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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 to 19 December 2013

Item 14 of the Provisional Agenda:

Amendments to the Rules of Procedure of the Committee:

- (i) Written submission of questions to be included in the provisional agenda of the Committee, and (ii) Timing of the election of the Committee's Bureau**

1. The experience of the previous meetings of the Committee for the Protection of Cultural Property in the Event of Armed Conflict ('the Committee'), revealed a need for amendments to Rules 12 and 16.1 of its Rules of Procedure, concerning the establishment of a provisional agenda of the Committee, as well as the timing for the election of the Committee's Bureau.

I. Importance of written submission of questions to be included in the provisional agenda of the Committee

2. The Rules of Procedure of the Committee do not contain any specific provisions for the written submission of questions, nor do they contain any explanatory notes on the purpose of the proposal, to be included in the provisional agenda of the Committee. This is problematic from a substantive point of view because Committee members and observers need to know the reasons for the submission of a question(s) to the provisional agenda in order to properly consider and prepare its position. This is also problematic in practical terms as in accordance with Rule 34 of the Rules of Procedure of the Committee, the Secretariat is required to distribute documents relating to the items on the provisional agenda of each session of the Committee, at the latest, six weeks before the beginning of the session in the Committee's working languages. In this way, the Secretariat needs time to prepare and translate these documents, and Committee Members and observers need time to study the working documents relating to the items on the meeting's provisional agenda.
3. For this reason, the Bureau proposed amending the Rules of Procedure of the Committee by including a guideline calling for submission in writing of the questions to be proposed, as well as a written explanation of the purpose of the proposal. The proposed rule may read as follows:

'12.3 The questions to be proposed for the provisional agenda of an ordinary session of the Committee by members of the Committee, the Bureau of the Committee, and States Parties to the Second Protocol not members of the Committee must be received by the Secretariat in writing, with an explanatory note on the issue and the purpose of the proposal.'

As a consequence, the current Rule 12.3 will become Rule 12.4.

II. Timing of the election of the Committee's Bureau

4. Rule 16.1 of the Rules of Procedure of the Committee provides that the election of the Committee's Bureau shall take place at the beginning of each ordinary session. However, the Rules of Procedure of the comparable intergovernmental Committees established under the 1972, 2003 and 2005 Conventions, provide that the elections of the respective Bureaux take place at the end of the preceding ordinary session.
5. The system used by the Committees of the 1972, 2003 and 2005 Conventions has substantial advantages as it allows the newly elected Bureau to actively assume its role in the preparation of the next session of the Committee. Furthermore, it will allow the outgoing Chairperson and other members of the Bureau to complete their respective responsibilities initiated during their terms of office.
6. The Committee members may hence wish to consider an amendment of the Rules of Procedure of the Committee, so as to schedule the elections of a Chairperson, four Vice-Chairpersons and a Rapporteur at the end of each ordinary session for the following ordinary session.
7. An amendment to Rule 16.1 of the Rules of Procedure, mirroring the Rules of Procedures of the 1972, 2003 and 2005 Cultural Conventions Committees, may read as follows:

'16.1 The Committee, at the end of each ordinary session, shall elect, from amongst those members whose term continues through the next ordinary session, a Chairperson, four Vice-Chairpersons and a Rapporteur who shall remain in office until the end of that session.'

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

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The Committee,

1. Thanking the Bureau and the Secretariat for preparing document CLT-13/8.COM/CONF.203.11,
2. Considering the said document,
3. Decides to adopt a new Rule 12.3 in the Rules of Procedure of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, which reads as follows:
'12.3 The questions to be proposed for the provisional agenda of an ordinary session of the Committee by members of the Committee, the Bureau of the Committee, States Parties to the Second Protocol not members of the Committee, and the Director-General must be received by the Secretariat in writing, with an explanatory note on the issue and the purpose of the proposal.'
4. Decides to amend Rule 16.1 of the Rules of Procedure of the Committee for the Protection of Cultural Property in the Event of Armed Conflict as follows:
'16.1 The Committee, at the end of each ordinary session, shall elect, from amongst those members whose term continues through the next ordinary session, a Chairperson, four Vice-Chairpersons and a Rapporteur who shall remain in office until the end of that session.'