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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION
FOURTH MEETING OF THE COMMITTEE FOR THE
PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF
ARMED CONFLICT**

(Paris, 27-29 May 2009)

FINAL REPORT

I. OPENING OF THE MEETING

1. The fourth 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"), was held in Paris from 27 to 29 May 2009. The meeting was attended by the 12 States members of the Committee (Austria, Cyprus, El Salvador, Finland, Greece, Japan, Libyan Arab Jamahiriya, Lithuania, Netherlands, Peru, Serbia and Switzerland). Ten States Parties to the Second Protocol that are not members of the Committee (Canada, Czech Republic, Dominican Republic, Egypt, Ecuador, Islamic Republic of Iran, Mexico, Panama, Qatar and Spain), nine High Contracting Parties to the 1954 Hague Convention that are not Parties to the Second Protocol (Colombia, Côte d'Ivoire, Iraq, Italy, Lebanon, Norway, Senegal, Turkey and United States of America), three other UNESCO Member States (Afghanistan, United Kingdom of Great Britain and Northern Ireland and United Republic of Tanzania), 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 International Institute of Humanitarian Law (IIHL)) attended as observers. The list of participants is available from the Secretariat upon request.

2. The Assistant Director-General for Culture, Ms Françoise Rivière, opened the meeting. She emphasized the importance of the work of the meeting, which was the final stage in the drafting of the guidelines for the operational implementation of the Second Protocol.

She thanked the Bureau for the work it had accomplished since the Committee had last met at its two informal meetings (Paris, November 2008 and Helsinki, Finland, February 2009), which had resulted in the preparation of the drafts of Chapter 6 on international assistance and Chapter 7 on guidelines on the use of the Fund.

She expressed the hope that it would be possible to transmit the finalized version of the draft guidelines to the third Meeting of the Parties to the Second Protocol so that it could adopt them.

In conclusion, she proposed that the members of the Committee extend the term of office of the Bureau members so as to ensure effective continuity in the process of drafting the guidelines.

II. ELECTION OF THE CHAIRPERSON

3. Mr Karim Peltonen (Finland) was re-elected Chairperson by consensus.

III. ELECTION OF FOUR VICE-CHAIRPERSONS AND THE RAPPORTEUR

4. The four Vice-Chairpersons (El Salvador, Japan, Libyan Arab Jamahiriya and Netherlands) were re-elected, and Ms Photini Panayi (Cyprus) was re-elected Rapporteur.

IV. ADOPTION OF THE AGENDA

5. The participants adopted the agenda.

V. UPDATE BY THE SECRETARIAT ON THE STATUS OF RATIFICATIONS AND IMPLEMENTATION OF THE SECOND PROTOCOL

6. The Secretariat presented the state of implementation of the Second Protocol, the 1954 Hague Convention and its First Protocol of 1954, together with the main activities relating to the application of these texts, in particular through the updating and dissemination of the English and French versions of the information kit on the 1954 Hague Convention and its two Protocols of 1954 and 1999. A Spanish version is being prepared. The Committee was also informed that the English version of the journal *MUSEUM International* of December 2005, containing the papers delivered at the symposium commemorating the fiftieth anniversary of the Hague Convention (UNESCO Headquarters, 14 May 2004), was being reprinted. The Secretariat also presented the most significant external publications and meetings organized by UNESCO, and the development of the glossary and database.

VI. CONSIDERATION OF TWO NEW CHAPTERS OF THE DRAFT GUIDELINES ON THE DISSEMINATION OF THE SECOND PROTOCOL, REINFORCED ASSISTANCE AND THE USE OF THE FUND

7. Mr Peltonen proposed that the participants consider the texts prepared by the Bureau (Chapters 6 and 7 and annexed tables).

The main points of the discussion may be summarized as follows:

Chapter 6: International assistance

8. The Chairperson presented the work done by the Bureau and its proposal to delete the reference to the Fund in the title but to keep it in the body of the text, particularly in subheading 6.5, removing the square brackets.

