



United Nations
Educational, Scientific and
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pour l'éducation,
la science et la culture

**FOURTH MEETING OF THE COMMITTEE
FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

**(UNESCO, 27 – 29 May, 10 a. m. – 6 p. m.)
ROOM II (Fontenoy Building)**

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The current text is the outcome of the informal drafting meetings of the Bureau of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (“the Committee”) (UNESCO, 12 – 14 November 2008 and Helsinki, Finland, 5 -6 February 2009, respectively). The relevant Annexes are to be verified by the Secretariat in light of the modifications of the text.

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6. International Assistance [and the Fund for the Protection of Cultural Property in the Event of Armed Conflict]	
<p>1. In order to strengthen international protection of cultural property, the Second Protocol distinguishes the following different forms of assistance:</p> <ul style="list-style-type: none"> a) International assistance provided by the Committee (Article 32 of the Second Protocol); b) Financial and other assistance from the Fund for the Protection of Cultural Property in the Event of Armed Conflict (“the Fund”) (Article 29 of the Second Protocol); c) Technical assistance provided by UNESCO (Article 33 of the Second Protocol); and, d) Technical assistance provided by the Parties through the Committee (Article 32 of the Second Protocol) e) Technical assistance provided by the Parties at bi- or multilateral level (Article 33 of the Second Protocol). 	Articles 29, 32 and 33 of the Second Protocol
<p>2. All Parties may request international assistance from the Committee, the Fund or UNESCO. The granting of international assistance is not, however, automatic and depends on the compliance with the conditions set forth by the Second Protocol and the relevant parts of the present Guidelines.</p>	
6.1 International assistance provided by the Committee	
6.1.1 Scope of international assistance	
<p>3. International assistance is assistance requested by a Party and provided by the Committee for cultural property under enhanced protection.</p>	Articles 32 and 3(2) of the Second Protocol
<p>4. In exceptional cases, international assistance may be requested by a Party for cultural property under general protection which is submitted for inclusion in the List of Cultural Property under Enhanced Protection if the Committee has concluded that the requesting Party cannot fulfil the criteria of Article 10(b) of the Second Protocol.</p>	Article 11 (8) of the Second Protocol
<p>5. A party to the conflict which is not a Party to the Second Protocol but which</p>	Article 3(2) of the

<p>accepts and applies provisions in accordance with Article 3, paragraph 2, of the Second Protocol may request appropriate international assistance from the Committee.</p>	<p>Second Protocol</p>
<p>6. International assistance may take place in peacetime; during armed conflict or at the end of hostilities. Non-State Parties, which are parties to a conflict and accept and apply the provisions of the Second Protocol, may, however, benefit from the international assistance only during the conflict as long as they accept and apply the Second Protocol.</p>	<p>Article 32(2) of the Second Protocol</p>
<p>7. International assistance is in principle complementary to national measures taken by a Party for the protection of its cultural property under enhanced protection.</p>	
<p>8. The Committee has the possibility of using the Fund for financing international assistance.</p>	
<p>6.1.2 Forms of international assistance</p>	
<p>9. The Committee assesses the requests for international assistance and in case of approval co-ordinates this assistance.</p>	
<p>10. International assistance may be of technical or consultative character, covering in particular administrative, legal, military and practical aspects of the protection of cultural property.</p>	
<p>11. International assistance is granted for the following purposes :</p> <ul style="list-style-type: none"> a) Protection in times of peace: preparatory measures b) Protection immediately before or during a conflict: emergency measures c) Protection after a conflict: recovery measures 	
<p>12. Preparatory measures take place in times of peace. Their essential purpose is threefold:</p> <ul style="list-style-type: none"> a) to support Parties' overall domestic sustainable efforts related to cultural property under enhanced protection; b) to contribute to the preparation and development of administrative or institutional measures, provisions and structures for the safeguarding of 	<p>Article 5 of the Second Protocol</p>

