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CLT-14/9.COM/CONF.203/10
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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

Ninth meeting
UNESCO Headquarters, Paris
18 to 19 December 2014

Item 12 of the Provisional Agenda:
**Modification of the Rules of Procedure of the Committee (election and
composition of the Committee's Bureau)**

The present document is a follow-up on Decision 8.COM 11 on the Amendment to the Rules of Procedure of the Committee. It proposes an amendment to Article 16.1 of the Rules of Procedure of the Committee concerning the duration of the term of office of Bureau members and the timing of their election.

Draft Decision: Paragraph 17.

1. At its eighth meeting, in 2013, the Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “the Committee”) examined document CLT-13/8.COM/CONF.203/11 on amendments to the Committee’s Rules of Procedure. The document noted that experience of previous meetings of the Committee had revealed the need for a review of the timing of the election of the Bureau and the duration of its term of office. Therefore, Decision 8. COM 11 invited:

“the Bureau to further consider the issues of the election timing and the composition of the Bureau and suggest proposals, as appropriate, to amend Section VII of the Rules of Procedure of the Committee”.

2. As matters stand, under the procedure defined in Rule 16.1 of the Rules of Procedure of the Committee (hereinafter “the Rules of Procedure”), the Bureau members (six) are elected at the beginning of each ordinary session from amongst the Committee members (twelve), and remain in office until the election of the Bureau at the following ordinary session of the Committee. Bureau members therefore serve a one-year term.
3. Amendments to Section VII of the Rules of Procedure may concern the length of the Bureau members’ term of office and the timing of elections to the Bureau.

I. Duration of the term of office of Bureau members

4. Bureau members’ term of office may either be maintained at one year or lengthened to two years.
5. If the Bureau members’ term of office were to be extended from one to two years, the appropriate amendment to the Rules of Procedure should come into effect in a year where the membership of the Committee was to be renewed for the Meeting of States Parties to the Second Protocol of 1999 – that is to say, an uneven year. In this way the renewal of Bureau members would coincide with the renewal of six Committee members and would enable Bureau members elected for two years to perform their duties until the end of their term of office and would thus enable continuity in their term.

II. Election of Bureau members

6. The election of Bureau members may be maintained at the beginning of each ordinary session of the Committee, or moved to the end of each ordinary session of the Committee.
7. When Bureau members are elected at the beginning of each ordinary session of the Committee, they are unable, at the subsequent ordinary session of the Committee, to perform their respective responsibilities as initiated during their term of office. This practice differs from that followed by the intergovernmental committees of the 1972, 2003 and 2005 Conventions whereby the Committee’s Bureau is elected at the end of each ordinary session¹. In amending the Rules of Procedure of the Committee to this end, by opting for an election at the end of each ordinary session of the Committee, the Bureau members would be able to present their work to the Committee at the ordinary session of the Committee following that of their election.

