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Convention for the fight
against the illicit trafficking
of cultural property

3 MSP

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

(UNESCO, Paris, 1970)

Third Meeting
Paris, UNESCO Headquarters, Room II
18-20 May 2015

Provisional agenda item 5: Roadmap for the fulfilment of the functions of the Subsidiary Committee of the Meeting of States Parties of the 1970 Convention

This document contains the Roadmap for the fulfilment of the functions 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, 1970).

Decision required: paragraph 18

Roadmap for the fulfillment of the functions of the Subsidiary Committee of the Meeting of States Parties of the 1970 Convention

The Subsidiary Committee of the Meeting of States Parties of the 1970 Convention,

1. Having considered Article 14.6 of the Rules of Procedure of the Meeting of States Parties to the 1970 Convention, which was restated as Section I in its own Rules of Procedure, and which specifies the functions of the Subsidiary Committee as follows:

- To promote the purposes of the Convention, as set forth in the Convention;
- To review national reports presented to the General Conference by the States Parties to the Convention;
- 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;
- To identify problem areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property;
- 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 (hereafter referred to as the "ICPRCP") in relation to capacity building measures combating illicit traffic in cultural property;
- To report to the Meeting of States Parties on the activities it has carried out.

2. Decides to fulfill its functions in accordance to the following indicative roadmap, in the mutual understanding that the implementation of this roadmap will be determined and scheduled in a flexible manner, depending on the relevant circumstances and the availability of both human and financial resources. The Subsidiary Committee, with the support of the Secretariat may revise as necessary this roadmap to ensure its continuous pertinence.

Promotion of the purposes of the Convention

3. In fulfilling its function of promoting the purposes of the Convention, the Subsidiary Committee will focus its attention on eight main areas:

- Capacity-building: The Subsidiary Committee will explore ways and means to promote the development of institutional and human resources in support of the implementation of the 1970 Convention. Special attention will be given to the enhancement of international cooperation in all the areas, including but not limited to crime prevention and criminal justice responses, and UNESCO's human and financial ability to provide capacity building.
- Awareness raising: The Subsidiary Committee will explore ways and means to strengthen and enhance the impact of UNESCO-driven media campaigns and relevant statements.

- Education: The Subsidiary Committee will explore ways and means to reinforce the development of appropriate curricula contents to be incorporated into UNESCO's efforts at all educational levels.
- Prospective: The Subsidiary Committee will explore ways and means to promote forums and seminars that contribute to the progressive development of the 1970 Convention and the strengthening of the fight against illicit trafficking of cultural property. In particular, the Subsidiary Committee will strengthen the engagement with relevant international organizations, universities, research institutions, experts and partners with a view of reinforcing UNESCO's role as a broker for technology tools, information and best practices related to the implementation of the 1970 Convention.
- Cooperation: The Subsidiary Committee will strengthen its contribution to UNESCO's cooperating partners network in the fight against illicit traffic in cultural property as well as its cooperation and exchange with the governing bodies and follow-up mechanisms of the other UNESCO Cultural Conventions, in particular their Committees, in order to enhance synergy and preventive cooperation for the protection and the preservation of cultural heritage worldwide.
- Dialogue: The Subsidiary Committee will strengthen the dialogue:
 - With relevant actors, about illegally excavated archaeological objects, to build consensus on how they can be protected, also against their trafficking, through international cooperation
 - With partners, especially IOGs and NGOs, to clarify roles and to enhance complementarity of the work
 - With the art market, including auction houses, dealers, and sellers on the internet, to enhance the implementation of the Convention, with a view to creating a shared understanding of the issues at stake and a commitment to enhanced collaboration
- Operational Guidelines: The Subsidiary Committee will further promote the principles defined in the Operational Guidelines of the 1970 Convention.
- Ratification. The Subsidiary Committee will promote the further acceptance or ratification of the 1970 Convention. In particular, the Subsidiary Committee will promote targeted support, through awareness raising and capacity-building activities, to regions where ratification rates are relatively low.

National Reports on measures taken in application of the 1970 Convention

4. In fulfilling the function of reviewing national reports presented to the General Conference by the States Parties to the Convention, the Subsidiary Committee will strive to identify best practices, progress made and challenges arising from the implementation of the Convention and making recommendations to the Meeting of States Parties for appropriate follow up, including regarding issues related to the definition of cultural property and the classification and inventorying of cultural property (in particular regarding clandestinely excavated archaeological sites and other cultural property that pose special challenges in terms of their specific designation), the regulations for the trade of cultural property (including those relating to dealers and online sales), the export and import controls as well as the procedures

facilitating restitution claims. The Subsidiary Committee will explore ways and means to establish an appropriate methodology to accomplish these objectives.

