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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 11 of the Provisional Agenda:**  
**Consideration of requests for the granting of enhanced protection**

## Introduction

1. Following Decision 7.COM 6 adopted by the seventh meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (UNESCO Headquarters, 20 – 21 December 2012) ("the Committee") which, among other things, requested "States Parties to the 1999 Second Protocol to apply for the granting of Enhanced Protection for their cultural properties that are already inscribed on the World Heritage List", on 4 February 2013 the Secretariat sent an e-mail to all Parties to submit requests for the granting of enhanced protection to such properties in accordance with the deadline of 1 March of each year specified in paragraph 45 of the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention (hereinafter 'the Guidelines').
2. By 1 March 2013, the Secretariat received five requests for enhanced protection submitted by Azerbaijan and Belgium for the following cultural properties:

### Azerbaijan

- Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower
- Gobustan Rock Art Cultural Landscape

### Belgium

- House and Workshop of the Architect Victor Horta
- Neolithic Flint Mines at Spiennes in Mons
- Plantin-Moretus House-Workshops-Museum

3. In conformity with paragraph 46 of the Guidelines, the Secretariat acknowledged the receipt, checked for completeness and registered the requests. It requested additional information from both Parties for the five requests. The requested information was received within two months of the date of the request from the Secretariat.
4. During the informal meeting of the Bureau of the Committee held on 8 and 9 July 2013, the Secretariat presented a general overview of the situation concerning the five requests and concluded that all the five requests were complete. The Bureau agreed with this evaluation.
5. On the occasion of the meeting of the Bureau held on 16 September 2013, the Secretariat put complete requests at the disposal of the Bureau for *prima facie* consideration, in accordance with paragraph 46 of the Guidelines. During this meeting, the Bureau examined the said requests.
6. By the present document and in accordance with paragraph 47 of the Guidelines, the Bureau forwards the five requests (including the evaluation) to the Committee and proposes the draft decisions in paragraphs 34, 57, 92, 109 and 134.
7. The requests as well as annexes supporting the requests will be made available to the Committee members before the eighth meeting in December 2013.

## I. Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower (Azerbaijan)

### I.1 Background

8. The request for the granting of enhanced protection to this cultural property was first submitted in 2010 to the Committee at its fifth meeting (UNESCO Headquarters, November 2010). The debates on this request were adjourned until the sixth Meeting of the Committee (UNESCO Headquarters, December 2011) which considered the request and decided to refer it back to Azerbaijan to submit additional information with regard to paragraph 39 of the Guidelines (Decision 6.COM 2).
9. By the same decision, the Committee also requested the Secretariat to provide expert advice to and enhance cooperation with the Azerbaijani authorities in order to facilitate the adoption of the relevant criminal legislation and the submission of the required additional information

with regard to paragraph 39 of the Guidelines. Such advice and cooperation have been provided by the Secretariat.

## **I.2 Evaluation**

### ***I.2.A Identification of the cultural property (paragraphs 55 and 56 of the Guidelines)***

10. In accordance with paragraphs 55 and 56 of the Guidelines, a map of the cultural property (Annex 5 of the request) including the UTM coordinates of its boundaries indicating the course of the property boundary was provided.
11. The area of the property was also provided, as were photographs of the property.

### ***I.2.B Article 10 (a): Greatest importance for humanity***

12. Conforming to paragraph 57 of the Guidelines, a description of the cultural property was provided (part 3.B of the request).
13. Furthermore, the Walled City of Baku, with the Shirvanshahs' Palace and Maiden Tower, was inscribed on the World Heritage List during the 24<sup>th</sup> session of the World Heritage Committee in 2000 (Decision 24COM X.C.1).
14. Thus, according to paragraph 36 of the Guidelines, the Committee may consider that, subject to other relevant considerations, the condition of 'greatest importance for humanity' has been satisfied as this cultural property is a World Heritage site.

### ***I.2.C Article 10 (b): Adequate domestic legal and administrative measures of protection***

#### ***I.2.C (i) Identification and safeguarding in accordance with Article 5 of the Second Protocol (first bullet point of paragraph 39 of the Guidelines)***

15. According to paragraph 58 of the Guidelines, a list of legal and administrative measures taken to ensure adequate protection and maintenance of the cultural property has been provided, as well as corresponding texts or a summary of those texts. A detailed analysis of the effective implementation of those measures of protection and safeguarding has also been provided.
16. General protection of the cultural property is ensured through Order No. 629 of the President of the Republic of Azerbaijan on the Establishment of Administration of State Historical-Architectural Reserve 'Icherisheher' under the Cabinet of Ministers, dated 10 February 2005 (Annex 1 of the request) and Decision No. 85 of the Cabinet of Ministers 'on the establishment of a protection buffer zone of the State Historical-Architectural Reserve "Icherisheher"', dated 25 May 2009 (Annex 2 of the request). The adoption of this decision was followed by the approval of the 'Regulations on the Legal Regime of the Protection (Buffer) Zone of Icherisheher (Old City) State Historic-Architectural Reserve', dated 22 September 2011 (Annexes 3 and 4 of the request).
17. To ensure preservation, a model Protection Agreement for Use and Preservation of Monument was approved by Decree No. 1 of the Administration of State Historical-Architectural Reserve 'Icherisheher' under the Cabinet of Ministers of the Republic of Azerbaijan, dated 12 May 2009 (Annex 13 of the request), and 'Rules on routing engineering communications, coordination of construction-reinforcement, renovation, capital repair, restoration, conservation, reconstruction and regeneration works, organization of monitoring over the performance of the enumerated works and taking over the completed facilities for exploitation' were adopted by Order No. 1 of the Administration of 'Icherisheher' State Historical-Architectural Reserve under the Cabinet of Ministers of the Republic of Azerbaijan, dated 10 January 2012 (Annex 10 of the request).
18. Furthermore, the Emergency Situations Commission was created in 2010 (Annex 11 - Order No. 162 of the Head of the Administration of 'Icherisheher', dated 20 December 2010).

19. Preparation of inventories: A list of historical and cultural monuments of universal value situated in State Historical-Architectural Reserve 'Icherisheher' was provided (Annex 20 of the request – Decision No. 132 of the Cabinet of Ministers of the Republic of Azerbaijan, dated 2 August 2011).
20. Planning of emergency measures for protection against fire or structural collapse: Such measures are ensured under the coordination of the Ministry of Emergency Situations in cooperation with the responsible bodies through regular checking of equipment (fire hydrants (Annex 9 of the request – map of hydrants), fire alarm systems and emergency exits) and practical fire training on the planning of emergency measures.
21. With regard to emergency measures, the following documents were adopted: (i) a 'Law on Fire Safety' dated 10 June 1997 (excerpt contained in Annex 19 of the request); (ii) 'Instructions for Actions of Employees of the Administration of State Historical-Architectural Reserve 'Icherisheher' in Case of Natural and Human-made Emergencies and Threats' were adopted on 26 July 2013 (Annex 12 of the request); (iii) Fire Safety Rules on the State Historical-Architectural Reserve 'Icherisheher' in 2013 (Annex 17 of the request); (iv) an 'Order about fire safety in the territory of the Reserves attached to the Unit, constructions, buildings, facilities in the use of the unit and entities', approved on 11 June 2013 (Annex 18 of the request); (v) a 'Schedule of Basic Measures in Cases of Emergence [sic] of the Danger and Occurrence of Natural Disasters, Industrial Accidents and Destructions' on 12 January 2012 (Annex 16 of the request); (vi) a 'Civil Defense Plan of the Housing Communal [sic] and Maintenance Department of the Administration of State Historical-Architectural reserve 'Icherisheher'' under the Cabinet of Ministers of the Republic of Azerbaijan" on 9 January 2012 (Annex 14 of the request); and, (vii) a 'Civil Defense Action Plan of the Housing Communal [sic] and Maintenance Service' on 12 January 2012 (Annex 15 of the request).

