



United Nations
Educational, Scientific and
Cultural Organization

Organisation
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Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

CLT-11/CONF/210/2

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

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

(UNESCO HEADQUARTERS, 12 - 13 DECEMBER 2011, ROOM XII)

ITEM 8 OF THE PROVISIONAL AGENDA:

**ENDORSEMENT OF AMENDMENTS TO THE GUIDELINES FOR THE
IMPLEMENTATION OF THE SECOND PROTOCOL TO THE HAGUE
CONVENTION**

Amendments to the Guidelines for the Implementation of the Second Protocol to the Hague Convention

1. Article 23(3)(b) of the Second Protocol provides that it is for the Meeting of the Parties to endorse the Guidelines for the Implementation of the Second Protocol to the Hague Convention (“the Guidelines”) developed by the Committee for the Protection of Cultural Property in the Event of Armed Conflict. This function also encompasses the endorsement of any subsequent amendments to the Guidelines.
 2. The fifth meeting of the Committee (UNESCO Headquarters, 22 – 24 November 2010) adopted the following amendments to the Guidelines (the modified passages are underlined).
- 45.** The request for the granting of enhanced protection is sent by the Permanent Delegation to UNESCO of the Party to the Committee through the Secretariat. Requests need to be received by the Secretariat by 1 March of each year at the latest in order to be considered at the upcoming meeting of the Committee. Requests received after this deadline will be considered during the next meeting of the Committee. The above-mentioned date does not apply to requests for provisional enhanced protection.

Reasons for changes:

The meeting decided to specify the transmitter of the request for the granting of enhanced protection (Permanent Delegation to UNESCO of the Party submitting the request) and the timeframe for the submission of such request (1 March of each year at the latest) to the Secretariat in order for it to be considered at the upcoming meeting of the Committee. It also decided to not consider requests submitted after that date unless they concern provisional enhanced protection. The determination of the date of 1 March was made on the assumption that the ordinary meeting of the Committee will take place at late November or early December each year.

- 46.** The Secretariat acknowledges the receipt, checks for completeness and registers the request. The Secretariat requests any additional information from the Party, as appropriate, and all such information must be received, preferably, in a single submission of one complete file within two months of the date of the request from the Secretariat. The Secretariat forwards complete requests to the Bureau for *prima facie* consideration together with a review of completeness prepared by the Secretariat.

Reasons for changes:

The proposed modifications are aimed at streamlining the work of the Secretariat and of the Bureau of the Committee in order to achieve efficiency in considering requests for the granting of enhanced protection. They establish a two-stage procedure:

- (i) The two-month deadline for the applicant Party to complete the requests following the Secretariat's notification that the request(s) was (were) incomplete.
- (ii) Submission by the Secretariat of complete request(s) to the Bureau for *prima facie* consideration.

55. The boundaries of an immovable cultural property and its immediate surroundings are clearly defined, and the Universal Transverse Mercator (“UTM”)¹ co-ordinates of the boundaries of such property are marked on the map(s) attached to the request. Maps are sufficiently detailed to determine precisely which area of land and/or building(s) are nominated. Movable cultural property is identified by its detailed descriptions and sufficient images.

Reasons for changes:

The Guidelines contain a discrepancy between paragraphs 55 and 56. The latter requires the co-ordinates of the cultural property concerned to be stated by using the UTM system while the former does not specify such requirement. For this reason, it is proposed to mark UTM co-ordinates of the boundary of the property proposed for enhanced protection on the map(s) of such property attached to the request. The importance of using the UTM co-ordinates lies in the fact that it is the method of specifying locations used by the military. Finally, the Committee proposes modifying Annex I to the Guidelines by deleting the reference to latitude and longitude to bring it in conformity with the above paragraphs, (Annex I).

59. The Party describes the use of the cultural property. The declaration, issued by the national authority which has been authorized by the State concerned as competent for this matter, confirms that the cultural property and its immediate surroundings ~~are not and~~ will not be used for military purposes or to shield military sites is attached to the request. The information provides the facts needed to support and substantiate the argument that the cultural property meets the criterion laid down in Article 10(c).

Reasons for changes:

The proposed amendment specifies two points: (i) the national authority authorized to issue the non-military use declaration; and (ii) the temporal scope of such declaration (future-oriented).

The draft model declaration proposed by the Secretariat is attached in Annex II.

¹ Note of the Secretariat: It is proposed to include the reference to the full name of Universal Transverse Mercator in paragraph 55 of the Guidelines, and to replace the full name with the abbreviation “UTM” in paragraph 56 of the Guidelines.

Draft decision:

The Meeting of the Parties:

1. *Thanking the Committee* for drawing its attention to certain practical problems related to the implementation of the Guidelines;
2. *Thanking* the Secretariat for preparing this document;
3. *Having considered* document CLT-11/CONF/210/2;
4. *Decides* to modify the Guidelines as proposed in CLT-11/CONF/210/2.

ANNEX I

ENHANCED PROTECTION REQUEST FORM

1. PARTY:

2. DATE OF SUBMISSION:

Submission prepared by:

Institution:

E-mail:

Name:

Fax:

Address:

Telephone:

3. REQUIREMENTS CONSIDERED BY THE COMMITTEE:¹

3. A IDENTIFICATION OF THE CULTURAL PROPERTY (please include photos and maps if available):

Name of Cultural Property:

State, Province or Region Located or Stored:

Latitude and Longitude, or UTM coordinates:

3. B DESCRIPTION OF THE CULTURAL PROPERTY:

3. C PROTECTION OF THE CULTURAL PROPERTY:

3. D USE OF THE CULTURAL PROPERTY:

¹ More detailed information is contained in paragraphs 54 - 62 of the Guidelines.

3. E INFORMATION REGARDING RESPONSIBLE AUTHORITY:

3. F JUSTIFICATION FOR ENHANCED PROTECTION:

Applicants are requested to justify that the following criteria are fully met:

The cultural property:

- i) is of the greatest importance for humanity (Article 10(a) of the Second Protocol);
- ii) is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection (Article 10(b) of the Second Protocol). A copy of the list required by paragraph 58 of the Guidelines is attached.
- iii) is not used for military purposes or to shield military sites. A copy of the non-military use declaration certifying such situation is attached (Article 10(c) of the Second Protocol).

Signature by the Party's competent authority:

Full name

Title

Date

ANNEX II

Non-military use declaration

I _____ hereby declare that, in conformity with Article 10 of the Second Protocol, (the cultural property for which enhanced protection was requested) will not be used for military purposes or to shield military sites.

(Signature of the representative of the national authority which has been authorized by the State concerned as competent for this matter)

Name: _____

Title: _____

Date: _____