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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

EIGHTH MEETING OF THE HIGH CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT (THE HAGUE, 1954)

(Paris, 23 November 2009)

FINAL REPORT

I. Opening of the Meeting

1. The eighth meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict took place at UNESCO Headquarters on the morning of 23 November 2009.

It was attended by 65 out of the 123 High Contracting Parties to the 1954 Hague Convention; seven other Member States of UNESCO, one permanent observer, one intergovernmental organization and three non-governmental organizations attended as observers. A copy of the list of participants is available upon request from the Secretariat.

2. The Assistant Director-General for Culture, Ms Françoise Rivière, opened the meeting, emphasizing that it enabled the sharing of experiences between the High Contracting Parties in relation to the implementation at the national level of the Hague Convention and its 1954 Protocol. She also referred to the challenges created by the implementation of those instruments. She highlighted the need for the widest possible dissemination of the instruments within target groups, and the need to draw up and adopt relevant national legislation.

II. Election of the Chairperson

3. Upon the proposal of El Salvador, the meeting elected by consensus Mr Marcelo Vazquez-Bermudez (Ecuador) as Chairperson.

III. Adoption of the agenda

4. The participants adopted the provisional agenda as proposed in document CLT-09/CONF/219/1.

IV. Election of four Vice-Chairpersons and the Rapporteur

5. Four Vice-Chairpersons (Australia, Democratic Republic of the Congo, Dominican Republic and Egypt) were elected by consensus. Mr Rino Büchel (Switzerland) was also elected by consensus as Rapporteur.

V. Update on the implementation at the national level of the Convention and its 1954 Protocol

6. The Secretariat said that there were 123 High Contracting Parties to the Hague Convention, 100 of which were bound by the 1954 (First) Protocol. Fifty-five High Contracting Parties were Party to the 1999 Second Protocol. It had been informed that some States which were not yet party to the Hague Convention and/or its two Protocols (1954 and 1999) had undertaken internal consultations with a view to becoming party to those agreements. The Secretariat then recalled the recommendations adopted at the seventh meeting of the High Contracting Parties to the 1954 Hague Convention (UNESCO, 20 December 2007) and, in particular, those inviting the Director-General to continue to work with the United Nations and NATO on a proposal aimed at ensuring compliance with the 1954 Hague Convention and its two Protocols by armed forces engaged in peace-keeping operations under the respective mandate of those organizations. The Secretariat was informed by those organizations that the protection of cultural property in the event of armed conflict would be reflected in United Nations documents and that the action by NATO's military personnel would be guided by the principles governing the protection of cultural property under international law. Finally, the Secretariat reported to the meeting on awareness-raising and promotional activities (the update of the Information Kit on the 1954 Hague Convention and its two (1954 and 1999) Protocols with the possibility of it being translated into Arabic, Russian and Chinese, and the publication, by the end of 2009, of the article-by-article commentary on the Second Protocol to the Hague Convention in English).

In response to the request by a large number of High Contracting Parties, the presentation by the Secretariat is attached to this report.

VI. Exchange of national experiences

7. Following the Secretariat's introduction, the Chairperson opened the floor for an exchange of national experiences and debate in which participated representatives of eight High Contracting Parties and one non-governmental organization.

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

(i) Accession to the 1954 Hague Convention and its two (1954 and 1999) Protocols

The United States announced its ratification of the 1954 Hague Convention, considering it to be a first step towards full protection for cultural property.

After the ratification of the Hague Convention and its two Protocols, Japan stated that it would continue its efforts to implement them. Finally, Germany announced that the process to deposit the instrument of ratification of the Second Protocol was almost completed.

(ii) Implementation of the 1954 Hague Convention and its 1954 Protocol in the civilian sphere

The United States reported that it had set up a National Committee of the Blue Shield and had joined the Association of National Committees of the Blue Shield. Similarly, Germany announced that it had put in place a permanent body in charge of the implementation of the Hague Convention and its two Protocols. In addition, Greece and Romania had established, respectively, a national committee for the protection of cultural property, and a commission for the application and promotion of international humanitarian law with the ministries concerned. Japan had conveyed to the national cultural authorities concerned information on the protection of cultural property.

Romania and Japan had drawn up a new law for the protection of cultural property in the event of armed conflict.

In the area of interministerial cooperation, Finland and Estonia, through the ministries of defence and culture, had devised educational and awareness-raising measures for the protection of cultural property.

Finland and Greece were compiling a list of cultural property for submission to the Committee for the Protection of Cultural Property in the Event of Armed Conflict so that they might be granted enhanced protection.

(iii) Implementation of the 1954 Hague Convention and its 1954 Protocol in the military sphere

The United States had renewed its commitment to the protection of cultural property in existing conflicts and post-conflict situations. An advisory team had been entrusted with those questions within the military command structure. Japan reported that it had introduced, through the ministry of defence, educational programmes to promote greater awareness among the Japanese armed forces of those instruments. Romania had set up the centre for international humanitarian law for peace-keeping operations and the dissemination of those instruments. Lastly, the International Committee of the Red Cross (ICRC) was organizing training courses for military personnel and security personnel concerned and parties to the conflict which might infringe the provisions of the Convention and its (First) Protocol.

(iv) Other issues related to the implementation of the 1954 Hague Convention

Finland was working with ICRC to implement the educational measures aimed at training civilians in the protection of cultural property, in particular by deepening awareness of other themes, for example the defence of the environment.

In 2010, Finland would hold a seminar on the protection of cultural property. Greece announced that the information brochure on the Convention was being translated into Greek for dissemination to the relevant administrations, as was the case for the United States, which had published training materials for civilians and military personnel about what they should do to contribute to that protection. ICRC referred to all the regional seminars that had been held on international humanitarian law and the important place assigned therein to the protection of cultural property in the event of armed conflict. In addition, ICRC announced the publication of a work on the implementation of international humanitarian law, comprising an entire chapter on the need to protect cultural property.

Lastly, Georgia described the situation of cultural property in occupied territory.

(v) Human and other resources necessary for the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols

A number of participants underscored the need to provide sufficient resources, especially human resources, to ensure the effective implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols and, in particular, the intergovernmental mechanism set up by the Second Protocol. The High Contracting Parties were encouraged to make voluntary contributions to UNESCO to that end.

VII. Adoption of recommendations

9. The Chairperson opened the discussion on the draft recommendations that had been drawn up to reflect the discussion and its conclusions. Following an in-depth discussion, the Committee adopted the recommendations by consensus. These recommendations appear in the annex.

VIII. Closure of the meeting

10. The Chairperson thanked all participants, observers and the Secretariat for their contributions to the success of the meeting, and declared the meeting closed.

**MEETING OF THE HIGH CONTRACTING PARTIES
TO THE 1954 HAGUE CONVENTION FOR THE PROTECTION
OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT**

(UNESCO, 23 November 2009, 10 a. m. – 1 p. m., Room XII)

ADOPTED RECOMMENDATIONS

The High Contracting Parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954):

Recalling the recommendations adopted at the seventh meeting (20 December 2007) of the High Contracting Parties to the Hague Convention.

1. **ENCOURAGE** States not yet party to the Convention and/or its two Protocols to become party to them as soon as possible and to adopt and effectively implement relevant national legislation.
2. **RECOMMEND** to the Director-General to provide sufficient human and financial resources in order to ensure the assistance by the Secretariat of UNESCO in the implementation of the Convention and its 1954 (First) Protocol.
3. **THANK** those High Contracting Parties who provided the Secretariat with their national reports on the implementation of the Hague Convention and 1954 (First) Protocol.
4. **ENCOURAGE** those High Contracting Parties who have not provided the Secretariat with the national reports mentioned in the previous paragraph to do so by 31 March 2010.
5. **ALSO ENCOURAGE** the High Contracting Parties to make voluntary contributions to enhance the implementation of the Convention and its 1954 (First) Protocol.
6. **INVITE** the Director-General to convene, in accordance with Article 27 of the Hague Convention, a ninth meeting of the High Contracting Parties to the Hague Convention in 2011.

**The Eighth Meeting of the High Contracting Parties to the 1954 Hague Convention
and the Third Meeting of the Parties to the Second Protocol**

**Point 5 of the Provisional Agenda (the Hague Convention meeting): Update on the
implementation at the national level of the Convention and its 1954 Protocol**

**Point 5 of the Provisional Agenda (the Second Protocol meeting): Update on the
implementation and status of the Second Protocol to the Convention**

**I. Status of the 1999 Second Protocol and the 1954 Hague Convention and its 1954 (First)
Protocol**

To date, 123 States are party to the 1954 Hague Convention and 100 of them are party to the 1954 (First) Protocol. There are fifty-five High Contracting Parties to the 1999 Second Protocol. Since the last meeting of the High Contracting Parties to the 1954 Hague Convention (December 2007), the following five States have become party to the Hague Convention: Bahrain, Chad, Chile, New Zealand, and the United States of America. Three new States parties to the 1954 (First) Protocol are Bahrain, Barbados, and Chile. Seven new States party to the Second Protocol include Bahrain, Barbados, Bosnia and Herzegovina, Chile, Dominican Republic, Italy, and Jordan. The Secretariat has been informed that some States which are not yet party to the Hague Convention and/or its two Protocols have undertaken internal consultations with a view to becoming party to those agreements.

**II. Follow-up of the recommendations of the seventh meeting of the High Contracting
Parties to the Hague Convention and the second Meeting of the Parties to the
Second Protocol**

In addition to recommendations related to the organization of the eighth meeting of the High Contracting Parties to the Hague Convention and the third meeting of the Parties to the Second Protocol, one recommendation of the seventh meeting of the High Contracting Parties to the Hague Convention invited the Director General “to continue to work with the United Nations and NATO on a proposal aiming at ensuring compliance with the 1954 Hague Convention and its two Protocols by armed forces engaged in peace-keeping operations under the respective mandate of these Organizations.”

Following the submission of the draft leaflet “Protection of Cultural Property – Basic Instructions” to the UN Department of Peacekeeping Operations, the Secretariat was informed that the issue of the protection of cultural property during peacekeeping operations is either adequately reflected in existing UN documents, such as the 1999 Secretary-General’s Bulletin, “Observance by United Nations forces of international humanitarian law”, or additional guidance is issued by the Department of Peacekeeping Operations based on specific requirements of peacekeeping operations.

Further to these exchanges, the Secretariat was informed that NATO military personnel are guided by the relevant principles protecting cultural property under international law. In addition, when drafting Directives and Rules of Engagement, due attention is given, where appropriate, to extend proper protection to cultural property.

Following the wish of a number of delegations to obtain information on the implementation of the 1954 Hague Convention in recent armed conflicts, the Secretariat informs that, following the conflict in August 2008, both Georgia and the Russian Federation contacted the Secretariat to report the damage to or destruction of several historical, cultural, and religious monuments in the

South Ossetia region. The Secretariat responded to both States by acknowledging their communication and reminded them of their obligations to comply with the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, the 1954 Protocol to the Hague Convention, and the World Heritage Convention. Unfortunately, UNESCO's ability to provide assistance is extremely limited since it cannot send a mission to those regions due to security concerns. The recent Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, established by the European Council's Decision 2008/901/CFSP of 2 December 2008, includes several allegations of damage caused to cultural monuments, museums or churches during the war between Georgia and the Russian Federation. This report expressly refers to the Hague Convention as well as customary international law on the protection of cultural property in the event of armed conflict.

As to the recommendations of the Second Meeting of the Parties with regard to the organization of the extraordinary Meeting of the Parties in 2008, such Meeting did not take place because the Committee wished to finish the development of the Draft Guidelines. Mr Peltonen, Chairperson of the Committee, will provide more detailed information on the development of the Draft Guidelines at the Meeting of the Parties to the Second Protocol this afternoon.

III. Dissemination of the 1954 Hague Convention together with its two Protocols

The Secretariat published an updated version of the Information Kit on the Convention and its two Protocols in English, French and Spanish, and it is available both in hardcopy and on the Internet. We are also exploring the possibility of translating it into Arabic, Chinese and Russian, if extra-budgetary funds can be made available.

IV. The most important publications on the protection of cultural property in the event of armed conflict, including different issues of the Second Protocol

IV(i) Outside publications

Four publications should be mentioned:

- *Art, Cultural Heritage and the Law (Cases and Materials)*, by Patty Gerstenblith, Second Edition, Caroline Academic Press (Durham, North Carolina), 2008.
- *La Protection des biens culturels en Belgique : quel(s) regime(s) juridique(s) appliquer?* Publié par la Commission interministérielle de droit humanitaire, Bruxelles, 2008.
- *Antiquities under siege : cultural heritage protection after the Iraq war*, edited by Lawrence Rothfield, AltaMira Press, Lanham-New-York-Toronto-Plymouth, UK, 2008
- *Culture and International Law*, edited by Paul Meerts, Hague Academic Press, The Hague, 2008.

IV(ii) Publications in progress

The Secretariat will publish by the end of this year the English version of the article-by-article commentary on the Second Protocol that has been prepared by Professor Toman. The Secretariat wishes to thank the authorities of the Netherlands for their generous financial support of this publication.

IV(iii) Future publications

Following the request of the Director-General of 3 October 2007, and the Secretariat's reminder of 16 October 2008 inviting the High Contracting Parties to provide their national reports on the implementation of the Hague Convention, as well as those of them which are party to the

Second Protocol to report on the national implementation of this agreement, to date, the Secretariat has received a total of twenty-one national reports. They were provided by Austria, Belgium, Canada, the Czech Republic, Estonia, Finland, the Holy See, the Islamic Republic of Iran, Japan, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Mauritius, Norway, Pakistan, Poland, Saudi Arabia, Slovakia, Slovenia, Switzerland, and Turkey. This (2005-2009) periodic report will be published next year.

V. Most important meetings organized by UNESCO between the seventh meeting of the High Contracting Parties to the Hague Convention and the current meetings

A national seminar on the implementation of the 1954 Hague Convention and its two 1954 and 1999 Protocols was organized in February 2009 in Beirut. The main purposes of the seminar was to provide the participants with information on civil, military and penal aspects of the 1954 Hague Convention and its 1999 Second Protocol; to allow for an exchange of views related to the national implementation of the 1954 Hague Convention in Lebanon; and, to encourage the relevant Lebanese authority to become party to the 1999 Second Protocol. Some of the final recommendations included the dissemination and placement of the distinctive emblem of the Hague Convention on immovable cultural property; implementation of military aspects of the 1954 Hague Convention; and, organization of a follow-up seminar on these agreements for the Lebanese Armed Forces, members of parliament and eventually UNIFIL staff in the next biennium.

VI. Financial Implications of Meetings:

Finally, you may be interested to note the most substantial implications of holding Category II statutory meetings in 5 languages.

The costs are as follows:

	Interp (5 lang)
4 th mtg of Cee	27,902 USD
3 rd mtg of Cee	31,370 USD
2 nd Sep Cee mtg	7,780 USD