

The Subsidiary Committee,

1. **Decides** to hold its Eighth Session for two days during the month of May 2020 at UNESCO Headquarters;

2. **Agrees** to include the following items as priority topics in the provisional agenda of its Eighth Session:
   a. Fundraising strategy for the 1970 Convention
   b. Sensitization of the media
   c. Importance of inventories and how to improve them

3. **Also decides** to include an information item on the Agenda of that session on disparities between versions of the Convention in its official languages.