

Second Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

Comments by the Permanent Delegation of Peru to UNESCO to the provisional agenda point 2: Adoption of the Provisional Agenda and Calendar (Documents C70/12/2.MSP/INF.1 and C70/12/2.MSP/2)

The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was born in Paris on November 14th, 1970.

Over 41 years of existence of this international treaty, States Parties have met only once, and briefly, during a single day, on October 15th, 2003. That meeting produced no resolution that represented a significant improvement of the functioning of the Convention as the main tool of the international community to combat illicit trafficking of cultural heritage.

The Second Meeting of States Parties to the Convention of 1970 will be held on June 20-21 2012, after almost nine years have elapsed since its first and only meeting.

The Vienna Convention on the Law of Treaties states that the term "Party" means a State which has consented to be bound by a treaty and for which such treaty is in force (article 2, paragraph g). In this regard, a meeting of States Parties is primarily a forum to bring together those States which are legally bound to comply in good faith with the provisions of an agreement, in order to discuss and agree on measures that can improve the effective enforcement of the object and aim of such agreement. As it is known, the object is the set of obligations created by the treaty, and the aim is the main purpose pursued by the parties to produce it.

The Permanent Delegation of Peru appreciates the important efforts made by the Secretariat to prepare the Meeting of States Parties to the 1970 Convention. However, in view of what has been stated in the preceding paragraphs, the Permanent Delegation of Peru considers that both the Provisional Calendar and Agenda of the meeting should be restructured, precisely in order to provide more opportunities to the States Parties to express their positions and to promote the exchange of ideas between them. The current structure of the two above mentioned documents gives very little opportunities for discussions, and focuses instead on the presentation of technical reports which should be circulated in advance, so they can be sent to the States Parties capitals to be studied in depth by experts on the matter. Similarly, the Permanent Delegation of Peru considers that in its current form the meeting will give very little room for the presentation and discussion of proposals that could serve to enhance the effectiveness of the Convention and its usefulness as a tool for combating illicit trafficking of cultural heritage.

As a contribution to the ongoing discussion process, the Permanent Delegation of Peru would like to suggest that both the Secretariat Report on its activities and the implementation of the 1970 Convention by States Parties, as well as Regional Reports on the implementation of the 1970 Convention and the evolution of the art market at regional level, should be circulated prior to the Meeting of States Parties, so that they may be discussed during the morning of Wednesday 20, in order to devote the afternoon of that same day and the morning of Thursday 21 to a General Debate and to the presentation and discussion of proposals for improving the

implementation of the 1970 Convention. In this context, the Permanent Delegation of Peru would like to present the following draft provisional Agenda and Calendar:

DRAFT RESOLUTION 2.MSP X

The meeting of States Parties,

1. Having examined document C/70/12/2.MSP/2
2. Adopts the following agenda:

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

Second Meeting of States Parties
Paris, UNESCO Headquarters, Room II
20-21 June 2012

Provisional Agenda

Opening of the meeting

1. Election of the bureau
2. Adoption of the agenda
3. Adoption of the rules of procedure
4. Approval of the final list of observers
5. Discussion of the report of the Secretariat on its activities and the implementation of the 1970 Convention by States Parties (previously circulated)
6. Discussion of regional reports on the implementation of the 1970 Convention and the evolution of the art market at the regional level (previously circulated)
7. General debate and proposals for improving the implementation of the Convention de1970
8. Recommendations
9. Date of next meeting
10. Closure of the meeting

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

Second Meeting of States Parties
Paris, UNESCO Headquarters, Room II
20-21 June 2012

Provisional Calendar

Wednesday, June 20, 2012

- | | |
|-------------|--|
| 09.00 | Registration of participants |
| 10.00-11.00 | Opening of the meeting |
| 10.15-11.00 | Election of the bureau
Adoption of the agenda
Adoption of the rules of procedure
Approval of the final list of observers |
| 11.00-13.00 | Discussion of the report of the Secretariat on its activities and the implementation of the 1970 Convention by States Parties (previously distributed)

Discussion of regional reports on the implementation of the 1970 Convention and the evolution of the art market at the regional level (previously distributed) |
| 13.00-14.30 | Lunch |
| 14.30-17.30 | General debate and proposals for improving implementation of the 1970 Convention |

Thursday, June 21, 2012

- | | |
|-------------|--|
| 10.00-13.00 | General debate and proposals for improving implementation of the 1970 Convention |
| 13.00-14.30 | Lunch |
| 14.30-18.00 | Recommendations
Date of next meeting
Closure of the meeting |