



4. SC

**C70/16/4.SC/Decisions
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**Subsidiary Committee of the 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)**

**Fourth session
Paris, UNESCO Headquarters, Room II
26-28 September 2016**

DECISIONS

DECISION 4.SC 2

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/2/Rev3,
2. Adopts the agenda contained in the aforementioned document.

DECISION 4.SC 6

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/6,
2. Takes note with satisfaction of the Secretariat's report on its activities in 2015-2016;
3. Welcomes the Secretariat's strengthening of human and financial resources allowing it to respond more effectively to the increasing number of tasks allocated to it, and invites State Parties to provide financial and human resources support;
4. Welcomes the numerous activities carried out since its last session by the Secretariat and the Field Offices, in particular those pertaining to capacity-building, and awareness-raising on the illicit trafficking of cultural property;
5. Encourages the Secretariat to strengthen awareness-raising activities, including those of an interactive nature, for children and youth, and to promote specific programmes in the framework of formal and informal educational systems;
6. Also welcomes the emergency actions undertaken in countries in situations of conflict or disaster, where cultural property is especially at risk, with a special focus on the 1954 Convention and its Protocols, and follow-up of the implementation of United Nations Security Council Resolutions 2199 and 2253;
7. Also encourages States Parties to report to the Secretariat periodically on any measures or activities undertaken for the implementation of paragraphs 15 to 17 of United Nations Security Council Resolution 2199;
8. Reminds States Parties of their reporting obligation to the Security Council on any measures taken concerning cultural objects, as set forth in paragraph 15 of United Nations Security Council Resolution 2253 (2015);
9. Takes note of the broader scope of Resolution 2253 (2015) in terms of suppressing the financing of Islamic State in Iraq and the Levant (ISIL), Al-Nusra Front (ANF) and their associates, and invites States Parties to adopt the necessary measures for Libyan and Yemeni cultural artefacts;
10. Welcomes the adoption by the UN General Assembly of Resolutions A/RES/70/76 on the return or restitution of cultural property to the countries of origin;
11. Welcomes the oral report on synergies between 1970 and 1954 Conventions and encourages States Parties to continue discussing this issue at the Committee's fifth session;

12. Invites States Parties to strengthen their support for activities carried out to ensure the effective implementation of the Convention, with special focus on its Operational Guidelines;
13. Also invites States Parties to widely promote and disseminate the awareness-raising videos for tourists, in airports and travel hubs;
14. Encourages the Secretariat to pursue its efforts to implement the Convention with special focus on its Operational Guidelines, and invites it to submit a report on its activities at the Committee's fifth session.

DECISION 4.SC 9

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/9/Rev, and its Annex I,
2. Recalling decision 3.SC 8;
3. Adopts its Rules of Procedure, contained in Annex I, as amended;
4. Requests the Secretariat to transmit the Rules of Procedure, as amended, for information to the chairperson of the Working Group on governance, procedures and working methods of the governing bodies of UNESCO, pursuant to Resolution 38 C/Resolution 101 of the General Conference;
5. Recommends to the Meeting of the States Parties to the 1970 Convention to amend its rule 14.5 to allow the Member States to the Subsidiary Committee to be re-elected for one additional term of office and to refer its decisions back to the Subsidiary Committee for the adoption of the decision in its own Rules of Procedure;
6. Decides that the current Bureau will stay in office until the elections of the next Bureau at the beginning of the fifth session of the Subsidiary Committee.

DECISION 4.SC 10

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/10,
2. Strongly encourages States Parties to regularly monitor online sales and should include national and regional sites, in addition to international sites;
3. Requests the Secretariat to strengthen the cooperation with all actors involved in online sales of cultural objects, including representatives of art markets and auction houses who provide online sale services, representatives of Internet platforms as well as social media platforms;
4. Also requests the Secretariat to establish new partnerships with relevant international organizations involved in monitoring and reporting on e-commerce and cyber-crime, such as OECD and UNCTAD, UN Analytical Support and Sanctions Monitoring Team,

UNODC and INTERPOL, and invite their representatives to participate in its next session;

5. Invites the Secretariat to organize an expert group meeting involving the art market professionals who provide online sales, Internet service providers and social media representatives and present its outcomes at one of its next sessions;
6. Reminds the States Parties that fighting against illicit trafficking starts with preventive measures and awareness-raising initiatives, including the internet;
7. Invites States Parties to produce videos in their own language(s) to raise awareness on the risks of online sales, and keep the Secretariat informed about such practices,
8. Encourages States Parties to make use of the Operational Guidelines of the 1970 Convention and make use, as appropriate, of all the relevant instruments such as the United Nations Convention against Transnational Organized Crime, in order to better implement them, and seek possibilities of integrating cultural property component into e-commerce or cybercrime related documents while implementing them at the national level;
9. Calls upon Internet platforms, Internet dealers and Internet art markets and Internet auction houses to use a checklist which will, automatically be sent to the seller when they place a cultural object for sale; this check list should include questions about provenance and necessary documents for export.