Exchange of best practices

5. In fulfilling the function of exchanging best practices, the Subsidiary Committee will establish a set of guidelines for the presentation, on a voluntary basis, of best practices by the States Parties to the Convention. The Subsidiary Committee will also promote the development of specialized studies to identify best practices, as well as seminars and workshops that promote knowledge sharing among States Parties.

Recommendations that may contribute to the implementation of the Convention

6. In fulfilling the function of preparing and submitting recommendations to the Meeting of States Parties, the Subsidiary Committee will consider the feedback from States Parties regarding their respective experiences as well as the outcomes of good practices exchanges and national reports reviews.

7. In particular, the Subsidiary Committee will keep under review the existing operational tools for the fight against illicit trafficking of cultural property, such as the Model Export Certificate for Cultural Objects or the Basic Actions concerning Cultural Objects being offered for sale over the Internet, to keep improving them if need be, in which case the Committee will formulate appropriate recommendations.

8. Moreover, recognizing that States Parties have the indefeasible right to classify and declare certain cultural property as inalienable and to enact State ownership laws, and that, in the spirit of the Convention, States Parties are encouraged for restitution purposes to consider such cultural property as appertaining to the relevant official inventory of the owner State, the Subsidiary Committee, in cooperation with the States Parties and with the assistance of the Secretariat and other cooperating partners such as INTERPOL, UNIDROIT, WCO, UNODC and ICOM, will develop a common methodology to ensure that such inventories are fully integrated into the international procedures now available for tracking lost and stolen cultural objects in support of full compliance with and enforcement of the Convention. This common methodology may allow for the granting of a unique identity number not only to every object found in archaeological and paleontological sites and displayed or stored in museums but also to categories of types of cultural objects claimed by a State Party to be deriving from clandestine excavations, which may be categorized by region and epoch or any other suitable archaeological or paleontological reference.

9. Regarding movable cultural property in museums and religious or secular public monuments or similar institutions, including legally excavated archaeological sites and objects of ethnological interest, the Subsidiary Committee will promote the usage of the Object-ID Standard, if need be, and may propose other methods, as appropriate, in order to facilitate the use of the international procedures now available for tracking lost and stolen cultural objects in support of full compliance with and enforcement of the Convention, including in relation to issues arising from those

communities which, on religious or other grounds, are unwilling to photograph items used in cult rituals, with a view to improving the recovery of cult objects.

10. Also, aware that the Internet poses a serious threat against the fight of illicit trafficking, the Subsidiary Committee will consider ways and means to thoroughly screen all websites throughout the world where offers for the sale of cultural property are made and create an alert method to notify the relevant State Parties. It will also explore the possibility to establish standard and simplified procedures for search, seizure and confiscation orders of cultural properties sold on the internet.

11. Also, the Subsidiary Committee will consider ways and means to thoroughly monitor auctions of protected cultural property throughout the world and create an alert method to notify the relevant State Parties.

12. The Subsidiary Committee will also explore ways and means for a strengthened international cooperation in the implementation of Article 9 of the Convention to protect cultural patrimony in jeopardy from pillage of archeological, paleontological and ethnological materials.

Problem Areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property

13. In fulfilling the function of identifying problem areas arising from the implementation of the Convention, the Subsidiary Committee will discuss issues raised by States Parties and consider the national reports presented by States Parties and the results of exchanges on best practices in order to identify the new challenges that arise from the implementation of the Convention and propose solutions to move forward.

14. In this regard Subsidiary Committee may benefit from the expertise, inter-alia, of archeologists, research institutions, mediators and other cooperating partners such as INTERPOL, ICOM, UNIDROIT, WCO and UNODC.

15. Furthermore, the Subsidiary Committee may identify problem areas raised by States Parties in relation to disputes or claims related to the restitution of cultural property within the scope of the 1970 Convention.

Coordination with the Intergovernmental Committee for Promoting the Return of Cultural Property (ICPRCP)

16. In fulfilling the function of initiating and maintaining coordination with the ICPRCP, in order to effectively achieve their complementary goals, the Subsidiary Committee will focus on the following main areas:

- Exchange of information;
- Identification of synergies;

Reporting to the Meeting of States Parties

17. In fulfilling the function of reporting to the Meeting of States Parties on the activities it has carried out, the Subsidiary Committee will focus on results, identifying lessons learned and challenges ahead, as well as on recommendations for the consideration of the Meeting of the States Parties. Such Reports should be approved by the Subsidiary Committee in advance and will be presented to the Meeting of the States Parties by the Chairperson of the Subsidiary Committee.

18. The Third Meeting of States Parties may wish to adopt the following decision:

DRAFT DECISION

The Meeting of States Parties,

1. Having examined document C70/15/3.MSP/5B,
2. Welcomes the adopted roadmap for the fulfillment of the Functions of the Subsidiary Committee of the Meeting of States Parties contained in this document.