<p>cultural property under enhanced protection; and,</p> <p>c) to contribute to the preparation, development or implementation of the laws, administrative provisions and measures recognizing the exceptional cultural and historic value and ensuring the highest level of protection of cultural property to be nominated for enhanced protection. Examples of possible measures are listed in Table 2 of the Annex.</p>	<p>Article 10(b) of the Second Protocol</p>
<p>13. Emergency measures are of the highest priority. Their principal purpose is to ensure the adequate protection of the cultural property concerned and to prevent its deterioration, destruction or looting. Examples of possible measures are listed in Table 2 of the Annex.</p>	<p>Article 10(b) of the Second Protocol</p>
<p>14. Recovery measures are taken after a conflict. Their essential purpose is to ensure the preservation and conservation of cultural property damaged in connection with the conflict as well as the return of the cultural property which has been removed in accordance with Article 5 of the Second Protocol. Examples of possible measures are listed in Table 2 of the Annex.</p>	<p>Article 5 of the Second Protocol</p>
<p>6.1.3 Priorities and principles for international assistance</p>	
<p>15. While considering requests for international assistance, and taking into account special needs of Parties' belonging to the least developed countries, priority is given upon the emergency or the preventive nature of the request.</p>	
<p>16. The Committee's decisions in granting international assistance may be among others guided by the following considerations:</p> <ul style="list-style-type: none"> a) the probability that the assistance will have a catalytic and multiplier effect (“seed money”) and promote financial and technical contributions from other sources; b) whether the legislative, administrative and, wherever possible, financial commitment of the recipient Party is available to the activity; c) the impact of the activity on furthering the Objectives set out by the meeting of State Parties in the guidelines concerning use of the Fund ; d) the exemplary value of the activity; and, e) the cost efficiency of the activity. 	
<p>17. Further guidance for requests concerning international assistance and</p>	

description of the process of the granting of such assistance is provided in detail below in Chapter ... of these Guidelines.	
6.2 Technical Assistance of the Parties through the Committee	
18. Parties are encouraged to provide technical assistance of all kinds, through the Committee, to those Parties or parties to the conflict who request it.	Article 32(4) of the Second Protocol
19. Assistance provided by the Parties through the Committee may concern all cultural property and it may be applied in times of peace or immediately before or during or after a conflict. Forms of technical assistance are defined by the Parties offering assistance. The Meeting of the Parties and the Committee may also give recommendations concerning such technical assistance.	
20. Non-State Parties, which are parties to a conflict and accept and apply the provisions of the Second Protocol, may, however, request technical assistance only during a conflict.	
21. State Parties providing technical assistance are responsible for its funding.	
<p>22.</p> <p>a -Requests concerning technical assistance are addressed to the Committee through the Secretariat, which will transfer the information to the national focal points of the Parties for their consideration.</p> <p>b - Parties in a position to provide technical assistance are invited to inform the Committee of the possibilities of providing such assistance.</p> <p>c - The Committee through the Secretariat informs the requesting Parties or parties to a conflict accordingly.</p> <p>d - After giving such information, it is upon the providing Parties and the requesting Parties or parties to a conflict to proceed and convene directly the provision of such assistance.</p>	
6.3 Technical assistance provided by the Parties directly at bi- or multilateral level	
23. Parties are encouraged to provide technical assistance at bi- or multilateral	Article 33(2) of

<p>level. Such assistance depends on their discretion. For this purpose Parties are invited to be in contact directly with each other through their national focal points.</p>	<p>the Second Protocol</p>
<p>24. The Parties having activities at bi- or multilateral level are invited to inform the Committee, through the Secretariat, in their periodic reports, of their activities in order to share their experiences or best practices.</p>	
<p>6.4 Technical assistance of UNESCO</p>	
<p>25. The term ‘UNESCO’ means in this context the Secretariat of UNESCO.</p>	
<p>26. The Second Protocol provides for the possibility of a Party to call upon the Secretariat of UNESCO for technical assistance in organizing the protection of the Party’s cultural property. Such assistance focuses on, but it is not limited to, preparatory actions to safeguard cultural property, preventive or organizational measures for emergency situations and compilation of national inventories of cultural property, or any other problems arising out of the application of the Protocol.</p>	<p>Article 33(1) of the Second Protocol</p>
<p>27. Examples of possible measures of technical assistance provided by the Secretariat of UNESCO are presented in Table 3 of the Annex.</p>	
<p>28. The Secretariat will provide the Committee at its session with the relevant information concerning the technical assistance provided to the Parties.</p>	
<p>6.5 Process of considering requests for international assistance, [assistance from the Fund] and assistance of UNESCO</p>	
<p>29. The Committee, the Parties, the relevant international organisations and the Secretariat of UNESCO work, as appropriate, in close co-operation in order to ensure the proper handling of requests for different categories of assistance so that the assistance is provided in the most adequate manner in order to advance the aims of the Second Protocol.</p>	<p>Article 27(3) of the Second Protocol</p>
<p>30. In particular, they keep each other informed, as appropriate, of the requests submitted and the assistance provided in order to avoid the duplication of efforts, time and resources. The transmission of information is to be carried out, among others, through the reports of the Committee to the Meeting of the Parties.</p>	