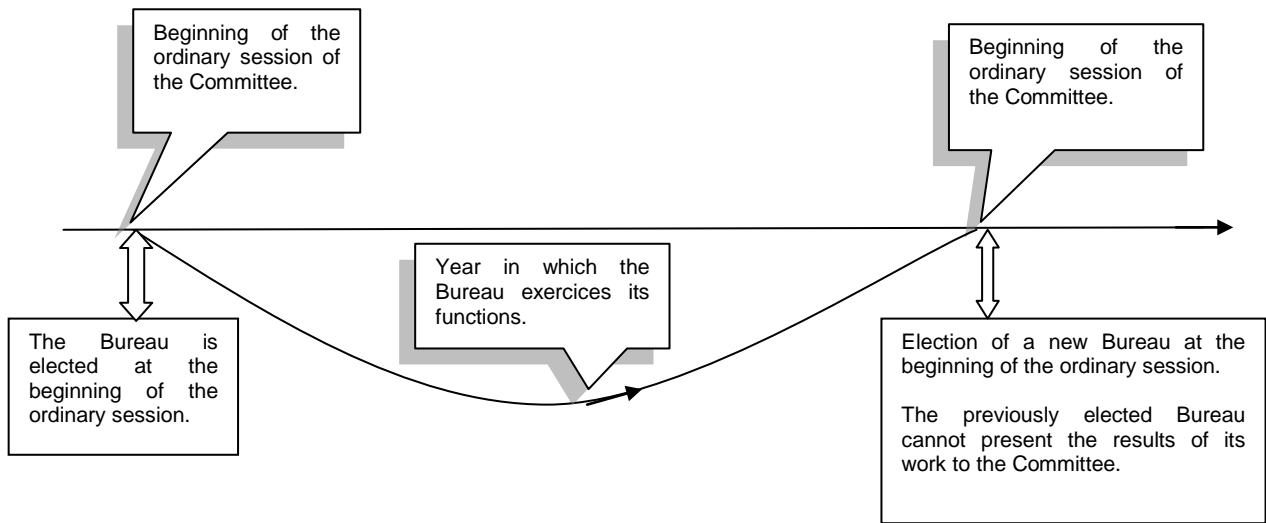
III. Conclusion

8. Accordingly, there are four proposed amendments to Section VII of the Committee’s Rules of Procedure. During the informal consultation between the Secretariat and the Bureau of the Committee that took place on 25 September 2014, the Secretariat presented these proposals of modifications to the Bureau of the Committee, which expressed its preference for proposal No. 2.

¹ Document CLT-13/8.COM/CONF.203/11, particularly paragraphs 4 and 5. Available at: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/11-8COM-amendment-RP-EN_20131014.pdf (consulted on 13 May 2014).

Proposal No. 1

9. Members of the Bureau shall be elected at the beginning of each ordinary session of the Committee for a period of one year.



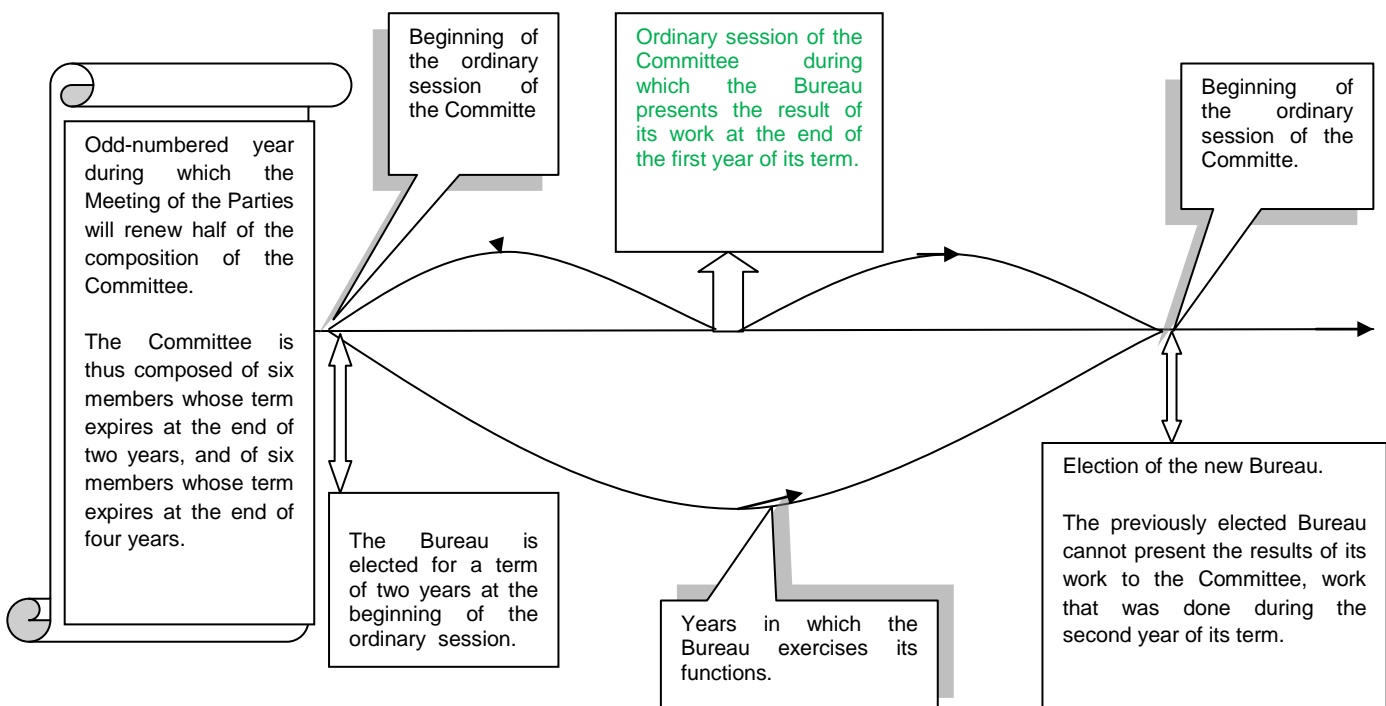
10. As a result, the Rules of Procedure would remain unchanged:

“16.1 The Committee, at the beginning of each ordinary session, shall elect, from amongst those members whose term continues until the election of the Bureau at the next ordinary session, a Chairperson, four Vice-Chairpersons and a Rapporteur.”

This proposal is doubly disadvantageous, as it prevents the Bureau from completing its projects and does not ensure its stability over time.

Proposal No. 2

11. Members of the Bureau shall be elected at the beginning of each ordinary session of the Committee for a period of two years.



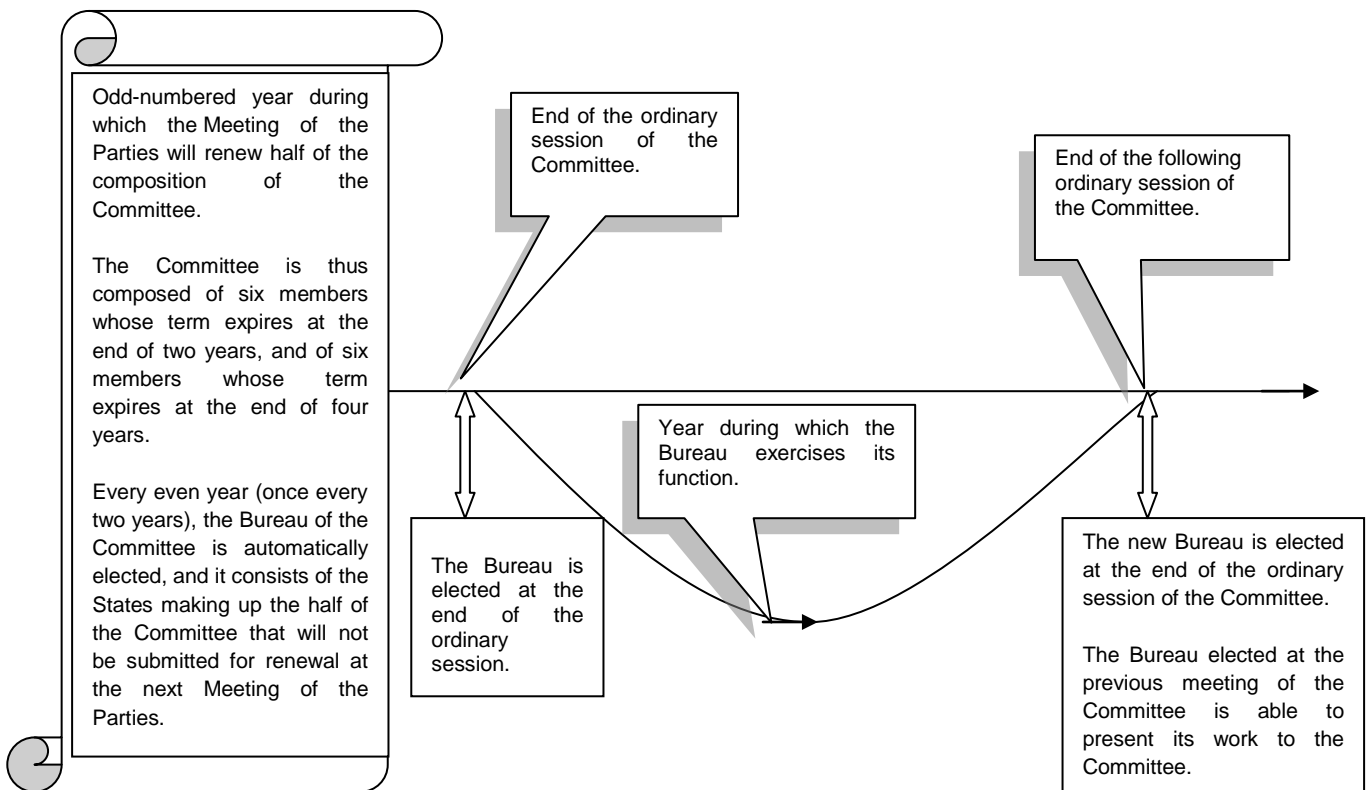
12. As a result, the Rules of Procedure would be amended as follows:

~~“16.1 The Committee, at the beginning of each ordinary session~~ **Every two years, at the beginning of its ordinary session**, the Committee shall elect, from amongst the members ~~those members whose term continues until the election of the Bureau at the next ordinary session~~, a Chairperson, four Vice-Chairpersons and a Rapporteur. **The Chairperson, four Vice-Chairpersons and the Rapporteur shall remain in office until the next election of the Bureau.**”

This proposal ensures more stability for the Bureau.

Proposal No. 3

13. Members of the Bureau shall be elected at the end of each ordinary session of the Committee for a period of one year.



14. As a result, the Rules of Procedure would be amended as follows:

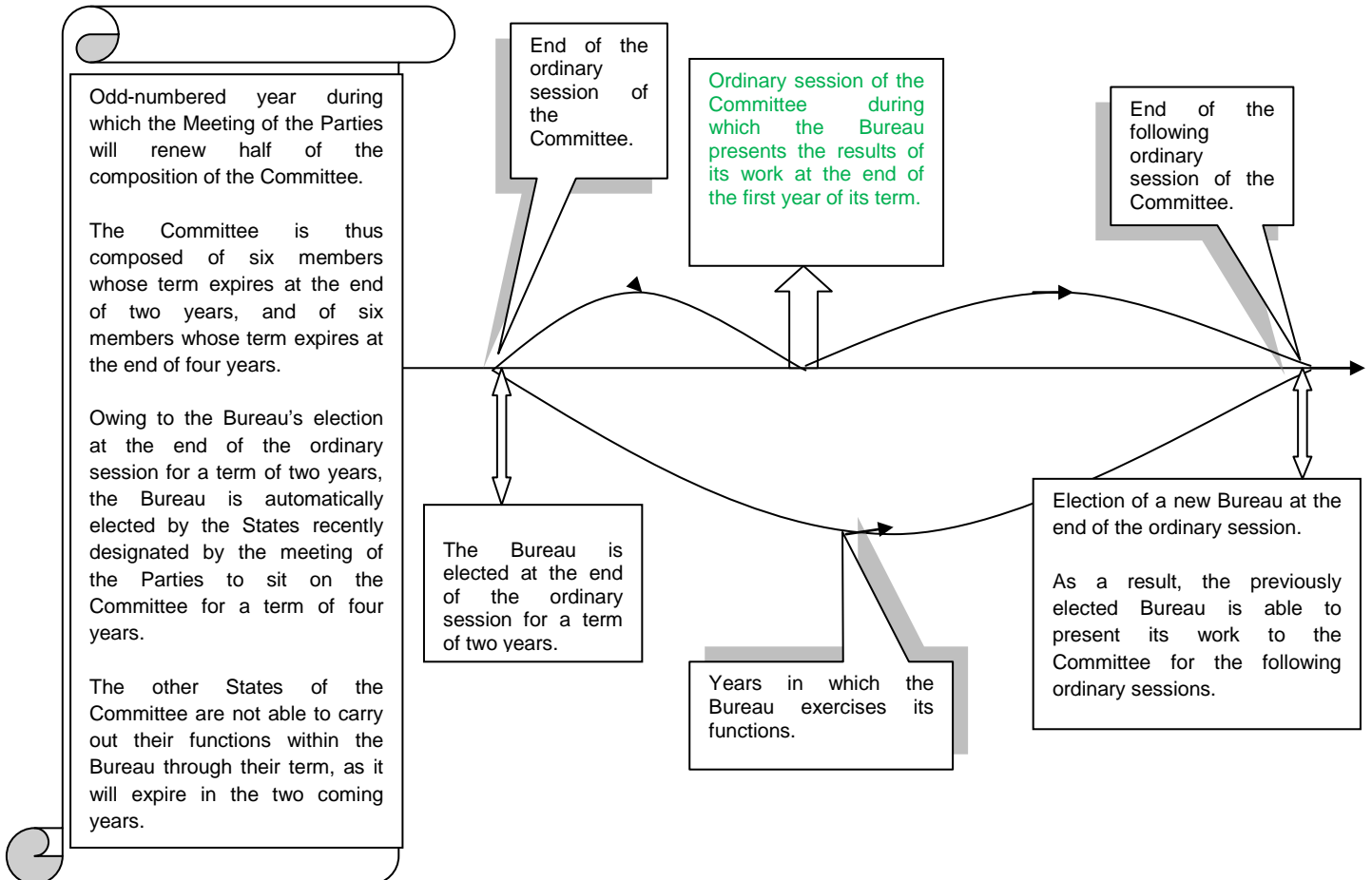
~~“16.1 The Committee, at the beginning of each ordinary session~~ **at the end of each ordinary session**, shall elect, from amongst those members whose ~~term continues until the election of the Bureau~~ **term continues until the next ordinary session**, a Chairperson, four Vice-Chairpersons and a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

This proposal allows the Bureau to complete its tasks, but results in the automatic election of the Bureau once every two years (in the year preceding the partial renewal of the Committee). Since half of the Committee members (12) would be renewed the following year, outgoing Committee members are not eligible to stand for election to the Bureau (as there is no guarantee that they would be able to serve until the end of the following session of the Committee). As a result, members of the Bureau would be automatically elected from

