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8 COM

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**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
18-19 December 2013

Item 6 of the Provisional Agenda:
**Progress report on the development of synergies between the 1999 Second
Protocol and the 1972 World Heritage Convention**

Introduction

1. At its seventh meeting, held on 20 and 21 December 2012, the Committee for the Protection of Cultural Property in the Event of Armed Conflict (“the Committee”) requested the Secretariat, by its decision 7.COM 3, “to ensure that synergies foreseen in document CLT-12/7.COM/CONF.201/3 apply at all levels when assisting Parties with the identification, submission of proposals for enhanced protection, inclusion of cultural property on the List, and protection and safeguarding measures of cultural property both under the 1999 Second Protocol and the World Heritage Convention”.

2. Furthermore, at the same meeting the Committee considered document CLT-12/7.COM/CONF.201/6,¹ prepared by Belgium, and adopted decision 7.COM 6 by which it invited the Director-General to:

- “raise the awareness of the World Heritage Committee regarding possible synergies between the 1972 World Heritage Convention and the 1954 Hague Convention and particularly its 1999 Second Protocol;
- propose to the World Heritage Committee to consider the concrete proposal detailed above on the modification of the format for the nomination of properties for inscription on the World Heritage List as well as to take into consideration the synergies in the framework of the Periodic Reports;”

3. Finally, by that same decision, the Committee requested the Secretariat of the Hague Convention and its two Protocols (“the Secretariat”) to submit a progress report at its eighth meeting.

4. This document presents the report on work accomplished with regard to the synergies between the 1999 Second Protocol and the 1972 World Heritage Convention, as well as with the other cultural conventions and other stakeholders.

I. Synergies between the 1999 Second Protocol and the 1972 World Heritage Convention

A. Action taken in relation to the World Heritage Committee

5. Following the adoption of decision 7.COM 6, working meetings took place between the Chairperson of the Committee and the convention secretariats to consider its implementation, including through the proposal to modify the Format for the Nomination of Properties for Inscription on the World Heritage List by incorporating elements related to the granting of enhanced protection.

6. Pursuant to that decision, the Secretariat, on 4 February 2013, sent an email to all States Parties to the Second Protocol inviting them to submit, by 1 March 2013, the cultural properties already inscribed on the World Heritage List that they wished to see granted enhanced protection.

7. The Chairperson of the Committee took part in the information meeting for States Parties to the World Heritage Convention concerning the 37th session of the World Heritage Committee on 6 May 2013 at UNESCO Headquarters. After setting out the complementary roles of the World Heritage Convention and the Second Protocol, he assessed the protection provided under the Second Protocol and its significance for the properties inscribed on the World Heritage List. He recalled the legal and statutory bases of those synergies, referring to Article 11.4 of the 1972 World Heritage Convention which considers armed conflict as possible grounds for the inclusion of a property in the List of World Heritage in Danger. The Chairperson introduced the amendment to the Format for the Nomination of Properties for Inscription on the World Heritage List and

¹ http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/6-7COM-synergies-Belgium-en_20121107.pdf

suggested other synergies relating to joint missions and the adaptation of periodic report forms submitted to the World Heritage Committee.

8. At the same time, the Chairperson, with the assistance of the Secretariat, carried out advocacy work with the Permanent Delegations. He also introduced the proposal for synergies at a round table that took place at UNESCO Headquarters during Africa Week, on 30 May 2013.

9. Following the working meetings with the Secretariat of the World Heritage Convention, the latter presented, in paragraphs 14 to 16 of working document WHC-13/37.COM/12² on the revision of the Operational Guidelines for the Implementation of the World Heritage Convention (“Operational Guidelines”), the proposal for synergies issued by the Committee. Consequently, the World Heritage Committee, considered the question of synergies between the Second Protocol and the World Heritage Convention at its 37th session (16-27 June 2013).

10. The World Heritage Committee accordingly adopted decision 37 COM 12.II,³ by which it “[r]equests the World Heritage Centre and the Advisory Bodies to develop, in cooperation with the Secretariat of the Hague Convention (1954), a revision of Annex 5 of the Operational Guidelines (Format for the Nomination of Properties for Inscription on the World Heritage List) in order to allow Parties to the Second Protocol (1999) to request, if they wish so, the inscription of the nominated property on the List of Cultural Property under Enhanced Protection;”.

11. The question of synergies was also raised at a meeting with the Advisory Bodies in September 2013, and information on the subject will be incorporated into the Secretariat’s report for the meeting of the World Heritage Committee in 2014. Furthermore, the amendment to the Format is to be presented to the World Heritage Committee at its 39th session in June 2015.

12. The subject of synergies will also be incorporated into the periodic reports submitted to the World Heritage Committee. At the request of the World Heritage Centre, a field relating to the effective conservation of properties that a State would have included in the List of Cultural Property under Enhanced Protection will be added to the periodic report questionnaire. Furthermore, cooperation between the two secretariats will continue and representatives of the World Heritage Centre will continue to participate in the Committee’s meetings.

