



General Conference

36th Session, Paris 2011

36 C

United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Item 8.3 of the agenda

36 C/79

29 October 2011

Original: French

SECOND REPORT OF THE LEGAL COMMITTEE

SUMMARY OF THE REPORTS RECEIVED BY MEMBER STATES ON THE MEASURES TAKEN FOR THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

(36 C/25 and Corr. (*French only*))

1. The Legal Committee considered the summary of the reports received from Member States on the measures taken to implement the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.
2. The Committee took note of the summary supplemented by the comments made on the subject by the Committee on Conventions and Recommendations (CR) at the 187th session of the Executive Board. It also took note of additional information provided by the representatives of the Director-General on specific steps taken by the Secretariat to receive the required reports and to follow up States' additional comments to the Organization within the framework of the consultation (paragraph 10 of the summary of reports received).
3. While stressing the difficulty experienced by some States Parties in drawing up the list of cultural property provided for under Article 5 of the 1970 Convention owing to thefts and illegal excavations, a Member of the Committee stressed that although States Parties could set terms of protection for their cultural property nationally, they could not amend the terms of the Convention without recourse to the provisions of Article 25 of the Convention.
4. The Committee adopted formal amendments to the text of the draft resolution contained in paragraph 9 of document 36 C/25, which should read as follows:

The General Conference,

Bearing in mind Member States' obligations under Article VIII of the Constitution of UNESCO and Article 17 of the Rules of Procedure concerning recommendations to Member States

and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution,

Recalling 177 EX/Decision 35 (I and II) on the monitoring of the implementation of UNESCO's standard-setting instruments for which no specific institutional mechanism is provided,

Taking into consideration 187 EX/Decision 20 (III),

Having examined document 36 C/25 and the annex thereto,

Noting the reports submitted by Member States and other States Parties to the 1970 Convention on the measures that they have taken to implement the Convention, and the information provided by the States Parties on the measures taken to protect cultural property and monitor its illicit import, export and transfer of ownership,

Stressing the importance of transmitting to UNESCO precise information on the measures taken by States to protect cultural property on their territory, particularly in regard to the successes, failures and obstacles encountered in implementing the Convention, and on any requests for assistance that they might make in that respect,

Aware of the extreme usefulness of these national reports and taking into account developments in regard to the protection of cultural property,

Noting with satisfaction the growing number of States Parties to the 1970 Convention and the intentions of those that plan to become States Parties and thus strengthen the effective scope of this international instrument,

1. *Calls on* Member States that are not yet Parties to the 1970 Convention to ratify or accept it;
2. *Recommends* that Member States also become Parties to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects that complements the 1970 UNESCO Convention;
3. *Reminds* States Parties of their obligations under the 1970 Convention to ensure its effective implementation and, in particular, their obligation to report under Article 16 thereof;
4. *Invites* Member States and the Director-General to continue activities aimed at strengthening regional and international cooperation, in particular through greater recourse to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation as an international mechanism designed to facilitate the restitution of stolen or illicitly exported cultural property;
5. *Requests* the Director-General to support Member States in their efforts to compile reports on the implementation of the 1970 Convention or on the means of becoming Parties to it;
6. *Invites* the Director-General to transmit to it, at its 38th session, the next summary of reports received from Member States on measures taken to implement the 1970 Convention together with information on the results obtained, and decides to include this item in the agenda of its 38th session.