

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 3: Adoption of the Rules of Procedure 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 (1970) (Document C70/12/2.MSP/3)

As we know, the Constitution of UNESCO makes a strong call for the effective conservation and protection of the world's inheritance.

The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is the most important instrument available to the international community to fight against the illicit trade of cultural objects, which is one of the main causes of the impoverishment of the cultural heritage of all countries.

The lack of formal governing bodies specific to the 1970 Convention has significantly affected its adequate implementation

Taking this into consideration, we bring to your consideration the following proposal to establish bodies with specific competences for monitoring the implementation of the 1970 Convention:

DRAFT RESOLUTION 2.MSP X

The Meeting of States Parties,

1. Having considered the provisional Rules of Procedure contained in document C/70/12/2.MSP/3,
2. Adopts the Rules of Procedure as amended.



United Nations
Educational, Scientific and
Cultural Organization



Convention for the fight
against the illicit trafficking
of cultural property

2 MSP
C70/12/2.MSP/3
Paris, March 2012
Original English

Limited 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

Provisional agenda item 3: Adoption of the Rules of Procedure of the 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 (1970)

Decision required: paragraph 4

1. As part of the organization of the Second 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 (1970), the Secretariat of UNESCO has prepared the relevant documentation.

The following provisional Rules of Procedure are based on the Rules of Procedure of the General Assembly of the States Parties to the Convention concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972), **the Rules of Procedure of the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage (Paris, 2001)**, and the Rules of Procedure of the General Assembly of the States Parties to the Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, 2003).

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

3. The Rules of Procedure are the following and will become the definitive Rules of Procedure after their adoption by the Meeting of States Parties:

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 work of the Meeting of States Parties (hereinafter referred to as “the Meeting”)**.

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~~ 10.3.

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~~ 10.3.

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~~ 10.3

II. FUNCTIONS AND RESPONSIBILITIES OF THE MEETING OF STATES PARTIES

Article 3 - Functions and responsibilities of the Meeting of States Parties

The functions and responsibilities of the Meeting of States Parties shall be, inter alia:

- a) to elaborate, discuss and approve the Operational Guidelines for the Convention;
- b) to receive and examine reports by the States Parties to the Convention, as well as their requests for advice;
- c) to take all other measures it considers necessary to further the objectives of the Convention.

Article 4 - Subsidiary bodies

4.1 The Meeting may establish such subsidiary bodies as it deems necessary for its purposes.

4.2 It shall define the composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies at the time of their establishment. These bodies are composed of States Parties.

4.3 Each subsidiary body shall elect its Chairperson and, if necessary, its Vice-Chairperson(s) and its Rapporteur.

4.4 In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions of the world.

II- III. ORGANIZATION OF THE MEETING OF STATES PARTIES

Article 5 - Convening

The Meeting shall be convened in ordinary session by the Director-General at least once every two years. At the request of a majority of States Parties, the Director-General shall convene an Extraordinary Meeting of States Parties.

Article 3-6 - Election of officers

The Meeting of States Parties shall elect a Chairperson, one or more Vice-Chairperson(s) and a Rapporteur **in conformity with the principle of equitable geographical representation, who shall together constitute its Bureau. Their term of office will run from the opening of the Meeting in which they are elected until the next session of the Meeting, when a new Bureau will be elected.**

Article 4-7 - Duties of the Chairperson

4-7.1 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 **of the 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.

4-7.2 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- IV. CONDUCT OF BUSINESS

Article 5- 8 – Public nature of meetings

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

Article 6- 9 – Quorum

6- 9.1 A quorum shall consist of a majority of the States **Parties** 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.~~

9.2 At meetings of subsidiary bodies, a quorum shall consist of a majority of the States Parties which are members of the bodies concerned.

9.3 Neither the Meeting nor its subsidiary bodies shall decide on any matter unless a quorum is present.

Article 7- 10 – Order and time-limit of speakers

7-10.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

7-10.2 For the convenience of the discussion, the Chairperson may limit the time to be allowed to each speaker.

7-10.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Meeting of States Parties.

Article -8 11 – Points of order

8-11.1 During a discussion, **any representative of a State Party referred in Article 1** ~~delegation~~ may raise a point of order; such a point of order shall be immediately decided upon by the Chairperson.

8-11.2 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 **States Parties** ~~delegations~~ present and voting.

Article 9-12 – Procedural motions

9-12.1 During a discussion, any **State Party** ~~delegation~~ may **propose a procedural motion:** ~~move the~~ suspension or adjournment of the Meeting or the adjournment or closure of the debate.

9-12.2 Such a motion shall be put to the vote immediately. Subject to Article 8-11.1, 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 13 – Working languages

10-13.1 The working languages of the Meeting of States Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

13.2 Speeches made at the Meeting in one of the official languages shall be interpreted into the other languages.

Article 11 14 – Draft Resolutions and amendments

11-14.1 Draft resolutions and amendments may be proposed by the **States Parties** 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.

11-14.2 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 15 – Voting

12 15.1 The representative of each State **Party** referred to in Article 1 shall have one vote in the Meeting of States Parties.

12 15.2 Unless otherwise provided, decisions shall be taken by a majority of the States **Parties** present and voting.

12 15.3 For the purpose of the present Rules of Procedure, the expression “States **Parties** present and voting” shall mean States **Parties** casting an affirmative or negative vote. States **Parties** abstaining from voting shall be regarded as having not voted.

15.4 After the Chairperson has announced the beginning of voting, no one shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

12 15.5 Voting shall normally be carried out by show of hands **unless a secret ballot is requested by one State Party and seconded by two others**. 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 **States Parties** delegations before the voting takes place.

12 15.5 6 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~~ 15.6 7 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

~~12~~ 15.7 8 A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

15.9 If two or more proposals, other than amendments, relate to the same questions, they shall be voted on in the order in which they were submitted. The Meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

IV V. SECRETARIAT OF THE MEETING OF STATES PARTIES

Article ~~13~~ 16 – Secretariat

~~13~~ 16.1 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~~ 16.2 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.~~

16.3 The Secretariat shall receive, translate and distribute, into the working languages and at least thirty days before the opening of the session of the Meeting, all official documents. It shall arrange for the interpretation of the discussions and also perform all other duties necessary for the proper conduct of the work of the Meeting.

16.4 The Secretariat shall prepare a summary record of the Meeting's session, for approval at the opening of the next session.

V VI. ADOPTION AND AMENDMENT OF THE RULES OF PROCEDURE

Article ~~14~~ 17 – Adoption

The Meeting ~~of States Parties~~ shall adopt its Rules of Procedure by a decision taken in plenary meeting by a majority **of States Parties** present and voting.

Article 15 18 – Amendment

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 **Parties** present and voting.

Article 19- Suspension

A Rule of Procedure, except when it reproduces provisions of the Convention, may be suspended by a decision of the Meeting taken by a two-thirds majority of the representatives of States Parties present and voting.

4. The Meeting of States Parties may wish to adopt the following resolution: