

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

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

(Paris, 26 October 2005)

FINAL REPORT

I. Opening of the Meeting

1. Following the entry into force of the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict ("the Second Protocol") on 9 March 2004 and pursuant to Article 23 (see Annex I) which provides that the Meeting of the Parties shall be held at the same time as the General Conference of UNESCO, the Meeting of the Parties to the Second Protocol was held at UNESCO Headquarters on Wednesday, 26 October 2005, following the sixth meeting of the High Contracting Parties. The representatives of the following 24 States Parties (out of a total of 34) took part in the Meeting: Argentina, Austria, Brazil, Bulgaria, Cyprus, Ecuador, El Salvador, Finland, Gabon, Greece, Guatemala, Honduras, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Lithuania, Mexico, Nigeria, Peru, Serbia and Montenegro, Slovakia, Slovenia, Spain, Switzerland and the former Yugoslav Republic of Macedonia. The Meeting was also attended by observers from 20 States not Parties to the Second Protocol, namely Algeria, Belgium, Canada, China, Croatia, Egypt, Germany, Hungary, Italy, Japan, Lebanon, Madagascar, Mali, Morocco, Netherlands, Norway, Poland, Senegal, Turkey and the United Kingdom of Great Britain and Northern Ireland, and by observers from Palestine, 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) and the International Federation of Library Associations and Institutions (IFLA). IFLA's observer also represented the International Committee of the Blue Shield. A copy of the list of participants is annexed to this document.

2. The Director-General, Mr Koïchiro Matsuura, opened the Meeting. In his opening address, the Director-General highlighted the importance of standard-setting instruments to the protection of cultural property and, in that regard, mentioned the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Reviewing the ways in which the Second Protocol could

further improve the protection of cultural goods in the event of armed conflict, he stressed that a number of Member States were examining the provisions of the Second Protocol with a view to acceding thereto. Nevertheless, it was pointed out that accession to the Second Protocol was only the first step towards the implementation of the instrument at the national level. The Director-General concluded by stressing the importance of the election of the Committee for the Protection of Cultural Property in the Event of Armed Conflict and the tasks entrusted to it.

II. Election of the Chairperson

3. Ms Lubica Erdelska, Deputy Permanent Delegate of Slovakia to UNESCO, was elected Chairperson of the Meeting by consensus.

III. Adoption of the Rules of Procedure

4. The Rules of Procedure contained in document CLT-05/CONF.208/2 were adopted without amendment.

IV. Adoption of the agenda

5. Following the proposal to amend item 8 of the provisional agenda to read “Information provided by the Secretariat to the newly formed Committee”, the provisional agenda was adopted as amended.

V. Election of the four Vice-Chairpersons and the Rapporteur

6. The following States Parties were elected Vice-Chairpersons of the Meeting: Iran (Islamic Republic of), Mexico, Nigeria and Serbia and Montenegro. Ms Photini Panayi, Deputy Permanent Delegate of the Republic of Cyprus to UNESCO, was appointed Rapporteur of the Meeting.

VI. Report of the Secretariat

7. The Chairperson then invited the Secretariat to report on activities undertaken to promote the Second Protocol. The Secretariat reported briefly on publications and meetings designed to raise awareness of the Second Protocol and on technical assistance provided to Member States to help them to implement the Second Protocol at the national level.

8. Following the Secretariat’s report, the Chairperson gave the floor to States Parties wishing to comment on various aspects of the Second Protocol. The representatives of Serbia and Montenegro and Poland (Observer State) and two observers (the International Council on Archives and the International Council of Museums) took the floor. The representative of Serbia and Montenegro pointed out that the Second Protocol belonged to the second generation of international instruments which provided for bodies to monitor their implementation, unlike the first generation which contained no such provisions. The representative of ICOM spoke of ICOM’s experience in the protection of sites and highlighted the importance of distributing the Second Protocol within national armed forces.

VII. Election of members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

9. The Secretariat reviewed the role, composition and functions of the aforementioned Committee, as set out in Article 27 of the Second Protocol (Annex I), laying emphasis on the drafting by the Committee of Guidelines for the implementation of the Second Protocol and the granting of enhanced protection. The Meeting was reminded of the details of the electoral process (Article 25 of the Second Protocol – Annex I) and of the eligibility of the States Parties to the Second Protocol (Article 1, paragraph (a)).

10. Following the Secretariat's explanations, Egypt's nomination was withdrawn since, on the date of the election of the Committee, the Second Protocol had not entered into force in respect of Egypt.

11. The following 12 States Parties were elected by acclamation: Argentina, Austria, Cyprus, El Salvador, Finland, Greece, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Lithuania, Peru, Serbia and Montenegro and Switzerland. In accordance with Article 25, paragraph 2, of the Second Protocol, the Chairperson of the Meeting drew lots to select the six members of the Committee whose term of office would end at the close of the ordinary session of the Meeting of States Parties in 2007.

12. As a result of the lots drawn, the members of the Committee elected for four years were Austria, El Salvador, Libyan Arab Jamahiriya, Peru, Serbia and Montenegro and Switzerland. The members of the Committee elected for two years were Argentina, Cyprus, Finland, Greece, Iran (Islamic Republic of) and Lithuania.

