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

***SECOND 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 House, Paris, 13 November 1995

FINAL REPORT

1. The second meeting of The High Contracting Parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) was convened by the Director-General of UNESCO at UNESCO Headquarters on Monday, 13 November 1995, on the occasion of the twenty-eighth session of the General Conference, in conformity with decision 5.5.5 of the Executive Board adopted at its 145th session in October - November 1994. The representatives of the following sixty-nine High Contracting Parties took part in the meeting: Albania, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Croatia, Cyprus, Czech Republic, Ecuador, Egypt, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Monaco, Mongolia, Morocco, Myanmar, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Peru, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Republic of Tanzania, Yemen and Zaïre. The meeting was also attended by observers from Afghanistan, Algeria, Angola, Bahrain, Canada, Republic of Korea, Malawi and the United States of America. In addition, the United Nations, the International Centre for the Study of the Preservation and the Restoration of Cultural Property (ICCROM), the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS) and the International Council of Archives appointed their representatives to the meeting. The Secretariat of UNESCO was represented by Ms Lourdes Arizpe, Assistant Director-General for Culture, Mr Mounir Bouchenaki, Director of the Division of Cultural Heritage, Mr Daniel De San, Deputy Director of the Office of International Standards and Legal Affairs, and staff of the Division of Cultural Heritage and other UNESCO Divisions. A copy of the list of participants is attached in Annex II.

2. On behalf of the Director-General, the meeting was opened by Ms Lourdes Arizpe, Assistant Director-General for Culture. She emphasized the significance and appropriateness of the Hague Convention, UNESCO's activities aimed at strengthening this agreement and

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reasons leading to the current review of the Convention.

3. In accordance with the provisional agenda, the meeting elected by consensus Mr Adriaan Bos (the Netherlands) as Chairperson and adopted its Rules of Procedure. Afterwards the representative of Germany proposed that the Federal Republic of Yugoslavia (Serbia and Montenegro) be excluded from the proceedings. This motion was supported by the representatives of Australia, Austria, Belgium, Czech Republic, France, Morocco, Spain (on behalf of the European Union) and Turkey. Spain referred in particular to resolution 777, adopted by the United Nations Security Council on 19 September 1992, regarding the conditions of participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the United Nations General Assembly. The meeting decided unanimously to exclude the Federal Republic of Yugoslavia (Serbia and Montenegro) from its proceedings.

4. After adopting its Rules of Procedure, the meeting elected its four Vice-Chairpersons (representatives of Argentina, Burkina Faso, Lebanon and Thailand) and Ms Halina Niec (Poland) as Rapporteur and agreed that it would adopt a final resolution at its closure. The Chairperson then invited the Director of the Division of Cultural Heritage to introduce the discussion by indicating the main objectives of the meeting. The Director of the Division of Cultural Heritage stressed that, despite a number of achievements in the application of the Hague Convention, the experience of the Iran-Iraq conflict, the Gulf war and the conflict in the former Yugoslavia has shown certain limitations in this agreement. He summarized the various suggestions for the improvement of the Convention which were proposed by experts in several recent publications or meetings. He mentioned, for instance, that the need had been expressed for the creation of a *supervisory body* which would monitor the implementation of the Convention. He also evoked the possibility of replacing the *existing control mechanism* of the Convention involving the nomination of Commissioners-General by a more flexible and efficient system, the importance of rethinking and revising the notion of *special protection* which has not brought about the expected results and the *reinforcement* of the Secretariat in charge of the implementation of the Convention. With regard to the procedural aspects of the review of the Convention, the Director of the Division of Cultural Heritage proposed several possibilities. One practical step might be to convene a meeting of governmental experts originating from the main geographical regions in order to elaborate new legal provisions on the basis of the existing proposals. As a second step, such legal provisions might be submitted by the Director-General to the States Parties either through diplomatic channels, or at a Conference of the High Contracting Parties which might be convened during the ordinary session of the General Conference.

5. The Secretariat's presentations initiated general debate on various aspects of the Hague Convention in which representatives of Argentina, Austria, Belgium, Cambodia, Croatia, Czech Republic, France, Germany, Ghana, Greece, Hungary, India, Iraq, Italy, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Mali, Netherlands, Pakistan, Peru, Poland, Russian Federation, Slovenia, Sweden, Thailand, Yemen and Zaïre as well as observers from the International Centre for the Study of the Preservation and the Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS), the International Council of Museums (ICOM) and the International Council of Archives took the floor.

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6. The main points of the general debate may be summarized as follows:

there was a consensus on the necessity of improving the implementation of the Hague Convention in view of the recent armed conflicts, in particular in the former Yugoslavia;

a number of participants expressed the need for creation of a supervisory body which would monitor the implementation of the Convention. However, it was pointed out that such a body should be flexible and able to act in case of necessity; its nature and composition are yet to be determined. Some countries pointed out that such a body might be an intergovernmental committee which would be analogous to the World Heritage Committee. This proposal, however, did not receive unanimous support as some delegates expressed their concern about additional expense caused by its creation and its activities. An alternative would be to create an advisory body composed of experts and representatives of non-governmental organizations;

a few delegates highlighted the potential role of the United Nations peace-keeping forces in the implementation of the Hague Convention;

a number of delegates emphasized the role of non-governmental organizations in the preservation and protection of cultural heritage in the event of armed conflict. The representative of the International Council on Monuments and Sites (ICOMOS) described the concept of the "Blue Shield", a component of a "Risk Preparedness Scheme", a programme of activities developed by ICOMOS, ICOM and ICCROM and involving the participation of specialists, such as conservators or museum curators, in the protection of cultural heritage in case of human-made and natural disasters;

some participants expressed their concern about the protection of documentary heritage, namely archives, in the event of armed conflict;

one delegation called attention to the notion of military necessity (Article 4(2) of the Convention) which should be interpreted in the light of contemporary international law:

the Secretariat touched upon the topic of the control system under the Convention. It was pointed out that the existing control system by Commissioners-General, which could not be used in the most recent conflicts, could be replaced by a more flexible and efficient mechanism;

a majority of participants were in favour of adopting an additional protocol which would supplement the provisions of the Convention and, at the same time, allow the States not Parties to the Convention to become party to it. Two points of view were expressed: some delegations were in favour of holding a diplomatic conference which would elaborate and adopt the protocol, others preferred to convene an expert meeting for drafting such instrument before its subsequent adoption by the High Contracting

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Parties.

7. Afterwards the Chairperson concluded the debate and opened discussion by proposing a draft resolution which he had prepared, with the assistance of the Secretariat, on the basis of the discussion held so far, and which was distributed to the participants. The main points of the draft resolution were discussed. The participants adopted the draft resolution with a number of amendments. A copy of the resolution is attached in Annex I.