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Organización
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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

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

(Paris, 2 September 2009)

FINAL REPORT

I. Opening of the meeting

1. The extraordinary meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, established by the Second Protocol (1999) to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "the Committee") took place in Paris on 2 September 2009. The meeting was attended by eleven of the twelve States Members of the Committee (Austria, Cyprus, El Salvador, Finland, Greece, Japan, Libyan Arab Jamahiriya, Netherlands, Peru, Serbia and Switzerland). Fifteen States Parties to the Second Protocol that are not Committee members (Argentina, Azerbaijan, Belarus, Bulgaria, Costa Rica, Czech Republic, Ecuador, Egypt, Estonia, Honduras, Islamic Republic of Iran, Mexico, Nigeria, Panama and Spain), 15 High Contracting Parties to the 1954 Hague Convention that are not Parties to the Second Protocol (Belgium, China, Germany, Indonesia, Iraq, Israel, Kuwait, Madagascar, Monaco, Poland, Sweden, Thailand, Turkey, Ukraine and Zimbabwe), three other UNESCO Member States (Afghanistan, Uganda and United Kingdom of Great Britain and Northern Ireland), one permanent observer (Palestine), two intergovernmental organizations (ICCROM and ICRC) and five non-governmental organizations (International Committee of the Blue Shield (ICBS), International Council on Archives (ICA), International Council of Museums (ICOM), International Council on Monuments and Sites (ICOMOS) and the International Institute of Humanitarian Law (IIHL)) attended as observers. The list of participants is available from the Secretariat upon request.

2. The meeting was opened by the Assistant Director-General for Culture, Ms Françoise Rivière. She underlined the importance of the work of the meeting, which was intended to finalize the draft guidelines for the implementation of the Second Protocol, by ensuring that they were consistent in terms of form, with a view to their approval at the third Meeting of the Parties to the Second Protocol, scheduled to take place on 23-25 November 2009.

She also thanked members of the Committee who had submitted observations on the draft guidelines since the Committee's fourth meeting (Paris, May 2009) in an effort to ensure consistency.

Lastly, Ms Rivière expressed the hope that it would be possible to transmit the finalized version of the draft guidelines for approval by the third Meeting of the Parties to the Second Protocol.

II. Adoption of the agenda

3. The meeting adopted the agenda.

III. Consideration of the draft guidelines for the implementation of the Second Protocol

4. The Chairperson of the Committee, Mr Peltonen, reiterated the meeting's goal which was to ensure consistency in terms of the form of the draft guidelines, without reopening debate on substance. He therefore suggested that participants consider the text chapter by chapter in order to introduce any amendments as to form.

The main points of discussion may be summarized as follows:

On a proposal made by Japan, and in order to ensure that the text of the draft guidelines was consistent, the Committee decided to specify as a general rule that the property in question was "cultural property". The change was made throughout the text.

Use of the terms "conditions" and "criteria" was also harmonized.

The text of Chapter VI was also amended with regard to the denomination of States requesting international assistance, replacing the words "requesting Party", "Party" and "State" with the word "applicant".

Lastly, the Committee agreed to delete references to specific rules of the Rules of Procedure so as to avoid having to revise the guidelines should the Rules of Procedure be changed.

The Committee also debated:

Chapter II: General provisions regarding protection

- The Committee deemed it important to specify that cultural property was property "protected under the Second Protocol". This clarification was inserted twice into paragraph 29.

Chapter III: Enhanced protection

- Rewording of paragraphs 38 and 39

Following a long debate on the content of paragraphs 38 and 39, particularly with regard to the deletion proposed by the Netherlands of the sentence "At the domestic level, the protection accorded to cultural property of exceptional value is equivalent to the immunity provided for in Article 12 of the Second Protocol", the Committee decided to move the first sentence of paragraph 39 to the end of paragraph 38 with a minor editorial change.

