



United Nations  
Educational, Scientific and  
Cultural Organization



Convention for the fight  
against the illicit trafficking  
of cultural property

**2 MSP**

**C70/12/2.MSP/Resolutions  
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Restricted Distribution

**Meeting of States Parties to the Convention on the Means of Prohibiting  
and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property  
(UNESCO, Paris, 1970)**

**Second Meeting  
Paris, UNESCO Headquarters, Room II  
20-21 June 2012**

Resolutions

## **RESOLUTION 2.MSP 1**

The Meeting of States Parties,

1. Having examined document C70/12/2.MSP/1,
2. Elects H. E. Mr C. de Icaza (Mexico) Chairperson of the Meeting of States Parties;
3. Elects Dr Henrietta Galambos (Hungary) Rapporteur of the Meeting of States Parties;
4. Elects Cambodia, Egypt, Greece, and Senegal Vice-Chairpersons of the Meeting of States Parties.

## **RESOLUTION 2.MSP 2**

The Meeting of States Parties,

1. Having examined document C70/12/2.MSP/2,
2. Adopts the agenda contained in the aforementioned document.

### **Agenda of the Second Meeting of States Parties**

Opening of Meeting

1. Election of a Chairperson, Vice-Chairperson(s) and Rapporteur of the Meeting of States Parties
2. Adoption of the Agenda
3. Adoption of the Rules of Procedure
4. Approval of the final list of observers
5. Report of the Secretariat on its activities and the implementation of the 1970 Convention by States Parties (analysis of 2007-2011)
6. Proposals concerning the follow-up on the implementation of the 1970 Convention
7. Q&A session
8. Regional reports on the implementation of the 1970 Convention and the evolution of the art market at the regional level
9. Q&A session
10. Recommendations

Closure of the Meeting

## RESOLUTION 2.MSP 3

The Meeting of States Parties,

1. Having considered the provisional Rules of Procedure contained in document C70/12/2.MSP/3,
2. Adopts the Rules of Procedure as contained in the aforementioned resolution.

### ANNEX

The Rules of Procedure comprises six chapters: (I) Participation, (II) Organization of the Meeting of States Parties, (III) Conduct of Business, (IV) Secretariat of the Meeting of States Parties, (V) Meeting of States Parties and (VI) Adoption and Amendment of the Rules of Procedure.

The Rules of Procedure are the following:

#### **I. PARTICIPATION**

##### **Article 1 – Participants**

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

##### **Article 2 – Representatives and observers**

- 2.1 The representatives of Member States of UNESCO not parties to the Convention, of Associate Members and of permanent observer missions to UNESCO may participate in the work of the Meeting of States Parties as observers, without the right to vote, and subject to Article 7.3.
- 2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations that have concluded mutual representation agreements with UNESCO, as well as observers of intergovernmental and international non-governmental organizations invited by the Director-General, may participate in the work of the Meeting of States Parties, without the right to vote, and subject to Article 7.3.
- 2.3 Other representatives or observers invited by the Director-General may participate in the work of the Meeting of States Parties, without the right to vote, and subject to Article 7.3

#### **II. ORGANIZATION OF THE MEETING OF STATES PARTIES**

##### **Article 3 – Election of officers**

The Meeting of States Parties shall elect a Chairperson, one or more Vice-Chairperson(s) and a Rapporteur.

##### **Article 4 – Duties of the Chairperson**

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

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

### **III. CONDUCT OF BUSINESS**

#### **Article 5 – Public nature of meetings**

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

#### **Article 6 – Quorum**

- 6.1 A quorum shall consist of a majority of the States referred to in Article 1 and represented at the Meeting of States Parties.
- 6.2 The Meeting of States Parties shall not decide on any matter unless a quorum is present.

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

- 7.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.
- 7.2 For the convenience of the discussion, the Chairperson may limit the time allowed for each speaker.
- 7.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Meeting of States Parties.

#### **Article 8 – Points of order**

- 8.1 During a discussion, any delegation may raise a point of order; such a point of order shall be immediately decided upon by the Chairperson.
- 8.2 An appeal may be made against the ruling of the Chairperson. Such an appeal shall be put to the vote immediately and the Chairperson's ruling shall stand, unless overruled by a majority of the delegations present and voting.

#### **Article 9 – Procedural motions**

- 9.1 During a discussion, any delegation may move the suspension or adjournment of the meeting or the adjournment or closure of the debate.
- 9.2 Such a motion shall be put to the vote immediately. Subject to Article 8.1, such motions shall have precedence in the following order over all other proposals or motions before the meeting:
- (a) suspension of the meeting;
  - (b) adjournment of the meeting;
  - (c) adjournment of the debate on the question under discussion;
  - (d) closure of the debate on the question under discussion.

