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

UNESCO Headquarters, Paris (Room XI)
16 December 2013 (a.m.)

FINAL REPORT

I. Opening of the Meeting

1. The Tenth Meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was held at UNESCO Headquarters on the morning of 16 December 2013.
2. The Meeting was attended approximately by 58 of then-existing total of 126 High Contracting Parties to the 1954 Hague Convention as follows : Argentina, Armenia, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Cambodia, Canada, Chile, China, the Democratic Republic of the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Italy, Iraq, Iran (the Islamic Republic of), Israel, Japan, Jordan, Kuwait, Latvia, Lebanon, Libya, Mali, Monaco, Morocco, Nicaragua, Nigeria, Norway, Peru, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, Sri Lanka, Tunisia, United States of America and Uruguay. The list of participants and the documents of the meeting are available on the website of the Convention at the following address:<http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/meetings-and-conferences/>.
3. The representative of the Director-General, Mr Francesco Bandarin, the Assistant Director-General for Culture, opened the Meeting. His opening address emphasized that the Meeting provided an opportunity to demonstrate inter-state, inter-governmental and inter-disciplinary cooperation toward the common objective of providing the greatest degree of protection to cultural property across the world.

II. Election of the Bureau

4. Mr Bandarin then gave the floor to the heads of the regional electoral groups, having recalled an e-mail that he sent in the previous month, requesting that they consult within their respective electoral groups to come to a consensus about their nominations for the Bureaux of the upcoming meetings. As no one took the floor, Mr Bandarin suggested allotting the heads of electoral groups a further ten minutes to consult within their respective regions to determine their nominations.
5. After the ten-minute consultation period, Mr Bandarin announced that there was a proposal from Croatia. The representative from Croatia proposed Mr Felix Zaharia from Romania for the position of Chairperson. Mr Bandarin proposed that if there were no objections, Mr Zaharia could be elected by acclamation. After Mr Zaharia' election by acclamation Mr Bandarin invited the newly elected Chairperson to take a seat at the rostrum. The Chairperson expressed his thanks and then proceeded to continue to the next item of the provisional agenda of the Meeting.
6. Next, the Chairperson asked for the nominations for the remaining positions of the Bureau of the Meeting: the four Vice-Chairpersons and the Rapporteur. The Chairperson explained that they sought one nomination from each electoral group. The representative from the Islamic Republic of Iran nominated Cambodia as Vice-Chairperson. The representative from Canada nominated the Netherlands as Vice-Chairperson. The representative from Egypt nominated Palestine as Vice-Chairperson. The representative from Argentina nominated Honduras as Vice-Chairperson. The United Republic of Tanzania nominated Côte d'Ivoire as Vice-Chairperson. The Chairperson pointed out that as there were five nominations from the five electoral groups, there ought to be one nominee who proposes to be the Rapporteur. After consulting with the Secretariat, the Chairperson asked if Côte d'Ivoire would be the Rapporteur of the Meeting. Ms Mélanie Afferi, representative from Côte d'Ivoire accepted and took her position at the rostrum.

III. Adoption of the agenda

7. After announcing that there would be no coffee breaks and that the Meeting would continue without interruption until 1 p.m., the Chairperson suggested proceeding to the adoption of the agenda. The Chairperson asked if there were any proposals for modifications; when none were voiced, the agenda was adopted as proposed and the provisional agenda became the adopted agenda.

IV. Report of the Secretariat on its activities

8. After the adoption of the agenda, the Chairperson proceeded to introduce the next item, inviting the Secretariat to present an update on its activities in addition to the information stated in the report.
9. The floor was then given to Mr Jan Hladík, Chief of the Cultural Heritage Protection Treaties Section, to present the report of the Secretariat. Mr Hladík announced that he would not enumerate the information already presented in the written report but would instead give an update on the activities that had occurred since 30 September 2013, the date the report had been closed from a factual point of view. First, Mr Hladík described the Secretariat's activities, organized with UNESCO's Bamako office, regarding training for the military, police and civilian personnel of MINUSMA, including the training courses themselves and the manual for trainers. Mr Hladík announced that the Secretariat had arrived in Mali the previous month (November) to initiate the training courses and finalize the materials. Next, Mr Hladík informed the High Contracting Parties about an international conference on the implementation of the 1954 Hague Convention and its two Protocols in Sub-Saharan Africa, hosted by the Austrian authorities, which had taken place in early December 2013 in Vienna. There were three principal subjects covered by this conference: introducing the participants to the main tenets of the instruments, allowing for an exchange of national experiences and best practices, and testing the participants' knowledge through exercises. The conference was attended by participants from Ethiopia, Ghana, Nigeria, Mali and Zimbabwe.
10. Mr Hladík asked if the Secretariat could introduce an informational document regarding an update on UNESCO's standard plan of action to protect cultural property in the event of armed conflict. Originally introduced at the Ninth Meeting of the High Contracting Parties in December 2011, this document had been elaborated at the request of the Meeting. Mr Hladík pointed out the passages of the document that had been amended and described the modifications.
11. Mr Hladík referred to the provisional list of participants that had been distributed to the Meeting. He requested that participants approach the Secretariat if any mistakes were found, so that the Secretariat could amend the list and then make the revised version available on its website.
12. Finally, the Chairperson asked if there were any comments. Belgium thanked the Secretariat for its work, but regretted that the list of sites to be protected was not given more emphasis in the report. Morocco reminded the Meeting that a consensus had been adopted during a debate on peace and security in Africa in the United Nations Security Council, which led to the adoption of Resolution 2085 on 20 December 2012, a precursor to resolution 2100, which established MINUSMA. In the preamble to Resolution 2085, there was a condemnation of theft and destruction of cultural or religious sites. The Netherlands desired to know how the exchange of information could be improved, since reports from the Secretariat are made available only at meetings (annually or bi-annually). The Netherlands considered that the information on MINUSMA would be useful for governments preparing military missions to Mali. As regards the Standard UNESCO's Standard Plan of Action to Protect Cultural Property in the Event of Armed Conflict, the Netherlands commented that