amongst those members whose terms will not expire on the renewal of half of the Committee members.

Proposal No. 4

15. Members of the Bureau shall be elected at the end of each ordinary session of the Committee for a period of two years.



16. As a result, the Rules of Procedure would be amended as follows:

~~“16.1 The Committee, at the beginning of each ordinary session~~ **Every two years, at the end of the ordinary session, the Committee shall elect, from amongst those members whose term continues until the election of the Bureau at the next ordinary session, the members** a Chairperson, four Vice-Chairpersons and a Rapporteur. **The Chairperson, four Vice-Chairpersons and the Rapporteur shall remain in office until the next election of the Bureau.”**

This proposal allows the Bureau to have the stability it needs to successfully complete its tasks, for example, but as a result, it would be automatically formed by States newly elected to the Committee, since they are the only members able to serve for a period of two years.

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

DRAFT DECISION 9.COM 10

The Committee,

1. Having examined document CLT-14/9.COM/CONF.203/10,
2. Considers that proposal No.[...], as contained in the conclusions of document CLT-14/9.COM/CONF.203/10, is the most relevant;
3. Amends Rule 16.1 of the Rules of Procedure, in accordance with Proposal No. 2, with entry into force from its tenth meeting in 2015. As a result, Rule 16.1 of the said Rules of Procedure shall read as follows: