



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

8 COM

CLT-13/8.COM/CONF.203/2
Paris, 29 October 2013
Original: French

**SECOND PROTOCOL TO THE HAGUE CONVENTION OF 1954
FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

**COMMITTEE FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

Eighth meeting
UNESCO Headquarters, Paris
18 to 19 December 2013

Item 5 of the provisional agenda:
Studies on the evaluation of criteria
of Articles 10 (a) and 10 (b) of the Second Protocol

1. Within the scope of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as the “Second Protocol”), cultural property may be placed under enhanced protection provided that it meets the three conditions set forth in Article 10 of the aforementioned instrument.
2. To date, all the property on the List of Cultural Property under Enhanced Protection was also, prior to the request for enhanced protection, on the World Heritage List. Thus, pursuant to paragraph 36 of the Guidelines for the Implementation of the Second Protocol the Committee was able to take the view that, subject to other relevant considerations, the condition of “the greatest importance for humanity” (Article 10 (a) of the Second Protocol) was met, since the cultural property was on the World Heritage List.
3. However, it appears that the Committee does not possess a methodology that allows it to evaluate criterion 10 (a) for immovable cultural property that is not already on the World Heritage List. Although paragraphs 32 to 35 of the Guidelines provide some idea of the aspects to be considered, these are generic and do not allow for an objective evaluation.
4. Furthermore, paragraph (b) of Article 10 of the Second Protocol states that, for this condition to be met, the cultural property must be “protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection”.
5. It also appears that the Committee does not possess a methodology for conducting a comprehensive evaluation of criterion 10 (b).
6. Consequently, and in the light of the foregoing, the Secretariat has deemed it necessary to conduct studies on these two issues, entrusting this task to the International Council on Monuments and Sites (ICOMOS), on account of the experience this NGO has developed alongside the World Heritage Centre in its capacity as an advisory body.
7. The first study relates to criterion 10 (a) of the 1999 Second Protocol and seeks to:
 - (i) clarify the concept of “the greatest importance for humanity”, pursuant to the Second Protocol, in relation to the concept of “outstanding universal value” concerning immovable cultural property, pursuant to the 1972 World Heritage Convention;
 - (ii) establish a comparison between the two concepts referred to above, by identifying their common points and differences;
 - (iii) propose, accordingly, a methodology that allows for the evaluation of the concept of “the greatest importance for humanity” for immovable cultural property that is not on the World Heritage List;
 - (iv) set out, on this basis, the alterations to be made to the model enhanced protection request form (for immovable cultural property).
8. The second study relates to criterion 10 (b) (the concept of domestic legal and administrative protection measures) of the 1999 Second Protocol and seeks to:
 - (i) provide criteria that allow for an objective evaluation of requests, drawing, if necessary, on the experience of the Committee in evaluating the five sites (immovable cultural property) that have already been granted enhanced protection;
 - (ii) set out the alterations to be made to the model enhanced protection request form (including examples of the types of measure (non-exhaustive list) that should be taken to meet criterion 10 (b)).

9. The finalized studies will be submitted to the Secretariat by the end of December 2013.
10. The Committee may wish to adopt the following decision:

DRAFT DECISION 8.COM 8.2

The Committee,

1. Having examined document CLT-13/8.COM/CONF.203/2,
2. Taking note of the relevance of developing methodologies to analyse criteria 10 (a) and 10 (b) of the 1999 Second Protocol in order to facilitate the submission of requests for enhanced protection, as well as their evaluation,
3. Invites the Secretariat to present the conclusions of the completed studies at its ninth meeting;
4. Further invites the Secretariat to rely on, as appropriate, these studies during the evaluation of subsequent requests for enhanced protection.