- Redrafting of the title and introductory paragraph

The Committee discussed at length the title of the chapter, in particular whether or not to refer to “forms of international assistance” (proposal by Greece). The Chairperson decided to suspend consideration of the point so as to examine the text as a whole before returning to the title. Finally, the Committee decided by consensus to leave the title as it stood.

The Committee decided to merge subparagraphs 1(a)¹ and 1(b) of the introductory paragraph. Paragraph 2 was adopted without change.

- Redrafting of 6.1 “**International assistance provided by the Committee**” (paras. 3-15)
 - At the proposal of Austria, the Committee standardized the whole of the text by systematically using the wording “international assistance provided by the Committee”.

¹ Note by the Secretariat : all references to the relevant paragraphs of draft Chapters 6 and 7 are to the version of the chapters adopted in the morning of 29 May 2009.

- Regarding the scope of international assistance provided by the Committee (paras. 3-6), the Committee discussed in particular the need to align those paragraphs on Articles 11(8) and 32 of the Second Protocol. The new paragraphs were thus amended. The Committee also discussed at length the possibility of allowing a party which is not Party to the Second Protocol but which accepts and applies its provisions to benefit from international assistance.
 - Concerning the forms of international assistance provided by the Committee (paras. 7-12), the Committee amended paragraph 8 in accordance with the proposal of Greece to change the word order to align the text on that of the Second Protocol. Concerning paragraph 11, Austria did not wish to see references to the granting of international assistance at specific times. The new paragraph was thus amended. Concerning the sentence on the priority of emergency requests, the Committee decided, at the proposal of Austria, to move it to paragraph 13. The Committee also added that it did indeed concern “emergency measures which in principle are taken during an armed conflict” (para. 11).
 - As to the priorities and principles for granting international assistance provided by the Committee (paras. 13-15), the Committee agreed with Peru’s proposal to replace, in paragraph 13, the words “least developed countries” with the words “developing countries”. In paragraph 14, the Committee decided to delete subparagraph (c) in accordance with the final version of the document on the Fund.
- Redrafting of 6.2 **“Technical Assistance provided by the Parties through the Committee”** (paras. 16-20)
 - As in paragraph 11, the Committee, in paragraph 17, deleted all references to specific times for obtaining technical assistance (proposal of Austria).
 - Concerning paragraph 18, the Committee brought the wording into line with that of Article 3.
 - The ensuing paragraphs were slightly amended.
 - Redrafting of 6.3 **“Technical assistance provided by the Parties directly at bi- or multilateral level”** (paras. 21-22)

The Committee discussed the frequency with which information relating to experiences and best practices should reach the Committee through the Secretariat. It was then decided that paragraphs 21 and 22 should be adopted without change.
 - Redrafting of 6.4 **“Technical assistance provided by UNESCO”** (paras. 23-25)
 - The first paragraph proposed by the Bureau was deleted and replaced by the new text drafted by the Secretariat.
 - Regarding the following paragraph (currently para. 23), the Committee decided, on the proposal of Peru, to change the words “UNESCO Secretariat” to “UNESCO”. A reference to Article 22 (7) of the Second Protocol was also added.
 - Paragraphs 24 and 25 were slightly amended.
 - Redrafting of 6.5 **“Process of considering requests for international assistance provided by the Committee”** (paras. 26-39)

- In the title, the Committee wished to delete the reference to UNESCO's assistance. Paragraph 26 was amended to bring the wording concerning cooperation with organizations into line with that of Article 27 (3) of the Second Protocol. As to paragraph 27, it was adopted without change.
 - Concerning requests for international assistance provided by the Committee, including financial assistance and other assistance from the Fund (paras. 28-37), the Committee discussed at length the form that the request for international assistance should take and the working languages to be used. The Committee finally decided to make only minor amendments to paragraphs 28 to 30. It did however fully rework paragraph 31 so as to provide all the necessary information as to the submission of requests to the Secretariat and their registration. On this point, the Committee followed the proposals of Austria and Peru. Paragraph 32 was amended slightly. Regarding the content of paragraph 33, the Committee decided to follow the proposal of Austria, which wished to add an initial sentence specifying that after evaluation the Bureau would forward the request to the Committee for consideration and appropriate decision. The debate then focused on the Bureau's role and it was decided that it could make any relevant observation at the request of the Committee. In addition, the text which provided for an "annual meeting" was amended to read "ordinary meeting". Paragraph 34 was adopted without change. With respect to paragraph 35, the Committee considered it preferable that, rather than the Secretariat itself, the Committee, through the Secretariat, should communicate the decision to the applicant. The Committee then decided to reverse the order of paragraphs 36 and 37 initially proposed by the Bureau. Paragraph 36 on emergency measures was amended so that such measures could be considered at any time, despite the deadline of six months provided for by paragraph 31(b) of the chapter. Paragraph 37 was slightly amended.
 - As to the content of a request for international assistance provided by the Committee (paras. 38 and 39), the subparagraphs of paragraph 38 were amended by the Committee so as to bring them into line with earlier amendments adopted by consensus. Likewise, in paragraph 39, the Committee wished to specify the procedure to be followed regarding requests for international assistance by stating that a form provided by the Secretariat was contained in an annex.
- Redrafting of 6.6 "**Requests for assistance provided by UNESCO**" (para. 40)

Paragraph 40 was amended by the Committee so as to align its content with that of earlier amendments adopted by consensus. The reference to Article 27(3) of the Second Protocol was deleted by the Committee at the proposal of Austria.

Chapter 7: Guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict

9. The Chairperson introduced the draft guidelines concerning the use of the Fund prepared by the Bureau.
 - In paragraph 1, only a grammatical change to the tense (from the past to the present) was introduced by the Committee. The rest of the paragraph remained as amended by the Bureau.
 - The proposal of Austria to add to paragraph 2 the purposes mentioned in Article 29 (1) (a) and (b) of the Second Protocol was accepted by the Committee.

- Greece said that it wished to expand paragraph 3 to cover the purposes of use of the Fund, in accordance with Article 29 (3) of the Second Protocol. Likewise, the Chairperson confirmed his desire to bring together in one paragraph ideas appearing several times in the guidelines. Accordingly, the Chairperson proposed replacing the first sentence of paragraph 3, with “Resources of the Fund may be used for the purposes referred to in the above paragraph for the protection of cultural property”. The Netherlands, El Salvador and Austria acquiesced and agreed to delete the second sentence. After a lengthy debate, paragraph 3 was completed with a second sentence drafted through active cooperation between Greece, Netherlands and Austria: “Resources of the Fund coming from contributions earmarked for a certain programme or project will be used for such a programme or project, provided that the Committee has decided on its implementation”. The proposals met with the approval of the Committee and, after a request by the Netherlands, a reference to Article 29 (3) of the Second Protocol was added.
- In regard to paragraphs 4 and 5, although a number of delegations expressed concerns about Austria’s proposal to delete paragraph 4 in its entirety, Netherlands, Greece and Norway eventually considered the paragraph to be superfluous and the Committee decided to delete it. The Netherlands then wished to take up in a new paragraph 4 the priorities set out in Chapter 6. The Committee approved the proposal. It was therefore decided that paragraphs 14 and 13 of 6.1.3 would henceforth constitute paragraphs 4 and 5 respectively.
- Austria proposed taking the two different subjects contained in former paragraph 5 and making two paragraphs (6 and 7) of them. The Committee endorsed Austria’s proposal.
- In paragraph 8, the Committee reproduced the content of former paragraph 6 with some drafting changes. The Committee also followed the proposal of the Netherlands to delete the word “current” and to expand the scope of application by inserting “and other” after the word “financial” in the phrase “requests for financial assistance”.

VII. CONSIDERATION AND ADOPTION OF THE PROGRESS REPORT

10. In addressing the progress report, the Committee thanked the Bureau and the Secretariat for their work and, after a discussion, decided to take note of the report.

VIII. ADOPTION OF RECOMMENDATIONS

11. The Chairperson opened the discussion on the draft recommendations prepared by the Bureau to reflect the debate and its conclusions. During the ensuing debate, the Committee expressed the wish for reference to be made to the recommendations adopted at the second and third meetings of the Committee and for them also to be added in an annex.

The Committee then amended and adopted the recommendations by consensus. Lastly, the Committee decided to hold an extraordinary meeting on 2 September 2009 to finalize the draft guidelines, ensuring that they were formally consistent before the third Meeting of the Parties. The text of the recommendations is annexed hereto.

IX. CLOSING OF THE MEETING

12. The Chairperson thanked all the participants, observers and the Secretariat for their contributions, and declared the meeting closed.

ANNEX

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

(UNESCO, 27 – 29 May 2009)

ROOM II

ADOPTED RECOMMENDATIONS

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

Thanking the members of the Bureau and the Secretariat for having prepared a draft Chapter 6 of the Guidelines for the Implementation of the Second Protocol (hereafter Draft Guidelines’); draft guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict (hereafter “the Fund”); and the Progress Report;

Recalling the Recommendations of the second and third Meetings of the Committee as annexed;

Having developed Chapter 6 and thus completing the Draft Guidelines, and draft guidelines concerning the use of the Fund;

Taking note of the Progress Report (UNESCO document CLT-09/CONF/214/1) prepared by the Bureau;

Submits for its consideration at the Meeting of the Parties the following recommendations:

1. *Recommends* to the third Meeting of the Parties the endorsement of the Guidelines for the Implementation of the Second Protocol in their entirety;
2. *Recommends* to the third Meeting of the Parties to encourage those High Contracting Parties that are not yet party to the Second Protocol to consider doing so;
3. *Recommends* to the third Meeting of the Parties to provide the Committee with the task of approaching, in the first instance, the World Heritage Committee in order to develop synergies between the List of Cultural Property under Enhanced Protection, the World Heritage List, the List of World Heritage in Danger as well as the Memory of the World Programme;
4. *Recalling* the recommendations of the second meeting of the Committee, the second Meeting of the Parties, and the seventh meeting of the High Contracting Parties to the Hague Convention, the Committee recommends to the third Meeting of the Parties to call upon the Director-General to provide sufficient human and financial resources to ensure the functioning of the Secretariat of UNESCO in the implementation of the Second Protocol, the Hague Convention and the 1954 (First) Protocol;
5. *Recommends* to the third Meeting of the Parties to invite Parties and other potential donors to provide voluntary contributions with a view to assisting the Secretariat in reinforcing its financial and human resources;

6. *Recommends* to the third Meeting of the Parties to encourage Parties, potential Parties and other potential donors to consider contributing to the Fund to ensure the granting of financial and other assistance;

7. *Recommends* to the third Meeting of the Parties to allow the Committee to provisionally apply the guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict as guidelines under Article 23(3)(c) of the Second Protocol;

8. *Recommends* to the third Meeting of the Parties to allow the Committee to further consider the issue of the database for the Voluntary Exchange of Information by the Parties concerning legislation, jurisprudence or other matters relevant to the implementation of the Second Protocol. The Committee also recommends to the third Meeting of the Parties to encourage Parties, potential Parties and other potential donors to grant financial and other assistance for its creation and maintenance.

The Committee also:

Decides to hold an extraordinary meeting on 2 September 2009 in order to finalize the Draft Guidelines by ensuring their formal coherence before the third Meeting of the Parties;

Decides to have its next (5th) ordinary meeting in the second half of 2010;

Invites the Bureau to prepare the 5th ordinary Meeting of the Committee.