



United Nations
Educational, Scientific and
Cultural Organization

CLT-05/CONF.207/3
PARIS, 7 November 2005
Original: English

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

**SIXTH MEETING OF THE HIGH CONTRACTING PARTIES TO THE
CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT (THE HAGUE, 1954)**

UNESCO Headquarters, Paris, 26 October 2005

FINAL REPORT

I. Opening of the Meeting

1. Following the recommendation of the fifth meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict ("the Hague Convention") held in Paris on 5 November 2001, the sixth meeting took place at UNESCO Headquarters on Wednesday, 26 October 2005. The representatives of the following 53 High Contracting Parties (of the total number of 114) took part in the meeting: Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, China, Croatia, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Gabon, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Lebanon, Lithuania, Libyan Arab Jamahiriya, the former Yugoslav Republic of Macedonia, Madagascar, Mali, Mexico, Moldova, Monaco, Mongolia, Morocco, the Netherlands, Nigeria, Norway, Peru, Portugal, Romania, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Spain, Switzerland, Thailand, Turkey, the United Republic of Tanzania, Ukraine and Venezuela. The meeting was also attended by Observers from Algeria, Andorra, Angola, Japan, Palestine and the United Kingdom. Observers from the International Committee of the Red Cross (ICRC), the International Council on Archives (ICA), the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS), the International Federation of Library Associations and Institutions (IFLA) and the International Committee of the Blue Shield (represented by the ICA Observer) were also present. A copy of the list of participants is attached.

2. The meeting was opened by Mr Mounir Bouchenaki, Assistant Director-General for Culture. In his opening statement, the Assistant Director-General for Culture introduced the status of States party to the 1954 Hague Convention and its two 1954 and 1999 Protocols, informed of activities undertaken by the UNESCO Secretariat on the promotion and dissemination of those instruments and reiterated

the importance of adopting the relevant national measures for their implementation. The meeting aimed at two principal objectives:

- to provide an update on the implementation at national level of the Convention and its two Protocols since the last meeting of States party to the Convention (November 2001); and
- to identify problems in such implementation and seek possible solutions.

3. In conclusion, the Assistant Director-General for Culture stressed the significance of exchanging national experiences on the implementation of the Hague Convention and its two Protocols and expressed the hope that the meeting would result in increased participation therein and raise awareness of the protection of cultural property.

II. Election of the Chairperson

4. Ms María Suzana Pataro (Argentina) was elected by consensus Chairperson.

III. Adoption of the rules of procedure

5. Following the proposal by Egypt seconded by Morocco the meeting decided to adjust Rule 2 of the Provisional Rules of Procedure in line with Rule 2 of the Provisional Rules of Procedure of the meeting of States Parties to the Second Protocol. The Rules of Procedure were adopted as amended.

IV. Adoption of the agenda

6. The provisional agenda was adopted as proposed in document CLT-05/CONF/207/1.

V. Election of four Vice-Chairpersons and the Rapporteur

7. Four Vice-Chairpersons (Egypt, Greece, Senegal and Switzerland) were elected. Ms Anne Siwicki (Australia) was elected Rapporteur.

VI. Update on the implementation at national level of the Convention and its two Protocols (1954 and 1999) and update on the status of the Second Protocol to the Convention

8. The Secretariat informed that there were now 114 States party to the Convention, 91 of which were also party to the 1954 Protocol. The Secretariat indicated also that the Second Protocol (1999) entered into force on 9 March 2004 in conformity with its Article 43(1). To date, 35 States are party thereto. The Secretariat expressed its hope that all the States participating in the meeting which are not party to the 1999 Protocol will consider becoming party to this new instrument.

9. The Secretariat then informed the meeting of the activities on the dissemination of the Hague Convention and its two Protocols undertaken since the fifth meeting of the High Contracting Parties. In particular, reference was made to current publications addressing the general public (the Information Kit on the Hague Convention and its two Protocols published in 2004 in English, French and Spanish and distributed widely on different occasions), the academic audience

(the article-by-article commentary on the Hague Convention published in Spanish in 2004 and in Russian in 2005), civil servants (the periodic report on the implementation of the Hague Convention and its two Protocols covering period from 1995 to 2004 published in Arabic, Chinese, English, French, Russian and Spanish), the military (a series of leaflets on different aspects of the implementation of the 1999 Protocol within the military published in 2002) and legal audience (a consultant's study analysing provisions of Chapter IV on the *Criminal responsibility and jurisdiction* of the Second Protocol disseminated in 2003). The Secretariat then informed the audience of the preparation of the article-by-article commentary on the Second Protocol focused on academic audience. Three other activities were mentioned as well – the maintenance and update of the website on the Hague Convention and its two Protocols, the organization of the commemorative symposium on the 50th anniversary of the Hague Convention (Paris, 14 May 2004) with the participation of eminent scholars in the field of international humanitarian and cultural heritage law and a series of meetings throughout the world organized together with the International Committee of the Red Cross in 2004 on the occasion of the 50th anniversary of the Hague Convention.

VII. General discussion

10. Following the Secretariat's introduction, the Chairperson opened the floor for a general discussion in which participated representatives of 16 High Contracting Parties as well as the Observers of the International Committee of the Red Cross and of the International Federation of Library Associations and Institutions (IFLA). The latter took the floor on behalf of the International Committee of the Blue Shield.

11. The main points of the discussion may be summarized as follows:

(i) Joining the Hague Convention, the 1954 Protocol and the 1999 Second Protocol

- The Observers from Algeria and Japan stated that their relevant authorities are considering joining the Hague Convention. The United Kingdom Observer pointed out that her country intends to ratify the Hague Convention and to accede to its two Protocols. A reference was made to the United Kingdom consultation paper dealing with the level of protection under those instruments.
- The representatives of Canada and the Netherlands informed the Secretariat that their relevant authorities are studying the provisions of the 1954 Protocol with a view to becoming party to it.
- The representatives of Canada, Germany and Netherlands stated that their authorities are considering the provisions of the Second Protocol with a view to joining this agreement.

(ii) Implementation of the Convention and its Second Protocol in the civilian sphere

Several delegates stressed the importance of adopting peacetime safeguarding measures such as the compilation and regular update of national inventories of

cultural property, the advisability of marking of cultural property with the distinctive emblem of the Convention, preparation of refuges of movable cultural property or the establishment of the relevant structures responsible for the protection of cultural property. A number of participants also underscored the significance of adopting national implementing legislation; and, in particular, the legislation punishing breaches of the Convention and/or its Second Protocol. Some of the participants informed the meeting that preparation of such legislation was under way in their countries.

(iii) Dissemination of the Convention within the military forces

Representatives of Austria, Germany, Lithuania, Norway and Spain informed of the implementation of relevant military measures such as training for the military, introduction of legal advisers into armed forces or publications on cultural property addressing specifically the military.

(iv) Implementation of the Convention on territory currently under administration of international organizations

The representative of Serbia and Montenegro raised the issue of the implementation of the Hague Convention on territory currently under administration of international organizations and proposed that this issue be addressed in the recommendations of the meeting.

(v) National consultative bodies on the implementation of the Hague Convention

Argentina and El Salvador referred to the activities of their national commissions on the implementation of international humanitarian law focused on the protection of cultural property in the event of armed conflict. The representatives of the Islamic Republic of Iran made available a booklet on the activities of the Iranian Advisory Committee on the Implementation of the Hague Convention.

(vi) International Committee of the Red Cross

The representative of the ICRC highlighted the importance of the UNESCO-ICRC cooperation by referring to a number of joint meetings on the protection of cultural property in the event of armed conflict organized on the occasion of the fiftieth anniversary of the Hague Convention in 2004 throughout the world. She also referred to the publication in 2005 of a two-volume study entitled *Customary International Humanitarian Law* including four rules on the protection of cultural property in the event of international as well as non-international armed conflict.

VIII. Adoption of resolutions

12. The Chairperson opened discussion on draft resolutions aiming at capturing the debate and its outcomes. A copy of the resolution is attached in the Annex.

IX. Other business

13. The Chairperson concluded the meeting by thanking all participants and the Secretariat for their useful contributions.

ANNEX

**SIXTH MEETING OF THE HIGH CONTRACTING PARTIES
TO THE 1954 HAGUE CONVENTION FOR THE PROTECTION
OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT**

(Paris, 26 October 2005, 9.30 a. m. – 1 p. m., Room XI)

ADOPTED RECOMMENDATIONS

The High Contracting Parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954):

Recalling the Resolution adopted at the fifth meeting (5 November 2001) of the High Contracting Parties to the Hague Convention,

1. Takes note of the Secretariat's report on the activities undertaken between 1995 and 2004 concerning the implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two 1954 and 1999 Protocols; and thanks the High Contracting Parties that provided relevant information to the Secretariat;
2. Encourages States not yet party to the Convention and/or its two Protocols to promptly join them and to adopt and effectively implement relevant national legislation;
3. Invites the Director-General to submit to the United Nations and the NATO a proposal aiming at ensuring compliance with the 1954 Hague Convention and its two Protocols by armed forces engaged in peace-keeping operations under the respective mandate of these Organizations;
4. Invites the Director-General to identify the means to strengthen the human and financial resources of the Secretariat in charge of the 1954 Hague Convention and its two Protocols;
5. Invites the Director-General to recognize the important role of the International Committee of the Blue Shield (ICBS) and its constituent bodies, and of the Red Cross and Red Crescent Movement, together representing civil society, in promoting and advancing the understanding of the Hague Convention and its two Protocols;
6. Invites the Director-General to convene, in accordance with Article 27 of the Hague Convention, a seventh meeting of the High Contracting Parties to the Hague Convention in 2007.