13. The Chairperson congratulated the 12 newly elected members of the Committee.

VIII. Information provided by the Secretariat to the newly formed Committee

14. The Secretariat outlined the activities to be undertaken before the Committee's first meeting, in particular the drawing up of the draft Rules of Procedure of the Committee (Article 26 of the Second Protocol – Annex I) and the Guidelines for the implementation of the Second Protocol (Article 27, subparagraph 1(a), of the Second Protocol), which must be adopted by the Meeting of the Parties.

IX. Adoption of a resolution

15. The Chairperson opened the debate on the draft resolution summing up the main points raised during the Meeting. This document is reproduced in Annex II hereto.

X. Other business

16. After thanking all the participants and the Secretariat for their helpful contributions, the Chairperson declared the Meeting closed.

ANNEX I

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

Article 23 Meeting of the Parties

1. The Meeting of the Parties shall be convened at the same time as the General Conference of UNESCO, and in coordination with the Meeting of the High Contracting Parties, if such a meeting has been called by the Director-General.
2. The Meeting of the Parties shall adopt its Rules of Procedure.
3. The Meeting of the Parties shall have the following functions:
 - (a) to elect the Members of the Committee, in accordance with Article 24, paragraph 1;
 - (b) to endorse the Guidelines developed by the Committee in accordance with Article 27, subparagraph 1(a);
 - (c) to provide guidelines for and supervise the use of the Fund by the Committee;
 - (d) to consider the report submitted by the Committee in accordance with Article 27, subparagraph 1(d);
 - (e) to discuss any problem related to the application of this Protocol, and to make recommendations, as appropriate.
4. At the request of at least one fifth of the Parties, the Director-General shall convene an extraordinary Meeting of the Parties.

Article 25 Term of office

1. A Party shall be elected to the Committee for four years and shall be eligible for immediate re-election only once.
2. Notwithstanding the provisions of paragraph 1, the term of office of half of the members chosen at the time of the first election shall cease at the end of the first ordinary session of the Meeting of the Parties following that at which they were elected. These members shall be chosen by lot by the Chairperson of this Meeting after the first election.

Article 26 Rules of Procedure

1. The Committee shall adopt its Rules of Procedure.
2. A majority of the members shall constitute a quorum. Decisions of the Committee shall be taken by a majority of two thirds of its members voting.
3. Members shall not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.

Article 27 Functions

1. The Committee shall have the following functions:
 - (a) to develop Guidelines for the implementation of this Protocol;
 - (b) to grant, suspend or cancel enhanced protection for cultural property and to establish, maintain and promote the List of Cultural Property under Enhanced Protection;
 - (c) to monitor and supervise the implementation of this Protocol and promote the identification of cultural property under enhanced protection;
 - (d) to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties;
 - (e) to receive and consider requests for international assistance under Article 32;
 - (f) to determine the use of the Fund;
 - (g) to perform any other function which may be assigned to it by the Meeting of the Parties.
2. The functions of the Committee shall be performed in cooperation with the Director-General.
3. The Committee shall cooperate with international and national governmental and non-governmental organizations having objectives similar to those of the Convention, its First Protocol and this Protocol. To assist in the implementation of its functions, the Committee may invite to its meetings, in an advisory capacity, eminent professional organizations such as those which have formal relations with UNESCO, including the International Committee of the Blue Shield (ICBS) and its constituent bodies. Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

ANNEX II

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

**(Paris, 26 October 2005, 3 p.m.-6 p.m.)
Room XI**

ADOPTED RECOMMENDATIONS

The State Parties to the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,

Welcoming the entry into force of the Second Protocol to the Hague Convention on 9 March 2004,

Recalling that according to Article 23 of the Second Protocol a meeting of States Parties shall be convened at the same time as the General Conference of UNESCO, and in coordination with the Meeting of the High Contracting Parties,

Noting that the Sixth Meeting of the High Contracting Parties to the Hague Convention has taken place on the morning of this same day,

Thanking the UNESCO Secretariat, Member States and other participating intergovernmental and non-governmental organizations for their active contributions to the promotion and dissemination of the Convention and its two Protocols,

1. *Takes note* of the report of the Secretariat on the status and the implementation of the Second Protocol to the Hague Convention and welcome the efforts by the Secretariat to provide advice to States in order to facilitate the ratification process and the implementation of the Second Protocol;
2. *Congratulates* the 12 newly elected members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict;¹
3. *Encourages* States not yet party to the Second Protocol to the Hague Convention to join it promptly and to adopt and implement effectively relevant national legislations;
4. *Notes* the increased workload of the Secretariat resulting from the entry into force of the 1999 Protocol, the establishment of the Committee and its forthcoming activities and *invite* the Director-General to identify the means to provide the necessary human and financial resources to the Secretariat to undertake these increased responsibilities properly;
5. *Requests* the Director-General to invite the organizations mentioned in Article 27, paragraph 3, of the Second Protocol as Observers to the first meeting of the Committee;

¹ Namely, and pursuant to Article 25 of the Second Protocol, the elected Committee Members having a four-year term are Austria, El Salvador, Libyan Arab Jamahiriya, Peru, Serbia and Montenegro and Switzerland, and the elected Committee Members having a two-year term are Argentina, Cyprus, Finland, Greece, Iran (Islamic Republic of) and Lithuania.

6. *Invites* the Director-General (i) to distribute the report and the recommendations of the present Meeting to all UNESCO Member States and to international organizations concerned; (ii) to convene the first meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict in October of next year; and (iii) to convene the second meeting of the Parties to the Second Protocol to the Hague Convention on the occasion of the 34th session of the General Conference of UNESCO.