***1.2.C (ii) Due consideration of the protection of the cultural property in military planning and military training programs (second bullet point of paragraph 39 of the Guidelines)***

22. Instructions on the Application of the Law of Armed Conflicts in the Armed Forces of the Republic of Azerbaijan were approved on 29 December 2009 by an order of the Minister of Defense (Annex 6 of the request). The above-mentioned Instructions focus on the protection of cultural property (paragraph 1.25). In particular, they define the notion of cultural property and stress that 'cultural properties shouldn't be used for military purposes'. Paragraph 1.26 of those Instructions provides that cultural properties under special protection are those which have been included in the international register of cultural properties. It also provides for the obligation of the Parties to the conflict to avoid acts of hostility towards cultural property towards cultural property as well as use of such properties and their immediate surroundings for military purposes from the moment of their inclusion in the Register.
23. Paragraph 12.3.4. states that the designation of historical monuments, fine arts works or temples which are specially protected, clearly recognized and being spiritual and cultural heritage of the nations, as targets and their subsequent eventual exposure to large-scale attacks is considered to be a serious violation.
24. Paragraph 18.3. related to pre-combat assessment takes into account the need to protect cultural property. The same concerns paragraph 19.1.1.
25. Finally, Annex 1 to the Instructions explains the distinctive emblem under the Hague Convention and the modalities of its use.

***1.2.C (iii) Appropriate criminal legislation providing the repression of, and jurisdiction over, offenses committed against cultural property under enhanced protection within the meaning of, and in accordance with, Chapter 4 of the Second Protocol (paragraph 39 of the Guidelines)***

26. The serious violations of Article 15 (1) of the Second Protocol are covered by Articles 116.0.8.-1., 116.0.8.-2. and 116.0.8.-3 of the Criminal Code of the Republic of Azerbaijan, as amended on 11 December 2012 (Annex 8 of the request).
27. The conditions of Article 15 (2) of the Second Protocol are fulfilled by the final provision of Article 116, which provides for an imprisonment from seven up to fifteen years or life imprisonment.
28. Article 16 is covered by the provisions of Articles 11 and 12 of the above Criminal Code, which provides for territorial and extra-territorial jurisdiction (the latter under certain conditions).
29. Thus, the Committee may consider that the condition stated in Article 10 (b) of the Second Protocol has been satisfied.

***1.2.D Article 10 (c): No military use***

30. A non-military use declaration signed by the Deputy Minister of Defense on 13 November 2010 was submitted. It declares that the property, as well as its immediate surroundings, is not and will not be used for military purposes or to shield military sites (Annex 7 of the request).
31. As a consequence, the Committee may consider that the condition stated in Article 10 (c) of the Second Protocol has been satisfied.

***1.2.E Responsible authority***

32. Information was provided on the responsible authority, i.e. the Administration of State Historical-Architectural Reserve 'Icherisheher' under the Cabinet of Ministers, including the composition and the functions.

**Conclusion**

33. The Secretariat respectfully submits that the request for the granting of the Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower submitted by Azerbaijan is complete.
34. The Committee may wish to adopt the following decision:

**DRAFT DECISION 8.COM 8.1**

The Committee,

1. Recalling that Azerbaijan submitted a request for the granting of enhanced protection for the cultural property of the **Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower** in 2010,
2. Having considered document CLT-13/8.COM/CONF.203/8, part I,
3. Decides that the request is complete;
4. Further decides to grant enhanced protection to the **Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower**;
5. Adopts the following Statement of Inclusion of the said property in the List of Cultural Property under Enhanced Protection:

The cultural property of the **Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower, Azerbaijan** complies with the three conditions of Article 10 of the Second Protocol in the following ways:

- By virtue of its inscription on the World Heritage List, and in light of paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention, the **Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower** complies with the condition of being of the greatest importance for humanity;
- Protection measures have been taken and the cultural property is protected by (i) Order No. 629 of the President of the Republic of Azerbaijan on the Establishment of Administration of State Historical-Architectural Reserve 'Icherisheher' under the Cabinet of Ministers, dated 10 February 2005; (ii) Decision No. 85 of the Cabinet of Ministers 'on the establishment of a protection buffer zone of the State Historical-Architectural Reserve "Icherisheher"', dated 25 May 2009; (iii) the 'Regulations on the Legal Regime of the Protection (Buffer) Zone of Icherisheher (Old City) State Historic-Architectural Reserve', dated 22 September 2011; (iv) a model Protection Agreement for Use and Preservation of Monument approved by Decree No. 1 of the Administration of State Historical-Architectural Reserve 'Icherisheher' under the Cabinet of Ministers of the Republic of Azerbaijan, dated 12 May 2009; (v) 'Rules on routing engineering communications, coordination of construction-reinforcement, renovation, capital repair, restoration, conservation, reconstruction and regeneration works, organization of monitoring over the performance of the enumerated works and taking over the completed facilities for exploitation' adopted by Order No. 1 of the Administration of 'Icherisheher' State Historical-Architectural Reserve under the Cabinet of Ministers of the Republic of Azerbaijan, dated 10 January 2012; (vi) the creation of an Emergency Situations Commission; (vii) the preparation of inventories; (viii) the planning of emergency measures under the coordination of the Ministry of Emergency Situations; (ix) a 'Law on Fire Safety', dated 10 June 1997; (x) 'Instructions for Actions of Employees of the Administration of State Historical-Architectural Reserve 'Icherisheher' in Case of Natural and Human-made Emergencies and Threats', adopted on 26 July 2013; (xi) Fire Safety Rules on the State Historical-Architectural Reserve 'Icherisheher' in 2013; (xii) an 'Order about fire safety in the territory of the Reserves attached to the Unit, constructions, buildings, facilities in the use of the unit and entities', approved on 11 June 2013; (xiii) a 'Schedule of Basic Measures in Cases of Emergence [sic] of the Danger and Occurrence of Natural Disasters, Industrial Accidents and Destructions' dated 12 January 2012; (xiv) a 'Civil Defense Plan of the Housing Communal [sic] and Maintenance Department of the Administration of State Historical-Architectural reserve 'Icherisheher' under the Cabinet of Ministers of the Republic of Azerbaijan' on 9 January 2012; and (xv) a 'Civil Defense Action Plan of the Housing Communal [sic] and Maintenance Service' on 12 January 2012. Further, the Instruction on the Application of the Law of Armed Conflicts in the Armed Forces approved on 29 December 2009 ensures that the protection of the cultural property proposed for enhanced protection in military planning and military training programmes is taken into due consideration. Finally, by the adoption of the Criminal Code of the Republic of Azerbaijan, as amended on 11 December 2012, Azerbaijan has appropriate criminal legislation providing for the repression of, and jurisdiction over, offences committed against cultural property under enhanced protection in accordance with Chapter 4 of the Second Protocol. Consequently, the **Walled City of Baku, including the Shirvanshahs' Palace and Maiden Tower** complies with the condition of being protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection.
- By a non-military use declaration issued by the Deputy Minister of Defence on 13 November 2010 stating that the Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower is not used for military purposes or to shield military sites, the **Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower** complies with the condition according to which the Party having control over the

cultural property declare that the cultural property will not be used for military purposes or to shield military sites.