when UNESCO makes a contact, attention should be drawn to warring Parties' obligations under any UNESCO conventions, as appropriate, and not just the 1954 Hague Convention and its two Protocols, as this would promote synergy. Mali reiterated its commitment to the actions being taken by UNESCO and other donor organizations, which have been able to protect much of Mali's tangible and intangible cultural heritage.

13. In response to the comment of Netherlands regarding the standard plan of action, Mr Hladík stated that the Secretariat had carefully noted the proposal to increase the scope of awareness-raising to other UNESCO conventions, as appropriate. For instance, in the case of Syria, in several press releases issued by the Director-General, reference was made to the 1970 and 1972 Conventions, in addition to the 1954 Convention.

V. Intervention of the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

14. The Chairperson proceeded to the next item of the agenda, the intervention of the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, Mr Benjamin Goes. Mr Goes then took the floor and delivered an address highlighting the benefits of increased participation in the Second Protocol. Mr Goes referred to the less-than-ideal participation in the Second Protocol and added that the Second Protocol does not change obligations under the 1954 Hague Convention but rather better defines them. Mr Goes stressed that by ratifying the Second Protocol, states could become full-fledged stakeholders in the protection of cultural property, and that it would lead to a holistic approach.

VI. Exchange of national experiences and debate

15. Belgium shared a recent experience: the week prior, Brussels had hosted an inter-ministerial conference, in partnership with UNESCO, on the implementation of the Second Protocol. With more than 160 participants from around the world, discussions and information exchange was very rich. The conclusions that Belgium wished to share with the Meeting were that more awareness-raising is needed among local populations, that the notion of risk covered by the Second Protocol should have primacy over the issue of military necessity, that it is important to have a plan of action before crises strike, and to ratify the Second Protocol so that national legislation can be harmonized. He further stressed the importance of synergies among all stakeholders, inventories, and the crucial impact of awareness-raising on all age groups.
16. Morocco announced that it had ratified the Second Protocol on 13 August 2013, as it believes that the Convention's implementation could be greatly enhanced by ratifying the Second Protocol.
17. Mali announced that it had ratified the Second Protocol in the midst of the recent crisis and noted that Mali had been under the impression that the Second Protocol and the Hague Convention concerned only times of conflict, but now was aware that these instruments were fully applicable in times of peace. Mali also referred to the importance of synergies with other UNESCO conventions.
18. The Netherlands asked if it could make a joint presentation with Cyprus, but if there were other interventions to be made, they should go first because the Netherlands and Cyprus had prepared a PowerPoint presentation.
19. Germany made reference to the report it had submitted to the Secretariat on its national implementation and discussed further developments that had been made since the submission of the said report. Germany stated that the federal government had submitted a proposal for omnibus legislation on the protection of cultural property. Once adopted by the

federal parliament, which was expected to take place by mid-2014, this legislation will address three issues: the return of cultural property and a new institution of import control; reinforced protection of national cultural property against its transfer abroad; and new rules harmonized with European Union legislation on international landings of cultural property for exhibitional and scientific purposes.

20. China elaborated on its implementation of the Hague Convention and the 1954 Protocol in the realms of national legislation, military regulations and criminal law. China announced that in 2012 it began a procedure to accept the Second Protocol.
21. Libya referred to training workshops on the protection of cultural property, held in cooperation with UNESCO in Sabratha, Tripoli and Shahat.
22. Palestine pointed out that a group of legal experts from its country had been examining compliance of national legislation with the provisions of the Hague Convention and the Protocols, that a National Committee for the Blue Shield was currently being established, and that a recommendation was made to the Palestinian Ministry of Education to promote the awareness of protecting cultural property among children and pupils.
23. Finland described the recent developments in Finland in the realm of protection of cultural property, including increased cooperation among stakeholders and progress toward completing a national inventory on movable and immovable property (expected in 2014).
24. The Netherlands and Cyprus took the floor together for a joint presentation on an example of a return under the First Protocol of the Hague Convention: the Netherlands returned four icons to Cyprus as a result of a long process toward the repatriation.

VII. Adoption of recommendations

25. As there were no further comments regarding national implementation, the Chairperson proceeded to the adoption of recommendations. After extensive debate over certain provisions, the recommendations were adopted as amended.

VIII. Miscellaneous

26. The Chairperson then invited any miscellaneous issues to be discussed. Kuwait referenced the restitution it had provided to Iraq and announced that it would bring the accompanying documents to the Secretariat. Mr Hladík announced that Palestine had withdrawn its candidature for the Committee for the Protection of Cultural Property in the Event of Armed Conflict. Mr Bandarin encouraged the heads of groups to come up with proposals for the Bureau of the Fifth Meeting of the Parties, which was scheduled to begin later that afternoon.

IX. Closure of the Meeting

27. The Chairperson declared the Meeting closed and thanked all participants and observers, as well as the Secretariat, for their contributions to the success of the Meeting.