B. Assistance to Parties with respect to requests for enhanced protection

13. Decision 7.COM 3 requested the Secretariat “to ensure that synergies foreseen in document CLT-12/7 .COM/CONF.201/3 apply at all levels when assisting Parties with the identification, submission of proposals for enhanced protection, inclusion of cultural property on the List, and protection and safeguarding measures of cultural property both under the 1999 Second Protocol and the World Heritage Convention”. Pursuant to that decision, and in the case of the requests to grant enhanced protection submitted on 1 March 2013 by two States Parties to the Second Protocol, the Secretariat has worked closely with the national authorities of those countries in order to provide them with all the assistance required in the preparation and submission of the documents.

14. Furthermore, at its meetings with the representatives of States Parties to the Second Protocol, the Secretariat, in common with the Chairperson of the Committee stresses the importance of introducing measures for the protection of cultural properties, especially in peacetime, under both the 1999 Second Protocol and the 1972 World Heritage Convention, and invites them to request the inscription of cultural properties on the List of Cultural Property under Enhanced Protection, while pointing out that the safeguarding measures taken in peacetime (Article 5 of the Second Protocol), particularly those required for the granting of enhanced

² <http://whc.unesco.org/archive/2013/whc13-37com-12-en.pdf>

³ <http://whc.unesco.org/archive/2013/whc13-37com-20-en.pdf> – decision 37 COM 12.II, paragraphs 3 and 4, p. 234.

protection, are also beneficial in combatting disasters not only concerning situations of a possible armed conflict.

II. Other cultural conventions

15. While decision 7.COM 6 focuses on “possible synergies between the 1972 World Heritage Convention and the 1954 Hague Convention and particularly its 1999 Second Protocol”, the third Meeting of the Parties to the Second Protocol (UNESCO Headquarters, 23-24 November 2009) also requested the Secretariat “to further explore synergies with relevant UNESCO instruments and programmes”.

16. Consequently, the Secretariat, in document CLT-10/CONF/204/4,⁴ reported on possible synergies with the 1972 World Heritage Convention, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the Memory of the World Programme.

17. Further to its consideration of this agenda item, the Committee adopted a decision by which it also took “note of document CLT-10/CONF/204/4 concerning synergies between the Second Protocol to the Hague Convention of 1954 and other relevant UNESCO conventions and programmes”; and requested “the Secretariat to ensure that synergies foreseen [...] between the Second Protocol to the Hague Convention of 1954 and other relevant UNESCO conventions and programmes apply at all levels when assisting Parties with the identification, submission of proposals for enhanced protection, inclusion of cultural property on the List, and protection and safeguarding measures of cultural property.”

18. The Secretariat is striving to implement that decision in parallel with the synergies established between the two conventions.

III. Other stakeholders in the protection of cultural property

19. The 1954 Intergovernmental Conference in The Hague, by its Resolution II,⁵ expressed the hope that “each of the High Contracting Parties, on acceding to the Convention, should set up, within the framework of its constitutional and administrative system, a national advisory committee consisting of [...] senior officials of archaeological services, museums, etc., a representative of the military general staff, a representative of the Ministry of Foreign Affairs, a specialist in international law and two or three other members [with expertise] related to the fields covered by the Convention”.

20. In some States synergies have already been initiated between national committees for the implementation of international humanitarian law (IHL) and the national advisory committees referred to in Resolution II of the 1954 Hague Conference. In this respect, the Chairperson and the Secretariat have led working meetings in Paris with the Regional Legal Adviser of the International Committee of the Red Cross (ICRC), during which the possibility of was mentioned of formalizing the establishment of a subgroup devoted specifically to the protection of cultural property within the national committees on international humanitarian law. Attention was also drawn to the complementary nature of the actions of the ICRC and the Committee with regard to the monitoring of cultural property in the event of armed conflict. Synergies in regard to joint missions to evaluate the status of cultural properties in sensitive areas are also to be explored.

21. Other partnerships can also be considered. The Chairperson of the Committee has made overtures to that effect to the International Committee of the Blue Shield, the Association of National Committees of the Blue Shield, the International Council on Monuments and Sites

⁴ <http://unesdoc.unesco.org/images/0018/001897/189747E.pdf>

⁵ <http://unesdoc.unesco.org/images/0008/000824/082464mb.pdf#page=66>

(ICOMOS), the International Council of Museums (ICOM), whose Red Lists are connected with enforced protection, and to the International Scientific Committee on Risk Preparedness (ICORP).

22. The Committee may wish to adopt the following decision:

DRAFT DECISION 8.COM 3

The Committee,

1. Having examined document CLT-12/8.COM/CONF.203/3,
2. Welcomes the significant developments and the results achieved in the implementation of decisions 7.COM 3 and 7.COM 6,
3. Notes the adoption by the World Heritage Committee of decision 37 COM 12.II by which it requested the World Heritage Centre and the Advisory Bodies to prepare, in cooperation with the Secretariat of the 1954 Hague Convention and its two Protocols (1954 and 1999), a review of Annex 5 of the Operational Guidelines, in order to allow Parties to the Second Protocol to request simultaneous inscriptions on both the World Heritage List and the List of Cultural Property under Enhanced Protection,
4. Requests the Secretariat to pursue its efforts to develop synergies with the World Heritage Convention;
5. Invites its Bureau and the Secretariat to continue to explore synergies with other relevant UNESCO standard-setting instruments and programmes;
6. Encourages its Bureau and the Secretariat to continue the strengthening of partnerships with all stakeholders concerned with the protection of cultural property in the event of armed conflict;
7. Requests the Secretariat to report back to the Committee at its ninth meeting in 2014.