## **II. Gobustan Rock Art Cultural Landscape (Azerbaijan)**

### **II.1 Background**

35. The request for the granting of enhanced protection to this cultural property was first submitted in 2010 to the Committee at its fifth meeting (UNESCO Headquarters, November 2010). The debates on this request were adjourned until the sixth Meeting of the Committee (UNESCO Headquarters, December 2011) which considered the request and decided to refer it back to Azerbaijan to submit additional information with regard to paragraph 39 of the Guidelines (Decision 6.COM 2).
36. By the same decision, the Committee also requested the Secretariat to provide expert advice to and enhance cooperation with the Azerbaijani authorities in order to facilitate the adoption of the relevant criminal legislation and the submission of the required additional information with regard to paragraph 39 of the Guidelines. Such advice and cooperation have been provided by the Secretariat.

### **II.2 Evaluation**

#### ***II.2.A Identification of the cultural property (paragraphs 55 and 56 of the Guidelines)***

37. In accordance with paragraphs 55 and 56 of the Guidelines, a map of the cultural property including the UTM coordinates of its boundaries indicating the course of the property boundary was submitted with the request form. Maps of the three mountains situated in the cultural property (Jingirdagh Mountain, Beyukdash Mountain and Kichikdash Mountain) were provided (Annex 1 of the request).
38. Photographs of the property were provided. The area of the property is determined through an Agreement of 28 February 2007 and a presidential Decree No. 526 dated 1 August 2011 (Annex 9 of the request).

#### ***II.2.B Article 10 (a): Greatest importance for humanity***

39. Conforming to paragraph 57 of the Guidelines, a description of the cultural property was provided (part 3.B of the request).
40. Furthermore, the Gobustan Rock Art Cultural Landscape was inscribed on the World Heritage List during the 31st session of the World Heritage Committee in 2007 (Decision 31COM 8B.49).
41. Thus, according to paragraph 36 of the Guidelines, the Committee may consider that, subject to other relevant considerations, the condition of 'greatest importance for humanity' has been satisfied as this cultural property is a World Heritage site.

#### ***II.2.C Article 10 (b): Adequate domestic legal and administrative measures of protection***

##### ***II.2.C (i) Identification and safeguarding in accordance with Article 5 of the Second Protocol (first bullet point of paragraph 39 of the Guidelines)***

42. According to paragraph 58 of the Guidelines, a list of legal and administrative measures taken to ensure adequate protection and maintenance of the cultural property has been provided, as well as corresponding texts or a summary of those texts. A detailed analysis of the effective implementation of those measures of protection and safeguarding has also been provided.
43. General protection of the cultural property is ensured through an Order on the establishment of the Gobustan State Historical-Artistic Reserve (Decision No. 503 of the Council of Minister

of Azerbaijan adopted on 9 September 1966 - Annex 2 of the request). The cultural property is managed according to the Statutes of Gobustan National Preserve approved on 14 April 2009 (Annex 3 of the request). To increase the protection of the cultural property, the Order on protection of historical and cultural properties on the territory of Gobustan was adopted by Decree No. 2213 on 11 June 2007 (Annex 5 of the request). In addition, the status of national reserve was awarded to Gobustan by Decision of the Cabinet of Ministers of the Republic of Azerbaijan 'about awarding a status of a national reserve to the Gobustan State historical-artistic reserve' on 6 November 2007 (Annex 6 of the request). Furthermore, a plan of action (management: sub-plan 1: documentation and conservation; sub-plan 2: management, monitoring and maintenance; sub-plan 3: education, information and tourism) was elaborated and approved on 27 March 2006 (Annex 8 of the request).

44. Preparation of inventories: The cultural property is inscribed on an official list of monuments of global importance by Decision No. 132 dated 2 August 2001 ('Decision of the Cabinet of Ministers 'on establishment of the division of immovable historical and cultural monuments being under state protection and based on their significance degree' - Annex 4 of the request). Registers have been established. They contain information on archaeological finds situated in Gobustan and exhibited in the museum, as well as petroglyphs situated on the site. These registers have been provided with a description and explanation (Annex 4 of the request).
45. In application of the Order No. 2213 on the protection of cultural and historical property situated on the territory of Gobustan dated 11 June 2007, a series of measures have been taken, including the creation of an electronic 3D map of the site, the construction of a new museum terminated in October 2011, the establishment of an expert group (geology, botanic, zoology, archaeology, palaeontology and ethnography) to carry out the monitoring of the site. The security of the site has also been reinforced through barriers and the establishment of security police points. As a result of all the measures taken, the Museum of Gobustan was awarded the 2013 European Museum of the Year Award (Annex 10 of the request).
46. Planning of emergency measures for protection against fire or structural collapse: Such protection is ensured on the basis of the Law on Fire Safety dated 10 June 1997 (Annex 11 of the request) and in agreement with the Azerbaijan State Fire Inspection Department as well as the Rules of Preservation of the Gobustan National Reserve of History and Art. An automated fire system response was established jointly with the Ministry of Emergency Situations. Fire safety rules have been established for Gobustan (Annex 12 of the request). They comprise fire safety requirements for electric installations, fire safety facilities and equipment, evacuation routes and fire alarm systems and fire-fighters. They also forbid any open fire in the territory of Gobustan. The facilities are equipped with emergency fire extinguishing materials.
47. Electric network and devices are periodically checked for fire safety, as well as emergency exits, communication and fire-fighting equipment. Dry herbs and trees and other inflammable materials that may cause fire are taken away from the areas at risk. Gobustan has a total of 9 fire panels and 4 water reservoirs. Twice a month hydrants, fire alarm systems, emergency exits are checked. According to Order No. 01/2 of 11 January 2013 (Annex 14 of the request) signed by the Director of the National Reserve, the Emergency Commission composed of four members was established in order to prevent any accident, fire or natural disaster. The members participate in training courses organized by the Ministry of Emergency Situations to improve their skills.
48. According to Order 15/02 on civil defence exercises for leading staff of 24 January 2013 (Annex 14 of the request), managerial staff has passed special civil emergency training. Civil defence exercises are regularly organized with the personnel of the Ministry of Emergency Situations (Annex 15 of the request).
49. In November 2011, a new evacuation system was instituted (Annex 13 of the request).



***II.2.C (ii) Due consideration of the protection of the cultural property in military planning and military training programs (paragraph 39 of the Guidelines)***

50. The evaluation made for Walled City of Baku also applies to this cultural property. See paragraphs 22 to 25 above.

***II.2.C (iii) Appropriate criminal legislation providing the repression of, and jurisdiction over, offenses committed against cultural property under enhanced protection within the meaning of, and in accordance with, Chapter 4 of the Second Protocol (paragraph 39 of the Guidelines)***

51. The evaluation made for Walled City of Baku also applies to this cultural property. See paragraphs 26 to 28 above.
52. Thus, the Committee may consider that the condition stated in Article 10 (b) of the Second Protocol has been satisfied.

***II.2.D Article 10 (c): No military use***

53. A non-military use declaration signed by the Deputy Minister of Defense on 13 November 2010 (Annex 18 of the request) was submitted. It declares that the property, as well as its immediate surroundings, is not and will not be used for military purposes or to shield military sites.
54. Consequently, the Committee may consider that the condition stated in Article 10 (c) of the Second Protocol is satisfied.