- Paragraphs 47 and 48: The Committee decided to add a reference to Article 11 (5) of the Second Protocol in the margin
- Rewording of paragraphs 83 and 85
- Following a proposal by the Netherlands, the word "however" was deleted from paragraph 85.
- Austria proposed the deletion of paragraph 85, as the protection was too broad in regard to paragraph 83, subparagraph (a). El Salvador proposed making paragraph 85 subparagraph (c) of paragraph 83. The Committee decided to keep paragraph 85 as it stood in the same place.
- As proposed by Austria, supported by the Netherlands, Finland and Greece, the Committee decided to delete the second sentence of paragraph 87 as it restricted the scope of the paragraph.
- Lastly, on the proposal of the Netherlands, supported by Greece, the Committee decided to change the phrase "will re-establish" at the start of paragraph 92 with the phrase "will decide

whether to re-establish” so as to give the Committee as much discretion as possible. In addition, the Committee approved the Secretariat’s footnote, changing the phrase “in support of military action” to “for military purposes or to shield military sites” in order to ensure consistency with Article 10, subparagraph (c) of the Second Protocol.

Chapter V: Monitoring the implementation of the Second Protocol

- Addition to paragraph 102
- In follow-up to the proposal by the Netherlands, supported by Greece, the Committee added a fourth item to be included in the periodic reports, entitled “Implementation of provisions regarding technical assistance”.

Chapter VI: International assistance

- Revision of paragraph 152

Further to the proposal by the Netherlands that the scope of paragraph 152 be widened by including the reference to projects, based on Article 32 (1) of the Second Protocol, the Committee accepted the inclusion. As a result, the words “or project concerned” were inserted after the words “cultural property”. The Committee also stated that some formalities were only necessary “as appropriate”.

- Addition of a reference in paragraphs 152 and 154
- On the proposal of Austria, the reference to Article 3.2 of the Second Protocol was replaced by the reference to Article 32 (1), and a reference to Article 29 (1) was added to paragraph 152, subparagraph (a).
- Similarly, the Committee added a reference to Article 33 (1) of the Second Protocol to paragraph 154.

Annex I: Enhanced protection request form

- Revision of the item: “**Justification for enhanced protection**”
- On the proposal of the Netherlands, and after a lengthy debate, the Committee added the sentence: “Applicants are requested to justify that the following criteria are fully met”.
- Furthermore, the Committee, upon the proposal of Austria, specified in criterion (ii) that “A copy of the list required by paragraph 58 of the Guidelines is attached”.
- The Committee also numbered the paragraphs.

Annex II: Form to request international assistance for cultural property

- Revision of the content of the form
- On the proposal of Austria, the title of the form was clarified by the addition of the words “provided by the Committee”.
- At the proposal of the Netherlands and in conformity with the amendment to paragraph 152, the reference to “projects” was added.
- At the proposal of the Netherlands as well as Austria, the title of item 3 on the form was amended by deleting the reference to “a cultural property or properties”. Reference to the words “cultural property (ies)” was inserted at the beginning of each line to be checked.

- At the proposal of Peru and Austria, a reference to Article 29 (1) of the Second Protocol was added to footnote 1.
- At the proposal of the Netherlands, the title of item 5 on the form was completed by “cultural property as and when required”.
- At the proposal of Austria, the Committee deleted footnote 8.

Annex III, Table 2: Examples of possible measures of international assistance provided by the Committee

- Revision of the title of the second column in the table
- On the proposal of the Netherlands, supported by Greece, the Committee replaced the words “administrative measures” with the word “resources”.
- In addition, the phrase “of the resources” was deleted from each cell of the second column.
- Revision of the first cell of the third column
- At the proposal of Austria, the Committee deleted the words “The Hague” and the grammatical conjunction “and” on the following line.

The same amendments were made to Table 3 of Annex III: Examples of possible measures of technical assistance provided by UNESCO.

Annex III, Table 3: Examples of possible measures of technical assistance provided by the Secretariat

- Revision of the title of the form
- At the proposal of Austria, the Committee removed the word “Secretariat” from the title and replaced it with the word “UNESCO”.

IV. Adoption of recommendations

5. With regard to the draft recommendations drawn up by the Bureau, the Committee decided to not refer to policy guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict, as that subject had not been brought up during the discussion. The Committee adopted the recommendations in their amended form. The recommendations appear in the annex.

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

(UNESCO, 2 September 2009, 10 A. M. – 6 P. M.)

ROOM XI (Fontenoy Building)

ADOPTED RECOMMENDATIONS

The Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereafter "the Committee"):

Thanking its members who provided their comments on the Draft Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereafter "Draft Guidelines");

Thanking the Secretariat for preparing the consolidated version of the Draft Guidelines;

Recalling the Recommendations of its fourth meeting giving the mandate to finalize the Draft Guidelines;

Approves the Draft Guidelines as edited by this meeting.