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SECOND PROTOCOL TO THE HAGUE CONVENTION OF 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

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

Ninth meeting
UNESCO Headquarters
18 to 19 December 2014

Item 11 of the Provisional Agenda:
**Creation of a Special Account for human resources of the Secretariat of the
1954 Hague Convention and its two Protocols**

The Secretariat of the Hague Convention of 1954 and its two Protocols proposes herein the establishment of a Special Account to raise extrabudgetary resources in order to enhance its human resources.

In order to produce this document, the Secretariat made extensive use of research and working document C70/14/2.SC/6 drafted by the Secretariat of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property which was presented at the second meeting of the Subsidiary Committee of the Meeting of States Parties to the aforementioned Convention.

Draft decision: paragraph 15.

INTRODUCTION

1. The Audit of the Working Methods of Cultural Conventions presented in document CLT-13/8.COM/CONF.203/13 during the eight meeting of the Committee held in December 2013 found that "*the current situation is unsustainable as support from the regular programme budget decreases and the workload of the convention secretariats increases*"¹.
2. In practice, the current situation does not allow for an adequate response to requests from States Parties to the Second Protocol of 1999 regarding implementation, nor for the human resources of the Secretariat to be enhanced, even temporarily. In order for the Secretariat to continue to perform its functions in full, it must draw on the extrabudgetary funding sources made available by the States Parties to the Second Protocol of 1999. In this respect, it has been possible to enhance temporarily the human resources of the Secretariat thanks to the contributions from Azerbaijan and Belgium.
3. One of the recommendations from the Audit of the Working Methods of Cultural Conventions calls for proposals to be submitted to the governing bodies of UNESCO and/or the Convention(s) in order to strengthen the current funding structure with general funds-in-trust financed by contributions from the States Parties to fund the ordinary expenses of the Secretariats.
4. With this in mind, the establishment of a **Special Account** to enhance the human resources of the Secretariat of the 1954 Hague Convention and its two Protocols appears to be a first solution. Indeed, human capital is always required to carry out activities – statutory obligations, technical assistance, awareness-raising, and capacity-building among others. Establishing a Special Account to be used exclusively to enhance the human resources of the Secretariat will make possible to contribute to the implementation of the programme activities, given the current budget estimate.
5. In this regard, it is interesting to note that in recent years the trend in the different Cultural Conventions has primarily moved in this direction. Indeed, both the 1972 World Heritage Convention and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage established **special sub-accounts** exclusively dedicated to the enhancement of human resources².

¹ Audit of the Working Methods of Culture Conventions, IOS/AUD/2013/06, annexed to document CLT-13/8.COM/CONF.203/13. Available at:

<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/13-8COM-audit-EN-20131120.pdf> (accessed 11 September 2014).

² Resolution 19 GA 8. Available at: <http://whc.unesco.org/archive/2013/whc13-19ga-12-en.pdf> (accessed 11 September 2014); and Doc. ITH/10/3.GA/CONF.201/Resolutions, Resolution 3.GA 9 (item 8). Available at: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00283> (accessed 11 September 2014).

I. **Purpose of existing Special Accounts within the framework of the Hague Convention of 1954 and its Second Protocol**

6. Within the framework of the Hague Convention of 1954 and its Second Protocol, two Special Accounts already exist.

A. **The Special Account for the Implementation of the Convention on the Protection of Cultural Property in the Event of Armed Conflict**

7. During its 80th session (1968), the Executive Board took note of the Financial Regulations governing the management of the Special Account for the implementation of the Convention on the Protection of Cultural Property in the Event of Armed Conflict. The purpose of the Special Account is defined in Article II of the Financial Regulations: the purpose of this Special Account shall be to receive contributions from the countries concerned and allocations provided by the Organization which must be used to pay the salaries and expenses of the Commissioners-General, in accordance with Article 10 of the Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, and to ensure the support of UNESCO, in accordance with Article 23 of the Convention.

8. Given its specific purpose, the Secretariat may not use this Special Account to enhance its human resources in order to conduct its activities, such as the preparation of statutory meetings and the implementation of awareness-raising actions.

B. **The Special Account for the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict**

9. During its 185th session (2010), the Executive Board took note of the Financial Regulations of the Special Account to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. This Special Account was established pursuant to Article 29 of the Second Protocol. Under the terms of Article 3 of its Financial Regulations, the purpose of the Special Account is:

a) to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, inter alia, Article 5, Article 10 sub-paragraph (b) and Article 30 of the Second Protocol; and

b) to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, inter alia, Article 8 sub-paragraph (a) of the Second Protocol.

10. With reference to Article 5 of the Financial Regulations of this Special Account, expenditure is limited to the following: Pursuant to Article 29.3 of the Second Protocol, disbursements

from the Special Account shall be used only for such purposes as the Committee for the Protection of Cultural Property in the Event of Armed Conflict shall decide in accordance with the guidelines as defined in Article 23, sub-paragraph 3(c) of the Second Protocol and in accordance with Article 3 above, including administrative expenses specifically relating to it and programme support costs applicable to Special Accounts. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.

11. Given its specific purpose, the Secretariat may not use this Special Account to enhance its human resources in order to conduct its activities, such as the preparation of statutory meetings and the implementation of awareness-raising actions.

II. Procedure to be followed for establishing a Special Account

12. If the Committee considers that it is now vital that the Second Protocol of 1999 should be accompanied by a new Special Account, financed by voluntary contributions, in order to enhance the human resources of the Secretariat (currently composed of a P-5 also responsible for the other Conventions of the Cultural Heritage Protection Treaties Section, namely the 1970 Convention and the 2001 Convention; a P-3 working part-time from 8 September 2014 to 8 December 2014, and currently at 80%; a Junior Programme Officer placed at the disposal of the Secretariat by Azerbaijan until 15 June 2015; and a Consultant whose contract ends on 31 December 2014), it will be essential that the Meeting of the Parties decides on the establishment of such a Special Account.
13. The Meeting of the Parties, the supreme body of the Second Protocol of 1999, is the only body with the power to decide the establishment of a new Special Account. At the most, the Committee may give an opinion on the advisability of such an initiative and make a recommendation to the Meeting of the Parties on its adoption accordingly.
14. In the event that the Meeting of the Parties decides in favour of a new Special Account, the latter must take note of the Financial Regulations of this new Special Account, which shall be drawn up by the Director-General to govern its management. The establishment of this new Special Account shall be brought to the attention of the Executive Board, which shall issue appropriate recommendations where necessary.
15. The Committee may wish to adopt the following decision:

DRAFT DECISION 9.COM 9

The Committee,

1. Having examined document CLT-14/9.COM/CONF.203/9,

2. Considering that the lack of human and financial resources constitutes an obstacle to the implementation of activities by the Secretariat,
3. Decides in favour of the establishment of a Special Account specifically earmarked for the enhancement of the human resources of the Secretariat of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols;
4. Invites the States Party to henceforth make voluntary contributions in order to ensure the continuity of the Secretariat's work;
5. Requests the Secretariat to prepare a working document proposing the establishment of a new Special Account to enhance its human resources in anticipation of the sixth Meeting of States Parties to take place in 2015.