DECISION 4.SC 11

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/11,
2. Recalling the Audit of the working methods of Cultural Conventions and the Evaluation of UNESCO's standard setting work of the Culture Sector undertaken by the Internal Oversight Service (IOS),
3. Takes note of the recommendations of IOS on improving and streamlining the Governing Bodies of the 1970 Convention;
4. Also takes note of the efforts and steps already undertaken with a view to improve and streamline the working methods of the Governing Bodies of the 1970 Convention;
5. Decides to transmit, as requested, Document C70/16/4.SC/11 as well as the debate and relevant decisions adopted on this subject at its fourth session to the Chairperson of the open-ended Working Group on governance, procedures and working methods of the governing bodies of UNESCO, pursuant to Resolution 38 C/Resolution 101 of the General Conference.

DECISION 4 SC 12

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/12 and the study presented by Mexico on behalf of the SEGOB and the National Archives of Mexico,
2. Thanks Mexico for the preparation and completeness of the reference document on documentary heritage;
3. Requests States Parties to enable greater access to information on stolen documents for international organizations, such as INTERPOL, to carry out investigations, and to UNESCO, to develop better counter measures to reduce instances of trafficking of documentary heritage;
4. Encourages States Parties to implement the UNESCO Recommendation concerning the preservation of and access to documentary heritage, including in digital form, with the aim to prevent trafficking of cultural property;
5. Also encourages States Parties to raise awareness, promote the use of ethical codes for archives, and exchange information on preventive measures and research, and develop regulation on the issue, and keep the Secretariat informed of all initiatives in this regard;
6. Further encourages States Parties to apply existing referencing tools and useful instruments against illicit trafficking of cultural property to safeguard documentary heritage such as the Operational Guidelines of the 1970 Convention, and as appropriate, the United Nations Convention against Transnational Organized Crime;
7. Also requests the Secretariat to urge auction houses to apply to documentary heritage the same due diligence considerations as they do to cultural property and to inform relevant authorities of any suspicious activities;
8. Invites the Secretariat to strengthen collaboration and synergies with the Memory of the World Programme (MoW) to fight against illicit trafficking of documentary heritage, subject to available financial and human resources, in particular to explore non-invasive identification mechanisms of documentary heritage, develop programmes to making facsimile versions of historical documents available to everyone, and prepare reference guides to support customs and police authorities to identify trafficked documentary heritage;
9. Further requests the Secretariat, in cooperation with the Subsidiary Committee and the Government of Mexico, to organize a meeting on the illicit trafficking of documentary heritage, subject to the availability of the extrabudgetary funds, with the participation of MoW, experts and key international partners (INTERPOL, WCO, UNIDROIT, UNODC, ICOM...), as well as relevant archives and libraries associations (IFLA, ICA...). This meeting shall take place in parallel to the Conference of the International Council on Archives/Latin American Association of Archives, which will meet in Mexico from 23 to 27 October 2017;
10. In this regard, also invites States Parties to provide additional financial and human support to the Secretariat.

DECISION 4.SC 14

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/14/Rev, and its annex,
2. Adopts its reporting form, contained in the annex, as amended in accordance with the Operational Guidelines of the 1970 Convention;
3. Allows the Secretariat in emergency cases to submit to it draft proposals on further amendments on the reporting form with a view to enable the collection of information on new trends and developments in the fight against illicit trafficking;
4. Requests the Secretariat to present to its next session, a proposal for an electronic reporting system which corresponds to the needs and expectations of the States Parties;
5. Decides to present the new version of the reporting form to the Meeting of States Parties at its next session.

DECISION 4.SC 15

The Subsidiary Committee,

1. Having examined document C70/16/4.SC/15,
2. Recalling its decision 3.SC 4,
3. Thanks the Secretariat and the experts for their inputs in the drafting of this document;
4. Adopts the Standard Action Plan for return and restitution of cultural objects illegally on sale on the market;
5. Takes into account that the Action Plan also applies to stolen and/or illegally exported cultural objects located abroad;
6. Requests the Secretariat to update the document and its title, as appropriate, in accordance with the most recent developments, and present these updates to the Committee for its adoption;
7. Invites States Parties to take into account the indicative steps formulated in the document while requesting the return of a cultural object;
8. Reminds the States Parties that a better standard could be set by a ratification of the 1995 UNIDROIT Convention and a better implementation of the 1970 UNESCO Convention as well as of its Operational Guidelines.

DECISION 4.SC 19

The Subsidiary Committee,

1. Decides to hold its 5th session in May 2017 at UNESCO Headquarters;
2. Requests the Secretariat, in coordination with the Education Sector, to produce a document on the role of education in preventing illicit trafficking of cultural property to be submitted at its next session.
3. Decides to include a follow up point on the prevention of the illicit trafficking of documentary heritage.