



Committee for the Protection of Cultural Property in the
Event of Armed Conflict

**Development of synergies
between the 1954 Hague Convention and its 1999 Second Protocol
and the 1972 Convention**

**Modification of the Format for the nomination of properties
for inscription on the World Heritage List:
Practical terms and conditions and expected benefits**

*Technical executive summary
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1) Practical terms and conditions regarding the modification of the Format for the nomination of property for inscription on the World Heritage List

a) Scope of the proposal

i) Material scope of the request: immovable cultural property

1. Given that the definitions of cultural property in the Hague Convention of 1954 and the 1972 Convention are not identical, the scope of application of both Conventions is not identical either.
2. **Only immovable cultural property is covered by** both Conventions and is thus concerned by our proposal.

ii) Temporal scope of the request: future-oriented

Our proposal would only concern new requests for inscription on the World Heritage List. Requests concerning immovable property already on the World Heritage List for which States would like to obtain enhanced protection as laid down by the aforesaid Second Protocol, must therefore follow the existing normal procedure¹.

b) Proposal for revision of the Format for the nomination of properties for inscription on the World Heritage List

¹ Articles 44 and following of the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention.

- i) The inscription form under the 1972 Convention could therefore contain the **possibility for States that are also party to the Second Protocol to request at the same time the inscription of a property on the World Heritage List and the List of Cultural Property under Enhanced Protection** through the addition of a section: “Request for the granting of enhanced protection pursuant to the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict: yes – no”.
- ii) **Under the section *Protection and Management of the Property*, add to part 5²:** “adequate domestic legal and administrative measures recognising the outstanding cultural and historic value of the property and guaranteeing the highest level of protection (Article 10, paragraph b., of the Second Protocol to the 1954 Hague Convention)” for the States Parties to the protocol wishing to request the granting of enhanced protection for their property.
- iii) **The addition of an Annex including the non-military use declaration** with the signature of the competent authorities (which are not necessarily the same as those for World Heritage nomination).

c) **Proposal for revision of the Operational Guidelines**

In this logic, it would be appropriate to adapt the Guidelines, especially § 120 (to indicate the possibility of a double request and the need for an annex) and § 132 (to deal with additions relating to protection and management in the case of double requests)

d) **Administrative and decision-making process**

- (a) If there is only a single form, two requests could be made at the same time while being governed by clearly distinct instruments. **Each file would thus follow its specific administrative process.** For instance, if a State wishes to request inscription on the World Heritage List and on the List of Cultural Property under Enhanced Protection, the inscription procedure would follow its course and would be processed differently (although coordinated) by the two secretariats (1972 and 1999). Inclusion in the World Heritage List and the granting of enhanced protection would not therefore be directly linked and decisions would be taken independently of each other.
- (b) **Nevertheless, it could be agreed that the Committee for the Protection of Cultural Property in the Event of Armed Conflict reaches its decision after the decision by the World Heritage Committee.** In fact, owing to the bridges already built with the 1972 Convention by the Committee for the Protection of Cultural Property in the Event of Armed Conflict, properties inscribed on the World Heritage List, which are therefore recognised as having “outstanding universal value”, are, in principle, deemed to meet the criterion referred to in Article 10, paragraph a) of the Second Protocol, namely the criterion of cultural property of “the greatest importance for humanity”.

² Possibly an article 5, e) *bis*.

2) Advantages of the proposal

At present, 190 States are party to the 1972 Convention, whereas the States Parties to the Second Protocol (1999) to the Hague Convention only number 64.

This amended form would offer:

- a) **Reduced workload and expenditure for the States** through this single form, for example regarding UTM coordinates, descriptive information, legislation, etc. All this currently repeated work will no longer have to be repeated.
- b) **Better protection for cultural property nominated for inscription on the UNESCO World Heritage List**, in accordance with the 1972 World Heritage Convention (recent examples of Libya, Mali and Syria). In fact, enhanced protection “immunises” cultural property in the event of armed conflict. That “immunity” is guaranteed by the States Parties by the introduction of specific criminal sanctions into their legislation.
- c) **Increased visibility for World Heritage property under enhanced protection or for which enhanced protection is requested**, in accordance with the 1999 Second Protocol. In concrete terms, this would improve the protection of cultural property being of the greatest importance for humanity during armed conflicts.
- d) **Better protection of World Heritage property, even in peacetime**, since the conservation and safeguarding measures provided for in the Second Protocol are broad, comprehensive and permanent obligations.

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