#### **Article 10 – Working languages**

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

#### **Article 11 – Resolutions and amendments**

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

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

#### **Article 12 – Voting**

- 12.1 The representative of each State referred to in Article 1 shall have one vote in the Meeting of States Parties.
- 12.2 Unless otherwise provided, decisions shall be taken by a majority of the States present and voting.
- 12.3 For the purpose of the present Rules of Procedure, the expression “States present and voting” shall mean States casting an affirmative or negative vote. States abstaining from voting shall be regarded as having not voted.
- 12.4 Voting shall normally be carried out by show of hands. When the result of a vote by show of hands is in doubt, the Chairperson may take a second vote by roll-call. A vote by roll-call shall also be taken if it is requested by no less than two delegations before the voting takes place.
- 12.5 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Meeting of States Parties shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote.
- 12.6 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.
- 12.7 A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

### **IV. SECRETARIAT OF THE MEETING OF STATES PARTIES**

#### **Article 13 – Secretariat**

- 13.1 The Director-General of UNESCO or his/her representative shall participate in the work of the Meeting of States Parties, without the right to vote. He/She may, at any time, make either oral or written statements to the Meeting of States Parties on any question under discussion.
- 13.2 The Director-General of UNESCO shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Meeting of States Parties, as well as other officials who shall together constitute the Secretariat of the Meeting of States Parties.
- 13.3 The Secretariat is charged with the tasks of receiving, translating and distributing all official documents of the Meeting of States Parties, and of interpreting discussion in accordance with Article 10 of the present Rules of Procedure. It shall perform any other task necessary for the proper conduct of the work of the Meeting of States Parties.

### **V. MEETING OF STATES PARTIES**

#### **Article 14 – The Meeting of States Parties**

- 14.1 The Meeting of States Parties shall be convened every two years.
- 14.2 The Meeting of States Parties shall establish a subsidiary committee (hereafter *the Committee*).
- 14.3 The Committee shall be convened by the Secretariat every year.

- 14.4 The Committee shall be composed of representatives of 18 States Parties, 3 per regional group, elected by the Meeting of States Parties. The election of the Committee shall obey the principles of equitable geographical representation and rotation.
- 14.5 Members of the Committee shall be elected for a term of four years. However, the term of office of half of the members to the Committee elected at the first election is limited to two years. These members shall be chosen by lot at the first election. Every two years, the Meeting of States Parties shall renew half of the members of the Committee. A member to the Committee may not be elected for two consecutive terms.
- 14.6 The functions of the Committee are:
- a) To promote the purposes of the Convention, as set forth in the Convention;
  - b) To review national reports presented to the General Conference by the States Parties to the Convention;
  - c) To exchange best practices, and prepare and submit to the Meeting of the States Parties recommendations and guidelines that may contribute to the implementation of the Convention;
  - d) To identify problem areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property;
  - e) To initiate and maintain co-ordination with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation in relation to capacity building measures combating illicit traffic in cultural property;
  - f) To report to the Meeting of States Parties on the activities it has carried out.
- 14.7 The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members;
- 14.8 States Parties to the Convention, which are not members of the Committee, and other Member States of UNESCO, may participate in the meetings of the Committee, as observers.
- 14.9 The Committee may invite to its meetings any person or entity, including intergovernmental as well as international non-governmental organizations with recognized competence in the areas of protection of cultural heritage and combating illicit trafficking of cultural property, in order to consult them on specific matters.

## **VI. AMENDMENTS TO THE RULES OF PROCEDURE**

### **Article 15 – Amendments**

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

## **RESOLUTION 2.MSP 4**

The Meeting of States Parties,

1. Having examined the final list of observers included in the annex of document C70/12/2.MSP/4,
2. Adopts the final list of observers, in the way that it appears in the annex of the above-mentioned document.