6.5.1 Requests concerning [the Fund and] international assistance	
<p>31. The Parties may submit to the Committee requests for international assistance [or assistance from the Fund]. Also a non-State Party which is a party to a conflict and accepts and applies the provisions of the Second Protocol may submit requests for international assistance during the conflict. Requests may be submitted also jointly by two or more Parties concerned.</p>	<p>Articles 32(1), 32(2), 11(8) and 3(2) of the Second Protocol</p>
<p>32.</p> <p>a - The Committee examines in each particular case whether the priorities and principles [set out by the meeting of the Parties (the Fund) or] adopted by the Committee (international assistance) are met. The Committee may also make reservations or set conditions for the assistance depending on particular conditions of each case. It may also suggest to the applicant other forms than originally requested if it considers it appropriate.</p> <p>b - The Committee may decide not to grant assistance if the applicant has not accepted the form of assistance proposed by the Committee.</p> <p>c - If necessary, the Committee may request the applicant to provide additional information.</p> <p>d - The Committee may also defer the request if more in-depth assessment or study or a substantial revision is required.</p>	
<p>33. While examining requests for [assistance from the Fund or] international assistance, the Committee may also study the possibility of obtaining technical assistance from the Parties. The Committee may also consult the Secretariat in order to ascertain whether the applicant requested assistance from UNESCO for the same purpose.</p>	
<p>34.</p> <p>a – Requests for all forms of international assistance have to be submitted to the Secretariat, which acknowledges the receipt, verifies the completeness of the request and, if incomplete, requests the applicant to provide the missing requirements.</p>	

<p>b - Duly completed requests registered by the Secretariat at least six months before the meeting of the Committee are forwarded to the Bureau of the Committee for its consideration.</p> <p>c- The Secretariat informs the applicant of the registration of its request.</p>	
<p>35. The Bureau may consult international and national governmental and non-governmental organisations with the relevant expertise for evaluation of the request and in case of technical assistance, consult Parties offering such assistance.</p>	<p>Article 27(3) of the Second Protocol</p>
<p>36. For the above purpose, the Committee assigns the Bureau to prepare the annual meeting of the Committee and invites at the same time the Parties to submit their applications for international assistance.</p>	
<p>37. The Committee will consider requests in its regular meeting. It decides by a majority of two-thirds of its members present and voting on the requests for international assistance.</p>	<p>Article 26(2) of the Second Protocol</p>
<p>38. The Secretariat communicates the decision of the Committee to the applicant within two weeks following the decision. If the international assistance is granted, the Secretariat reaches agreement with the applicant on its details.</p>	
<p>39. The international assistance is subject to appropriate monitoring, reporting and evaluation.</p>	
<p>40. As an exception, requests for emergency measures may be submitted at any time. In view of the urgency, the Committee will consider these requests on an ad hoc basis.</p>	
<p>6.5.2 Content of a request</p>	
<p>41. A request [for assistance from the Fund or] for international assistance has to meet the following requirements in order to be registered by the Secretariat:</p>	

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| <p>a) Identification of the cultural property concerned,</p> <p>b) Identification of the place of activity as appropriate ;</p> <p>c) Assessment or description of the dangers threatening the property;</p> <p>d) Description of the requested (international) assistance, e.g.</p> <ul style="list-style-type: none"> • specific information about the project for which international assistance is needed; • scientific and technical information on the work to be undertaken; • details of the equipment or the personnel needed; • measures to be taken by the requesting Party and measures to be taken by the assisting Party(ies); • information about Parties that have already declared their will and their ability to provide the international assistance or that might be willing and able to provide it; • information whether the applicant has already requested or envisages to request assistance for the same property from the Secretariat of UNESCO, any other intergovernmental organization, State or private entity. <p>e) Timetable and budget of the project;</p> <p>f) Information regarding responsible authorities;</p> <p>g) If the requesting State is a non-State Party: official declaration as well as documents proving that the non-State Party is a party to a conflict and that it accepts and applies the provisions of the Second Protocol in accordance with Article 3 (2) of the Second Protocol;</p> <p>h) In case of a joint request of two or several Parties, a declaration confirming co-operation between applicants;</p> <p>i) Expected results;</p> <p>j) Justification of the priority of the project; and,</p> | |
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k) Signature(s) on behalf of the requesting State(s).	
42. Parties are invited to submit their requests in paper format, and, if possible, in an electronic format provided by the Secretariat as well. Requests may be submitted in one of the two working languages of the Secretariat.	
6.5.3 Requests for assistance of UNESCO	
43. Parties may apply for assistance of UNESCO at any time. Following the receipt of the request for such assistance, the Secretariat verifies whether an identical request has not already been submitted for international assistance or assistance from the Fund. If necessary, the Secretariat may request additional information. The Secretariat informs the Bureau (the Committee) of the request. If necessary, the Secretariat may consult relevant international and national governmental and non-governmental organizations with the relevant expertise for evaluation of the request.	Article 27(3) of the Second Protocol