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Organización
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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

6 SP

CLT-15/6.SP/CONF.202/3
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**SECOND PROTOCOL TO THE HAGUE CONVENTION OF 1954
FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

SIXTH MEETING OF THE PARTIES

UNESCO Headquarters, Paris
8 (p.m.) and 9 December 2015

Item 8 of the Provisional Agenda:
**Approval of amendments to the Guidelines for the Implementation of the Second
Protocol to the Hague Convention:**
Immediate surroundings

This document contains amendments to the Guidelines for the Implementation of the Second Protocol to the 1954 Convention with regard to cultural property and its immediate surroundings proposed by the Committee by its Decision 9. COM 5 at its ninth meeting (18-19 December 2014)

Draft Decision: paragraph 6

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 (hereinafter referred to as “the Guidelines”) developed by the Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “the Committee”).
2. At its ninth meeting, the Committee having examined the document CLT-14/9.COM/CONF.203/5¹ concerning the relevant principles for the determination of the immediate surroundings of cultural property according to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Second Protocol, recommended to the Meeting of the Parties to consider at its sixth Meeting in 2015 the proposals for the amendment of the Guidelines as contained in Annex 1 of the present document in order to endorse them, as appropriate and to amend them accordingly.
3. Article 11(7) of the Second Protocol states that a decision to grant or deny enhanced protection by the Committee may only be made on the basis of the three criteria of Article 10 of the Second Protocol. Therefore, requests to grant enhanced protection must be evaluated in strict accordance with these criteria.
4. However, this principle was not duly respected under the Guidelines. Although Article 10(c) of the Second Protocol does not refer to the notion of “immediate surroundings”, respective paragraphs 55, 59 and 77 of the Guidelines related to the content of the application for the granting of enhanced protection and the inscription in the List of Cultural Property under Enhanced Protection, respectively, include this notion. Thus to avoid any contradiction between Article 10 of the Second Protocol and the above paragraphs, it is proposed to amend the relevant paragraphs of the Guidelines by deleting the reference to the notion of “immediate surroundings”.
5. By Decision 9.COM 5 of the ninth meeting of the Committee recommended to the meeting of the Parties to consider at its sixth meeting in 2015 proposals of amendments to the Guidelines as contained in Annex 1 in order to endorse them, as appropriate, and to amend those Guidelines accordingly.
6. As a consequence the Meeting of Parties may wish to adopt the following decision:

DRAFT DECISION 6.SP 3

The Meeting of the Parties,

1. Having examined document CLT-15/6.SP/CONF.202/3,
2. Welcoming the Committee’s improvements and proposed revision to the Guidelines,
3. Thanking the Secretariat for preparing this document,
4. Decides to amend the Guidelines as proposed in the Annex to the above-mentioned document.

¹ See: <http://unesdoc.unesco.org/images/0023/002304/230491E.pdf> (accessed on 19 February 2015)

Annex 1**Proposals of amendments to paragraphs 55, 59 and 77 of the Guidelines for the implementation of the 1999 Second Protocol**

<u>Guidelines for the implementation of the Second Protocol</u>	<u>Proposed amendments</u>
<p>55. The boundaries of an immovable cultural property and its immediate surroundings are clearly defined, and the Universal Transverse Mercator (“UTM”) 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.</p>	<p>55. The boundaries of an immovable cultural property and its immediate surroundings are clearly defined, and the Universal Transverse Mercator (“UTM”) 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.</p>
<p>59. The Party describes the use of the cultural property. It provides all relevant information to establish that the property is not used for military purposes or to shield military sites. In addition, a 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 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).</p>	<p>59. The Party describes the use of the cultural property. It provides all relevant information to establish that the property is not used for military purposes or to shield military sites. In addition, a 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 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).</p>
<p>77. Each cultural property is inscribed in one of the two divisions. Information about the cultural property and the scope of its protection is provided as follows:</p> <ul style="list-style-type: none"> (a) name and identification of the cultural property; (b) description of the cultural property; (c) location, boundaries and immediate surroundings of the cultural property; (d) other relevant information. 	<p>77. Each cultural property is inscribed in one of the two divisions. Information about the cultural property and the scope of its protection is provided as follows:</p> <ul style="list-style-type: none"> (a) name and identification of the cultural property; (b) description of the cultural property; (c) location and boundaries and immediate surroundings of the cultural property; (d) other relevant information.