***II.2.E Responsible authority***

55. Information was provided on the responsible authority. By Decision No. 503 of the Council of Ministers of Azerbaijan adopted on 9 September 1966 and Decree No. 503 of 9 September 1966, Gobustan was designated as a territorial entity that enjoys the status of a scientific research institute. The cultural property is managed by the National Reserve, which reports to the Ministry of Culture and Tourism. The National Reserve consists of four Departments (Fund, Scientific Exposition, Collective Excursion, and Development and Innovations).

**Conclusion**

56. The Secretariat respectfully submits that the request for the granting of enhanced protection to the Gobustan Rock Art Cultural Landscape submitted by Azerbaijan is complete.
57. The Committee may wish to adopt the following decision:

**DRAFT DECISION 8.COM 8.2**

The Committee,

1. Recalling that Azerbaijan submitted a request for the granting of enhanced protection for the cultural property of the **Gobustan Rock Art Cultural Landscape** in 2010,
2. Having considered document CLT-13/8.COM/CONF.203/8, part II,
3. Decides that the request is complete;
4. Further decides to grant enhanced protection to the **Gobustan Rock Art Cultural Landscape**;
5. Adopts the following Statement of Inclusion of the said property in the List of Cultural Property under Enhanced Protection:

The cultural property of the **Gobustan Rock Art Cultural Landscape, Azerbaijan** complies with the three conditions of Article 10 of the Second Protocol in the following ways:

- By virtue of its inscription on the World Heritage List, and in light of paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention, the **Gobustan Rock Art Cultural Landscape** complies with the condition of being of the greatest importance for humanity;
- Protection measures have been taken and the cultural property is protected by (i) Order on the establishment of the Gobustan State Historical-Artistic Reserve, approved by Decision No. 503 of the Council of Minister of Azerbaijan and adopted on 9 September 1966; (ii) the Statutes of Gobustan National Preserve approved on 14 April 2009; (iii) Order on protection of historical and cultural properties on the territory of Gobustan, adopted by Decree No. 2213 on 11 June 2007; (iv) Decision of the Cabinet of Ministers of the Republic of Azerbaijan ‘about awarding a status of a national reserve to the Gobustan State historical-artistic reserve’ on 6 November 2007; (v) the adoption of a management plan of action, approved on 27 March 2006; (vi) the inscription of the cultural property on an official list of monuments of global importance by Decision No. 132, dated 2 August 2001; (vii) the establishment of registers of the cultural property; (viii) the reinforcement of the security of the site in application of Order No. 2213 on the protection of cultural and historical property situated on the territory of Gobustan, dated 11 June 2007; (ix) a ‘Law on Fire Safety’, dated 10 June 1997; (x) the establishment of an automated fire system response and fire safety rules; and (xi) the organization of civil emergency training according to Order 15/02 on civil defence exercises for leading staff, dated 24 January 2013. Further, the Instruction on the Application of the Law of Armed Conflicts in the Armed Forces, approved on 29 December 2009, ensures that the protection of the cultural property proposed for enhanced protection in military planning and military training programs is taken into due consideration. Finally, by the adoption of the Criminal Code of the Republic of Azerbaijan, as amended on 11 December 2012, Azerbaijan has appropriate criminal legislation providing for the repression of, and jurisdiction over, offences committed against cultural property under enhanced protection in accordance with Chapter 4 of the Second Protocol. Consequently, the **Gobustan Rock Art Cultural Landscape** complies with the condition of being protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection.
- By a non-military use declaration issued by the Deputy Minister of Defence on 13 November 2010 stating that the Gobustan Rock Art Cultural Landscape is not used for military purposes or to shield military sites, the **Gobustan Rock Art Cultural Landscape** complies with the condition according to which the Party having control over the cultural property declare that the cultural property will not be used for military purposes or to shield military sites.

### III. Victor Horta’s Museum and Workshop (Belgium)

#### III.1 Background

58. The cultural property is submitted to the Committee for the first time.

#### III.2 Assessment

##### *III.2.A Identification of the cultural property (paragraphs 55 and 56 of the Guidelines)*

59. In accordance with paragraphs 55 and 56 of the Guidelines, a map of the cultural property (Annex 3A/1 of the request), including Universal Transverse Mercator (UTM) coordinates together with an aerial view (Annex 3A/2 of the request), floor-plan, cross-section and elevation views of the property (Annex 3B/3 of the request) have been provided.
60. The surface area and photographs have also been provided (Annexes 3B/1 and 3B/2 of the request).

**III.2.B Article 10 (a): Greatest importance for humanity**

61. In accordance with paragraph 57 of the Guidelines, a description of the cultural property has been provided (part 3.B of the request).
62. Furthermore, the cultural property was included in the World Heritage List in 2000, on the occasion of the 24th session of the World Heritage Committee (Decision 24 COM XC.1) (Annex 3E/1 of the request).
63. Therefore, in line with paragraph 36 of the Guidelines, the Committee may consider that, subject to other relevant considerations, the criterion of “greatest importance for humanity” has been met.

**III.2.C Article 10 (b): Adequate domestic legal and administrative measures of protection****III.2 C (i) Identification and safeguarding, in accordance with Article 5 of the Second Protocol (first bullet point of paragraph 39 of the Guidelines)**

64. In accordance with paragraph 58 of the Guidelines, a list of the legal and administrative measures regarding the adequate protection and maintenance of the cultural property has been provided along with the corresponding texts or a summary of the texts. Furthermore, a detailed analysis with regard to the practical implementation of the protection measures and the safeguarding of the highest level of protection has also been provided.
65. The general protection of the cultural property is provided in part by the Royal Decree of 16 October 1963 (Annex 3C/3A of the request) and in part by the Brussels Town and Country Planning Code (CoBAT) – conservation of the immovable property (Annex 3 C/2 of the request), which entered into force on 5 June 2004 and codified and integrated several orders, including the order of 4 March 1993 relating to heritage conservation and the order concerning the organic law of 22 August 1991 on town planning and urban development. The CoBAT was amended recently by the order of 14 May 2009, which became effective as from 1 January 2010.
66. Furthermore, the Monuments and Sites Directorate is responsible for the implementation of this legislation and its decrees as regards the conservation of immovable heritage in Brussels. It examines requests for the protection of immovable property, the classification or inclusion on the safeguarding list, requests for works, restoration and conservation of protected property and grant applications.
67. Preparation of inventories: inventory of the architectural heritage of Saint-Gilles Commune describes in detail the interior architectural design of the cultural property (Annex 3C/4 of the request). As the cultural property contains an important collection of works and archives relating to the Art Nouveau period as well as a library, an inventory of the furniture and works of art has been compiled (Annex 3C/6 of the request).
68. Planning for emergency measures to guard against fire hazards or structural collapse: the law of 30 July 1979 on the prevention of fires and explosions and on compulsory civil-liability insurance defines the basic standards (Annex 3C/3C of the request). These standards are described in the administrative guidelines. The law of 31 December 1963 on civil protection (Annex 3C/3B of the request) and the law of 15 May 2007 on civil security (Annex 3C/3D of the request) stipulate that civil protection includes all the civil measures and means necessary to ensure the protection of the national heritage in the event of armed conflict and to protect the property in the event of damage from disasters and other misfortunes. These general standards are divided into emergency-planning and crisis management measures at three levels (municipal, provincial and federal) depending on the extent of the emergency. The general provisions are defined in the Royal Decree of 31 January 2003 establishing the emergency plan for crisis events and situations requiring nationwide coordination or management (Annex 3C/3E of the request) and in the Royal Decree of 16 February 2006 on emergency and action plans (Annex 3C/3F of the request).

69. In addition, Victor Horta's Museum and Workshop is included among the identified risks in the general emergency and action plan of Saint-Gilles Commune.
70. Moreover, the Crisis Centre Directorate, whose duties are determined by the Royal Decree of 18 April 1988, may continuously gather, analyse and disseminate the necessary information to the political authorities, and provides its infrastructure and expertise in interdepartmental management and nationwide crisis coordination. The protection of the cultural property is also ensured by the Governor's Office of the Brussels-Capital administrative district, whose duties include civil security and emergency plans, fire services and disaster-related matters.
71. As domestic measures of protection, the cultural property is equipped with a theft and fire alarm system connected to a surveillance centre and a night-time intervention group. Extinguishers are provided at each level and smoke detectors have been placed throughout the property in agreement with the fire brigade. The facilities are maintained with great care. Owing to the age of the building, which cannot be modified to meet the standards of modern buildings, fire doors have been installed where possible in terms of the architecture and the number of visitors is limited according to the recommendations of experts (engineers and the fire brigade). The plans of the internal systems have been provided (Annex 3C/5 of the request).
72. In the event of an emergency evacuation, the removal of movable cultural properties (inventory in Annex 3C/4 of the request) and premises for storage of such items have been provided for by the Saint-Gilles Commune.
73. The Statutes of the Horta Museum have also been provided (Annex 3D/2 of the request).

***III.2.C (ii) Due consideration of the protection of the cultural property proposed for enhanced protection in military planning and military training programmes (second bullet point of paragraph 39 of the Guidelines)***

74. The texts of the Hague Convention of 1954 and its First and Second Protocols are disseminated to the armed forces via an internal database containing all of the provisions of the law of armed conflict.
75. Moreover, the protection of cultural property is one of the subjects taught in law courses on armed conflict to all levels and grades in the military hierarchy during basic and further training. The training is adapted to the level of responsibilities and knowledge necessary for the performance of their duties. The rules of the law of armed conflict, including those relating to the protection of cultural property, the rules of engagement and the rules of conduct are disseminated to the military contingents participating in missions outside the national territory.
76. On the quick reference card entitled "humanitarian rules for combatants", provided to each soldier, is the explanation of the distinctive emblem for cultural property.
77. Special attention is given to the protection of the cultural property in the training of legal advisers in armed conflicts who are responsible for advising military commanders in the units in relation to the application of the law of armed conflict, the doctrine and the teaching of the law of armed conflict.
78. In addition, knowledge of the law of armed conflict is considered to be of paramount importance for civilians. On this basis, an educational booklet has been developed on the protection of cultural property in Belgium, recalling the importance of cultural property, the main principles of international conventions in that field and the measures implemented in Belgium.
79. International humanitarian law is also disseminated by the Belgian Red Cross through public awareness activities (educational tools, events such as moot competitions in international humanitarian law, thematic campaigns in schools and universities, games for youth movements, etc.) and the training of targeted audiences (diplomatic and consular officers,

soldiers, humanitarian actors, journalists, legal actors, etc.) in the rules concerning the protection of civil property, including cultural property.

**III.2.C (iii) Appropriate criminal legislation providing for the repression of, and jurisdiction over, offences committed against cultural property under enhanced protection within the meaning of, and in accordance with, Chapter 4 of the Second Protocol (third bullet point of paragraph 39 of the Guidelines)**

80. The Act of 5 August 2003 relating to the sanctions for serious violations of international humanitarian law, as subsequently modified by the Acts of 1 April 2004 and 7 July 2006, includes the relevant criminal law provisions (Annex 3C/1 of the request) directly in the Penal Code, in Articles 136*bis* and following.
81. Serious violations of Article 15 (1) of the Second Protocol are covered by Articles 136*quater*, paragraph 3, and 136*quater* paragraphs 1, 13 and 34 of the Belgian Penal Code.
82. The conditions of Article 15 (2) of the Second Protocol are met, to the extent that any breaches of Article 15 (1), subparagraphs (a) to (c) are punished under Article 136*quinquies* ultimately by 10 to 15 years' imprisonment (second bullet point) or 15 to 20 years' imprisonment (first and third bullet points). Violations of Article 15 (1), subparagraph (d), on the other hand, can lead to sentences of imprisonment for terms of 15 to 20 years (Article 136*quinquies*, subparagraph 4 of the Penal Code). Moreover, the Penal Code, Book II, Part IX, Chapter III, prohibits the destruction, harming of or damage caused to property.
83. Article 16 (1) of the Second Protocol is covered by Article 3 of the Penal Code as well as Articles 6 paragraphs 1*bis*, 10*bis* and 12*bis* of the preliminary title of the code of criminal procedure (hereinafter TPCPP), which were introduced by the aforementioned Act of 5 August 2003.
84. Pursuant to Article 16 (1), subparagraph (a) of the Second Protocol, the Belgian courts can assert jurisdiction, under Article 3 of the Penal Code, when a breach of Article 15 (1) is committed in the territory of the Kingdom of Belgium.
85. Pursuant to Article 16 (1), subparagraph (b) of the Second Protocol, the courts can assert jurisdiction, under Article 6 paragraph 1*bis* of the TPCPP, when a breach of Article 15 (1) is committed by a Belgian national or a person whose principal place of residence is in Belgium.
86. Pursuant to Article 16 (1), subparagraph (c), of the Second Protocol, Belgian courts may establish their jurisdiction, in accordance with TPCPP Articles 10*bis* and 12*bis*, when an offence has been committed under Article 15 (1), subparagraphs (a) to (c), irrespective of the place where the offence has been committed and of the offender. Furthermore, under TPCPP Article 12, proceedings may be brought whether the defendant is in Belgium or not.
87. The Committee may therefore consider that the condition laid down in Article 10 (b) of the Second Protocol has been met.

**III.2.D Article 10 (c): Non-use for military purposes**

88. A declaration of non-use for military purposes, dated 19 February 2013 and signed by the Minister of Defence, has been submitted (Annex 3D/1 to the request). It states that the cultural property will not be used for military purposes or to shield military sites.
89. The Committee may therefore consider that the condition set forth in Article 10 (c) of the Second Protocol has been met.

**III.2.E Responsible authority(ies)**

90. Information on the responsible authorities has been provided. They are the Belgian Interministerial Commission for Humanitarian Law (CIDH) at the federal level, the Ministry of the Brussels-Capital Region (Administration of Urban Planning and Housing, Monuments and Sites Directorate) at the regional level, the College of Burgomasters and Deputy

Burgomasters of Saint-Gilles Commune at the communal level and, lastly, Saint-Gilles Commune as the management authority.

## Conclusion

91. The Secretariat proposes that the request submitted by Belgium for enhanced protection to be granted to Victor Horta's House and Workshop be considered complete.
92. The Committee may wish to adopt the following draft decision:

### DRAFT DECISION 8.COM 8.3

The Committee,

1. Having examined document CLT-13/8.COM/CONF.203/8, Part III,
2. Noting that Belgium has proposed **Victor Horta's House and Workshop** for inclusion in the International List of Cultural Property under Enhanced Protection,
3. Decides that the request is complete;
4. Further decides to grant enhanced protection to **Victor Horta's House and Workshop**;
5. Adopts the statement of inclusion of the property in the List of Cultural Property under Enhanced Protection, as follows:

The cultural property, **Victor Horta's House and Workshop, Belgium**, meets the three criteria laid down in Article 10 of the Second Protocol to the 1954 Hague Convention for the following reasons:

- By virtue of its inclusion in the World Heritage List on the basis of criteria (iii) and (iv) and pursuant to paragraph 36 of the Guidelines for the Implementation of the Second Protocol, **Victor Horta's House and Workshop** meet the "greatest importance to humanity" criterion;
- Protection measures have been taken and the cultural property is protected by (i) the provisions of the Royal Decree of 6 October 1963 in which it is listed; (ii) the Brussels Town and Country Planning Code (CoBAT) – conservation of the immovable heritage; (iii) inventory-taking (inventory of the architectural heritage of Saint-Gilles Commune and the furniture and works of art inventory); (iv) planning or emergency measures to guard against fire or structural collapse, pursuant to the law of 30 July 1979 on the prevention of fires and explosions and on compulsory civil-liability insurance, the law of 31 December 1963 on civil protection, the law of 15 May 2007 on civil security, the Royal Decree of 31 January 2003 establishing the emergency plan for crisis events and situations requiring nationwide coordination or management and the Royal Decree of 16 February 2006 on emergency and action plans; (v) measures implemented through the Crisis Centre Directorate and the Governor's Office of the Brussels-Capital administrative district in charge of civil security and emergency plans, fire services and disaster-related matters; (vi) anti-theft and anti-fire mechanisms and facilities; and (vii) the schedule for the removal of movable cultural properties in the event of evacuation (inventory of items to be evacuated and of storage provided for such items). In addition to education on the protection of cultural properties in courses on the law of armed conflict at all levels and ranks of the military hierarchy (basic and further training) and in the training of law-of-armed-conflict advisers tasked with advising military commanders, the necessary consideration is given in full in military training curricula and schemes to the protection of cultural properties proposed for enhanced protection. Lastly, in adopting the law of 5 August 2003 on prosecution for serious violations of humanitarian international law, as amended by the laws of 1 April 2004 and 7 July 2006, including relevant criminal-law provisions incorporated directly into the Penal Code, Belgium has appropriate criminal laws on the prosecution and exercise of jurisdiction over offences committed against cultural properties that are

under enhanced protection within the meaning of and in consonance with Chapter 4 of the Second Protocol. **Victor Horta's House and Workshop** therefore meet the criterion requiring the cultural property to be protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection.

- As a declaration of non-use for military purposes was signed on 19 February 2013 by the Minister of Defence stating that, in accordance with Article 10 of the Second Protocol, **Victor Horta's House and Workshop** will not be used for military purposes or to shield military sites, **Victor Horta's House and Workshop** meet the criterion requiring the Party which has control over the cultural property to confirm in a declaration that the property will not be used for military purposes or to shield military sites.

#### **IV. Neolithic Flint Mines at Spiennes (Mons) (Belgium)**

##### **IV.1 Background**

93. The cultural property is submitted to the Committee for the first time.

##### **IV.2 Assessment**

###### ***IV.2.A Identification of the cultural property (paragraphs 55 and 56 of the Guidelines)***

94. In accordance with paragraphs 55 and 56 of the Guidelines, a map of the cultural property (Annex 1.1 (a) of the request) including UTM coordinates has been provided. A plan of the research station and the mines which it overlooks have also been submitted (Annex 1.1 (b) and (c) of the request).
95. The surface area and photographs (aerial views, mines and research station: exterior, surroundings and interior) have also been provided (Annex 1.2 of the request).

###### ***IV.2.B Article 10 (a): Greatest importance for humanity***

96. In accordance with paragraph 57 of the Guidelines, a description of the cultural property has been provided (part 3.B of the request).
97. In addition, the cultural property was included in the World Heritage List in 2000 on the occasion of the 24th session of the World Heritage Committee (Decision 24 COM XC.1).
98. Therefore, in line with paragraph 36 of the Guidelines, the Committee may consider that, subject to other relevant considerations, the criterion of the "greatest importance for humanity" has been met.

###### ***IV.2.C Article 10 (b): Adequate domestic, legal and administrative measures of protection***

###### ***IV.2.C (i) Identification and safeguarding, in accordance with Article 5 of the Second Protocol (first bullet point of paragraph 39 of the Guidelines)***

99. In accordance with paragraph 58 of the Guidelines, a list of the legal and administrative measures regarding the adequate protection and maintenance of the cultural property has been provided along with the corresponding texts, or a summary of these texts. Furthermore, a detailed analysis with regard to the practical implementation of the protection measures and the safeguarding of the highest level of protection has been provided.
100. The general protection of the cultural property is provided in part by the Decree of 1 April 1999 on the conservation and protection of the heritage (Annex 2.1 (a) of the request) and a Classification Order of 7 November 1991 (Annex 2.1 (d) of the request) and, in part, by its inclusion in the list of outstanding immovable heritage of Wallonia since 1993 (orders of the Walloon Government of 29 January 2009 – Annex 2.1 (b) of the request; and 27 May 2009 –

Annex 2.1 (c) of the request). The entire area is mentioned as being a landscape of interest (extracts of the Walloon Planning, Housing, Heritage and Energy Code – Annex 2.2 (a) of the request) and the site is mentioned as land not included in housing development zones in the municipal planning regulations of the City of Mons approved on 21 April 2006 (Annex 2.2 (b) of the request).

101. Planning or emergency measures to assure protection against fire or structural collapse. The provisions relating to the Victor Horta's House and Workshop set out in paragraph 68 also apply to the Neolithic Flint Mines at Spiennes (Mons) (Annexes 2.3 (a) to (e) of the request). In addition, the cultural property is also protected by specific measures related to infrastructure (Annexes 2.5 (a) and (b) of the request) and prevention measures (Annexes 2.6 (a) and (b) of the request).

***IV.2.C (ii) Due consideration of the protection of the cultural property proposed for enhanced protection in military planning and military training programmes (second bullet point of paragraph 39 of the Guidelines)***

102. The assessment for Victor Horta's House and Workshop applies to this cultural property. See paragraphs 74 to 79 above.

***IV.2.C (iii) Appropriate criminal legislation providing for the repression of, and jurisdiction over, offences committed against cultural property under enhanced protection within the meaning of, and in accordance with, Chapter 4 of the Second Protocol (third bullet point of paragraph 39 of the Guidelines)***

103. The assessment for Victor Horta's House and Workshop applies to this cultural property. See paragraphs 80 to 86 above.
104. Therefore, the Committee may consider that the condition laid down in Article 10 (b) of the Second Protocol has been met.

***IV.2.D Article 10 (c): Non-military use***

105. A declaration of non-use for-military purposes dated 19 February 2013 and signed by the Minister of Defence, has been submitted (Annex 3.1 of the request). It states that the cultural property will not be used for military purposes or to shield military sites.
106. The Committee may therefore consider that the condition set forth in Article 10 (c) of the Second Protocol has been met.

***IV.2.E Responsible authority(ies)***

107. Information on the responsible authorities has been provided. They are (i) The Belgian Interministerial Commission for Humanitarian Law (CIDH) at the federal level, (ii) the Walloon Government Heritage Department and Property Management Department, at the regional level, and (iii) the City of Mons at the local level.

**Conclusion**

108. The Secretariat proposes that the request submitted by Belgium for enhanced protection to be granted to **the Neolithic Flint Mines at Spiennes (Mons)** be considered complete.
109. The Committee may wish to adopt the following draft decision:

**DRAFT DECISION 8.COM 8.4**

The Committee,

1. Having examined document CLT-13/8.COM/CONF.203/8, Part IV,
2. Noting that Belgium has proposed the **Neolithic Flint Mines at Spiennes (Mons)** for inclusion in the List of Cultural Property under Enhanced Protection,



3. Decides that the request is complete;
4. Further decides to grant enhanced protection to the **Neolithic Flint Mines at Spiennes (Mons)**;
5. Adopts the following statement of inclusion of the property on the List of Cultural Property under Enhanced Protection, as follows:

The cultural property, the **Neolithic Flint Mines at Spiennes (Mons)** meets the three criteria laid down in Article 10 of the Second Protocol to the 1954 Hague Convention for the following reasons:

- By virtue of its inclusion in the World Heritage List on the basis of criteria (iii) and (iv), and pursuant to paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the Hague Convention, the **Neolithic Flint Mines at Spiennes (Mons)** meet the “greatest importance for humanity” criterion;
- Protection measures have been taken and the cultural property is protected by (i) the Decree of 1 April 1999 on the conservation and protection of the heritage; (ii) a classification order of 7 November 1991; (iii) its inclusion in the list of outstanding immovable heritage of Wallonia since 1993 (orders of the Walloon Government of 29 January 2009; (iv) the Walloon Planning, Housing, Heritage and Energy Code; (v) the municipal planning regulations of the City of Mons approved on 21 April 2006; and (vi) planning or emergency measures to assure protection against fire or structural collapse pursuant to the law of 30 July 1979 on the prevention of fires and explosions and on compulsory civil-liability insurance, the law of 31 December 1963 on civil protection, the law of 15 May 2007 on Civil Security, the Royal Decree of 31 January 2003 establishing the emergency plan for crisis events and situations requiring nationwide coordination or management and the Royal Decree of 16 February 2006 on emergency and action plans. In addition to education on the protection of cultural properties in courses on the law of armed conflict at all levels and ranks of the military hierarchy (basic and further training) and in the training of law-of-armed-conflict advisers tasked with advising military commanders, the necessary consideration is given in full in military training curricula and schemes to the protection of cultural properties proposed for enhanced protection. Lastly, in adopting the law of 5 August 2003 on prosecution for serious violations of humanitarian international law, as amended by the laws of 1 April 2004 and 7 July 2006, including relevant criminal-law provisions incorporated directly into the Penal Code, Belgium has appropriate criminal laws on the prosecution and exercise of jurisdiction over offences committed against cultural properties that are under enhanced protection within the meaning of and in consonance with Chapter 4 of the Second Protocol. **Neolithic Flint Mines at Spiennes (Mons)** therefore meet the criterion requiring the cultural property to be protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection.
- As a declaration of non-use for military purposes was signed on 19 February 2013 by the Minister of Defence stating that, in accordance with Article 10 of the Second Protocol, the **Neolithic Flint Mines at Spiennes (Mons)** will not be used for military purposes or to shield military sites, the **Neolithic Flint Mines at Spiennes (Mons)** meet the criterion requiring the Party which has control over the cultural property to confirm in a declaration that the property will not be used for military purposes or to shield military sites.

## **V. Plantin-Moretus House-Workshops-Museum Complex (Belgium)**

### **V.1 Background**

110. The cultural property is submitted to the Committee for the first time.

### **V.2 Assessment**

#### ***V.1.A Identification of the cultural property (paragraphs 55 and 56 of the Guidelines)***

111. In accordance with paragraphs 55 and 56 of the Guidelines, a map of the cultural property (Annex 3A1) of the request) including UTM coordinates and an aerial view (Annex 3A/2 of the request) have been provided.

112. The surface area and photographs have also been provided (Annex 3B/1 of the request).

#### ***V.2.B Article 10 (a): Greatest importance for humanity***

113. In accordance with paragraph 57 of the Guidelines, a description of the cultural property has been provided (part 3.B of the request).

114. Furthermore, the cultural property was included in the World Heritage List in 2005 on the occasion of the 29th session of the World Heritage Committee (Decision 29 COM 8B.36) (Annex 3C/18 of the request).

115. Therefore, in line with paragraph 36 of the Guidelines, the Committee may consider that, subject to other relevant considerations, the criterion of the “greatest importance for humanity” has been met.

#### ***V.2.C Article 10 (b): Adequate domestic, legal and administrative protection measures***

##### ***V.2.C (i) Identification and safeguarding in accordance with Article 5 of the Second Protocol (first bullet point of paragraph 39 of the Guidelines)***

116. In accordance with paragraph 58 of the Guidelines, a list of the legal and administrative measures regarding the adequate protection and maintenance of the cultural property has been provided along with the corresponding texts, or a summary of the texts. Furthermore, a detailed analysis with regard to the practical implementation of the protection measures and the safeguarding of the highest level of protection has also been provided.

117. The general protection of the cultural property is provided by the Decree of 3 March 1976 concerning protection of monuments and urban and rural sites (Annex 3C/5 of the request). This Decree contemplates the conservation, management and restoration of monuments and urban and rural sites of value. An obligation to maintain and conserve is associated with protection (Order of the Flemish Government of 17 November 1993 establishing the general requirements concerning the conservation and maintenance of monuments and urban and rural sites). The Flemish Authority offers financial assistance to support owners and managers of cultural property (Order of the Flemish Government of 14 December 2001 establishing a system of subsidies for restoration works on protected monuments and Order of the Flemish Government of 14 July 2004 establishing a maintenance subsidy for monuments and urban and rural sites). The cultural property has been protected as a monument since 25 March 1938 for historical and artistic reasons (Annex 3C/6 of the request). This protection was extended to the entire building and the interior on 10 July 1997 (Annex 3C/7 of the request).

118. In addition, the Decree on the Protection of the Cultural Heritage of Special Interest of 24 January 2003 (Decree on Key Items) governs the protection of the principal movable cultural heritage which, because of its exceptional archaeological, historical, historic-cultural, artistic or scientific significance for the Flemish Community, must be kept in Flanders (Annex 3C/8 of the request). This protection means establishing a limited list of rare and essential

items in Flanders to which the Decree on Key Items applies. Protection measures are applied to these items and restoration subsidies may be requested. The movable cultural property concerned is included in several lists of key items (Annexes 3C/9, 3C/10, 3C/11, 3C/12 and 3C/13 of the request).

119. In addition, Plantin-Moretus Museum has been accredited as a museum since 15 February 1999 (Annex 3C/15 of the request) by virtue of the Decree of 23 May 2008 concerning the development, organization and subsidizing of the Flemish cultural heritage policy and the Decree on the Cultural Heritage which governs the issue of quality labels to cultural heritage institutions (Annex 3C/14 of the request).
120. Lastly, the archives of the Plantin-Moretus Museum have been included in the UNESCO Memory of the World Register since 2001 (Annexes 3C/16 and 3C/17 of the request).
121. Preparation of inventories: an inventory of the basic collection of movable property and decorative items is provided in the Enhanced Protection Request Form. It includes items of interior decoration, furniture, domestic/household equipment, sculptures, paintings, typographic collections, graphic collections, archives, the library, the E. Verhaeren Fund and the Max Horn collection. The inventories of art collections and the collection of sketches and prints have been provided (Annex 3C/1 of the request) as have archive catalogues (Annexes 3C/2, 3C/3 and 3C/4 of the request). They may all be consulted via the Internet.
122. Planning of emergency measures to assure protection against fire or structural collapse. The provisions relating to Victor Horta's House and Workshop set out in paragraph 68 also apply to the Plantin-Moretus Museum.
123. Moreover, the - Crisis Centre Directorate, whose duties are determined by the Royal Decree of 18 April 1988, may continuously gather, analyse and disseminate the necessary information to the political authorities and provides its infrastructure and expertise in interdepartmental management and nationwide crisis. The protection of the cultural property is also ensured by the Governor's Office of the Province of Anvers, whose duties include civil security and emergency plans, fire services disaster-related matters.
124. A detailed disaster plan was drawn up in 2008 specifically for the Plantin-Moretus Museum (Annex 3C/25 of the request) and is regularly updated. It seeks to ensure maximum safety for visitors, staff and the collection, and clearly allocates everyone's responsibilities in the event of fire, water damage, emergency medical situations, assault, theft or presumption of theft, attack, power cut, damage to the building or windows, bomb alert and suspicious packages. Participation in training and regular evacuation drills are organized by the Museum Director. Each year, the necessary resources in terms of emergency equipment (first aid and evacuation) and rescue equipment for the collection are included in the Museum's budget.
125. In the event of the need for evacuation, the Museum's disaster plan sets out a list of priorities for the evacuation of movable property depending on the number of persons available to help.
126. The Plantin-Moretus Museum also has had the benefit of the services of the Monuments Surveillance and Guarding Agency in Flanders since 1991, which allows thorough inspection of the cultural property, a report on the state of the building, urgent repairs of minor damage, if necessary, advice in upkeep, facilitation of measures to be taken, and, lastly, distribution of general information on preservation of the heritage.

***V.2.C (ii) Due consideration of the protection of the cultural property proposed for enhanced protection in military planning and military training programs (second bullet point of paragraph 39 of the Guidelines)***

127. The assessment for the Victor Horta's House and Workshop applies to this cultural property. See paragraphs 74 to 79 above.

***V.2.C (iii) Appropriate criminal legislation providing for the repression of, and jurisdiction over, offenses committed against cultural property under enhanced protection within the meaning of, and in accordance with, Chapter 4 of the Second Protocol (third bullet point of paragraph 39 of the Guidelines)***

128. The assessment for the Victor Horta's House and Workshop applies to this cultural property. See paragraphs 80 to 86 above.
129. The Committee may therefore consider that the condition set out in article 10 (b) of the Second Protocol has been met.

***V.2.D Article 10 (c): Non-use for military purposes***

130. A declaration of non-use for military purposes, dated 19 February 2013 and signed by the Minister of Defence, has been submitted (Annex 3D/1 to the request). It states that the cultural property will not be used for military purposes or to shield military sites.
131. The Committee may therefore consider that the condition set forth in Article 10 (c) of the Second Protocol has been met.

***V.2.E Responsible authority/authorities***

132. Information on the responsible authorities has been provided. They are at the federal level the Belgian Interministerial Commission for Humanitarian Law (CIDH), at Flanders level, the Flanders Heritage Agency and the Arts and Heritage Agency, at municipal level, the College of Burgomasters and Deputy Burgomasters of the City of Antwerp, also acting as management authority of the Plantin-Moretus Museum/Prints Office.

**Conclusion**

133. The Secretariat proposes that the request submitted by Belgium for enhanced protection to be granted to the **Plantin-Moretus House-Workshops-Museum Complex** be considered complete.

134. The Committee may wish to adopt the following draft decision:

#### **DRAFT DECISION 8.COM 8.5**

The Committee,

1. Having examined document CLT-13/8.COM/CONF.203/8, Part IV,
2. Noting that Belgium has proposed the **Plantin-Moretus House-Workshops-Museum Complex** for inclusion in the List of Cultural Property under Enhanced Protection,
3. Decides that the request is complete;
4. Further decides to grant enhanced protection to the **Plantin-Moretus House-Workshops-Museum Complex**;
5. Adopts the statement of inclusion of the property in the List of Cultural Property under Enhanced Protection, as follows:

The cultural property, **Plantin-Moretus House-Workshops-Museum Complex**, meets the three criteria laid down in Article 10 of the Second Protocol to the 1954 Hague Convention for the following reasons:

- By virtue of its inclusion in the World Heritage List on the basis of criteria (iii) and (iv) and pursuant to paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the Hague Convention, the **Plantin-Moretus House-Workshops-Museum Complex** meets the “greatest importance for humanity” criterion;
- Protection measures have been taken and the cultural property is protected (i) by the Decree of 3 March 1976 governing the protection of monuments and urban and rural sites; (ii) the Order of the Flemish Government of 17 November 1993 establishing the general requirements concerning the conservation and maintenance of monuments and urban and rural sites; (iii) the Order of the Flemish Government of 14 December 2001 establishing a system of subsidies for restoration works on protected monuments; (iv) the Order of the Flemish Government of 14 July 2004 establishing a maintenance subsidy for monuments and urban and rural sites; (v) its status as a monument for historical and artistic reasons; the Decree on the Protection of the Cultural Heritage of Special Interest of 24 January 2003 (Decree on Key Items); (vi) its accreditation as a museum since 15 February 1999; (vii) its inclusion in the UNESCO Memory of the World Register since 2001; (viii) preparation of inventories (inventory of the basic collection of movable property and decorative items; inventories of the art collection and the collection of sketches and prints); (ix) planning or emergency measures to guard against fire or structural collapse, pursuant to the law of 30 July 1979 on the prevention of fires and explosions and on compulsory civil-liability insurance, the law of 31 December 1963 on civil protection, the law of 15 May 2007 on civil security, the Royal Decree of 31 January 2003 establishing the emergency plan for crisis events and situations requiring nationwide coordination or management and the Royal Decree of 16 February 2006 on emergency and action plans; (x) measures implemented through the Crisis Centre Directorate and the Governor of the Province of Anvers in charge of civil security and emergency plans, fire services and disaster-related matter; and (xi) a specific disaster plan drawn up in 2008 for the Museum designed to guarantee safety and including measures to be taken in the event of the need for evacuation. In addition to education on the protection of cultural properties in courses on the law of armed conflict at all levels and ranks of the military hierarchy (basic and further training) and in the training of law-of-armed-conflict advisers tasked with advising military commanders, the necessary consideration is given in full in military training curricula and schemes to the protection of cultural properties proposed for enhanced protection. Lastly, in adopting the law of 5 August 2003 on prosecution for serious violations of humanitarian international law, as amended by the laws of 1 April 2004 and 7 July

2006, including relevant criminal-law provisions incorporated directly into the Penal Code, Belgium has appropriate criminal laws on the prosecution and exercise of jurisdiction over offences committed against cultural properties that are under enhanced protection within the meaning of and in consonance with Chapter 4 of the Second Protocol. **Plantin-Moretus House-Workshops-Museum Complex** therefore meet the criterion requiring the cultural property to be protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection.

- As a declaration of non-use for military purposes was signed on 19 February 2013 by the Minister of Defence stating that, in accordance with Article 10 of the Second Protocol, the **Plantin-Moretus House-Workshops-Museum Complex** will not be used for military purposes or to shield military sites, the **Plantin-Moretus House-Workshops-Museum Complex** meets the criterion requiring the Party which has control over the cultural property to confirm in a declaration that the property will not be used for military purposes or to shield military sites.