**ANNEX**

BAKULA BUDGE Cecilia (Ms), Directrice du Museo del Banco Central de Reserva del Perú
CHECHI Alessandro (Mr), Post doctoral researcher, University of Geneva
CHEDOUKI Jihane (Mme), Juriste, CECOJI-CNRS
COIFFIER Christian (M.), Chargé de mission, Musée du quai Branly
CORNU Marie (Mme), Directeur de recherches, CECOJI-CNRS
DIAKITE PRATS Nakhana, Conseiller artistique
DIAZ Lorena (Mme), Doctorante en droit, CECOJI/CNRS (droit de la culture)
FARMER Kevin (Mr), Curator of History and Archaeology at the Barbades Museum
FEUERSTEIN Lionel (M.), Journaliste, France 2
FORTIS Elisabeth (Mme), Professeur de droit, Université Paris Ouest Nanterre
FRAOUA Ridha (Mr), Docteur en droit, Expert en droit du patrimoine culturel
GERSTENBLITH Patty (Ms), Distinguished Research Professor of Law, DePaul University
HAUSER-SCHAEUBLIN Brigitta (Ms), Professor, Head of Research Project, University of Goettingen, Cultural Property Research Group
HERSHKOVITCH Corinne (Mme), Avocat
HUO Zhengxin (Mr), Associate Professor, School of International Law, China University of Political Science and Law
KUHN Annika (Ms), Research Fellow, University of Munich / Mercator Kolleg on International Affairs
KUHN Christina (Ms), University Lecturer in Ancient History, University of Oxford
LEE Keun-Gwan (Mr), Professor, Seoul National University, School of Law
LE MAPPIAN Emilie (Mme), Gestion des droits d'auteur, Fondation Alberto et Annette Giacometti
MAGET DOMINICE Antoinette (Mme), Chargée d'étude, CECOJI/CNRS
MANGA Makrada Maina (M.), Coordinateur, Réseau des Professionnels du Patrimoine Africain (REPPAF)
NARDON Anne-Sophie (Mme), Avocat
NÉGRI Vincent (M.), Chercheur, Expert en droit international et droit compare du patrimoine culturel
PROTT Lyndel V. (Ms), Honorary Professor, University of Queensland
RENOLD Marc-André (M.), Professeur, Université de Genève
SHYLLON Folarin (Mr), Professor, Faculty of Law, University of Ibadan
WIESINGER Véronique (Mme), Directrice, Fondation Alberto et Annette Giacometti

**RESOLUTION 2.MSP 5**

The Meeting of States Parties,

1. Having examined document C70/12/2.MSP/5,

2. Having also examined document C70/12/2.MSP/INF.2 containing proposals for strategies to improve the implementation of the 1970 Convention, in particular to combat more effectively the looting of archaeological property,
3. Considering that the number of ratifications is still too low,
4. Congratulating the Secretariat on the legal, practical and awareness-raising tools developed to facilitate the implementation of the 1970 Convention,
5. Noting with satisfaction the Director-General's decision to hold several capacity-building workshops (Headquarters and field offices) with support from States Parties and by allocating monies from the Emergency Fund,
6. Welcoming the high level of cooperation between intergovernmental and non-governmental organizations in combating trafficking in cultural property,
7. Noting all of the emergency activities carried out to protect the heritage in countries and regions in difficulty (owing to political crisis or natural disaster) in order to prevent or stop the theft and export of cultural property,
8. Thanking Belgium, the United States of America, Italy, Monaco, Netherlands, Czech Republic, Republic of Korea, Switzerland, and Turkey for their extrabudgetary contributions, enabling effective implementation of the 1970 Convention,
9. Aware of the need sustainably to stabilize and strengthen the secretariat's human and financial resources so that it can meet States Parties' expectations and needs more effectively,
10. Taking note of the resolution No 37 of the 36th Session of the General Conference to give additional support for the 1954 and 1970 Conventions,
11. Taking note of the report on the implementation by the States Parties to the 1970 Convention,
12. Invites those countries which have not yet ratified the 1970 Convention and the 1995 UNIDROIT Convention to do so as soon as possible,
13. Encourages the use of existing tools and the development of new ones in order to continue work to implement the Convention,
14. Urges the secretariat and States Parties to increase training activities to combat trafficking in cultural property and to protect the cultural heritage as a whole, and thanks the Director-General for making an allocation from the special fund for that purpose,
15. Encourages intergovernmental and non-governmental organizations to work together, in accordance with their terms of reference, to achieve the common goal of combating trafficking in cultural property and securing its return to its countries of origin,
16. Invites the Secretariat to continue to take part in UNESCO's emergency action plans in partnership with intergovernmental and non-governmental organizations in order to react appropriately, effectively and rapidly to political-crisis and natural-disaster situations that might arise,

17. Encourages donor countries, and other donors to continue to give financial assistance for the implementation of the 1970 Convention and calls for the effective provision of additional support,
18. Reminds States Parties of the need to comply with their legal obligations, as enshrined, in particular, in the Constitution of UNESCO, with respect to periodic reports on the implementation of the 1970 Convention.