

First Session of the 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, 2-3 July 2013)

Paris, UNESCO Headquarters, Room IX

Oral Report of the Rapporteur

First, I would like to thank all members of the Subsidiary Committee for the trust that they have shown in appointing me as Rapporteur of this important Session. I hope to have carried out this task faithfully and objectively and that this summary report reflects the essence of the debates.

The first Session of the Subsidiary Committee of the Meeting of States Parties to the 1970 UNESCO Convention was held at UNESCO Headquarters in Paris, the 2nd and 3rd of July 2013.

The 18 Members of the Subsidiary Committee, as elected by the Extraordinary Meeting (1st July) of the States Parties to the 1970 Convention, are: Greece, China, Italy, Japan, Pakistan, Turkey, Bulgaria, Croatia, Romania, Ecuador, Mexico, Peru, Madagascar, Nigeria, Tchad, Egypt, Morocco and Oman.

The Committee elected by consensus Mr. Mauricio Escanero, Minister, Alternate Permanent Representative of Mexico to UNESCO, as Chairperson. It also elected by consensus Bulgaria, China, Egypt and Nigeria, through their representatives, as Vice-Chairpersons. Dr Artemis Paphanassiou (Greece) was elected by consensus as Rapporteur.

The principal aim of the Meeting was: **1.** to elaborate and adopt the Rules of Procedure of the Subsidiary Committee and **2.** to consider the draft

Operational Guidelines on the implementation of the 1970 UNESCO Convention.

From all the entire discussions, as held according to the agenda of the Meeting, I retain the following substantial points:

I. Draft Rules of Procedure of the Subsidiary Committee:

The draft Rules of Procedure were discussed extensively.

Of a particular importance was the discussion of article 18 of the draft Rules in relation to the private Sessions that may be convened by the Committee on an exceptional basis and the participation of third parties to them. The discussion was lengthy due to its connection to the overall issue of the Observers' participation status to the works of the Subsidiary Committee. Since there was no specific provision in the draft Rules on the issue, some Observer States to the Committee asked whether Observers could participate in private Sessions of the Committee. There was contradicting views on the subject matter among Observer States and States members of the Committee. The discussion was concluded in a positive way, due to the consensual position of the Chair and the rest of the Bureau of the Meeting and it was decided that the Committee shall determine the persons who, in addition to the representatives of the States Members of the Committee and other States Parties to the Convention, the latter as observers, shall be present (18.1).

At the end of the discussion, the Rules of Procedure were adopted by consensus as amended.

II. Draft Operational Guidelines on the implementation of the 1970 UNESCO Convention:

Due to the limited duration scheduled for the Meeting of the Committee and the lengthy text of the Draft Operational Guidelines, the Chair asked the Committee Members to express themselves on the most important points of the text, instead of discussing the text of the Guidelines article by article. This proposal was accepted by consensus. A number of important issues were raised by the Member States and the Observers as well as by the Secretariat.

III. Informal Working Group

The Committee then decided to establish an informal Working Group composed of all 18 Members of the Subsidiary Committee under the coordination of the Chairperson of this Committee to work further on the Draft guidelines for the implementation of the 1970 Convention and on other relevant items in preparation of the next Subsidiary Committee session. The final results of this informal Working Group would be submitted to the next Session of the Subsidiary Committee for possible adoption. All Members of the Committee and Observers were invited to provide the Chairperson written inputs by 15 October 2013 to be considered by the informal W. G.

During the discussion, Observer States to the Committee asked whether Observers could participate to the works of the informal W. G. There was contradicting views on the issue among Observer States, on the one side, and States members of the Committee, on the other. Under my capacity as an international lawyer, I stated that the institutional texts of UNESCO do not seem to grant the Observers any right of regulatory presence to subsidiary organs, established to assist Intergovernmental Committees or other relevant institutional mechanisms. The discussion was concluded with the prevailing view being that, in the works of the informal Working Group, only members of the Committee could participate.

IV. Decisions

At the end of the Meeting, the Subsidiary Committee adopted its Decisions (Decisions 1.SC 1, 1.SC 2, 1. SC 3, 1. SC 4, 1. SC 5, 1. SC 6, 1.SC 7, 1. SC 8, 1. SC 9).

It also expressed its utmost concern about the limited human resources of the 1970 Convention Secretariat and decided to consider at its Second Session the possibility and the modalities of establishing a fund to support the implementation of the 1970 Convention.

Finally, the Committee expressed its gratitude to the States Parties (China, Greece, Switzerland and Turkey) who have contributed financially to the organization of its first Session.

It was decided that the next Meeting of the Committee will be convened from 30 June to 2 July 2014.

In concluding, the Chairperson expressed his appreciation to the States Parties for their constructive spirit and desire to work towards consensus.

Artemis Papathanassiou
Rapporteur of the Subsidiary Committee