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UNESCO Service Contract No: 4500241539
1954 Hague Convention on the Protection of Cultural Property in the Event of
Armed Conflict - Second Protocol

TWO STUDIES
on the
ASSESSMENT OF MOVABLE AND IMMOVABLE CULTURAL PROPERTIES FOR
ENHANCED PROTECTION UNDER THE SECOND PROTOCOL

Undertaken by ICOMOS

Introduction

ICOMOS has been commissioned by the UNESCO Secretariat to undertake two studies in order to¹:

First study: A study on the criterion 10 (a) of the 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

- 1 Analyse the similarities and differences between the 1999 Second Protocol to the 1954 Hague Convention on the one hand and the 1972 World Heritage Convention on the other hand in respect of the concept of “greatest importance for humanity” under the 1999 Second Protocol and the concept of “Outstanding Universal Value” under the 1972 World Heritage Convention.

References to texts of both Conventions and to decisions made by both Committees and Bureaux will be provided in footnotes.

- 2 Clarify the concept of “greatest importance for humanity” under the Second Protocol applicable to immovable cultural property and also to movable cultural property (subject to subsequent further refinement by other appropriate organisations specialised in movable cultural property) so as to achieve a common approach and define the criteria for assessing this concept with regard to immovable cultural heritage and provide guidance on the application of the criteria.

The objective of this study will be two fold i) present a methodology to enable the assessment of criteria 10 (a) in the present situation (the Guidelines not revised) and ii) present proposals for amending the Guidelines subject to the approval of the Committee and Meeting of the Parties

Second Study: Study on the criterion 10 (b) of the Second Protocol to the 1954 Hague Convention concept of internal, legal and administrative protective measures

- 1 Propose improvements to the Enhanced Protection Request Form for immovable cultural property to be used by State Parties to allow a clearer understanding of the Property put forward for Enhanced Protection, associated planning (e.g. Management, Conservation and Risk Preparedness Plans) and the commitments made to ensure its protection.

All specific requirements such as Emergency Plans will be defined and elaborated.

- 2 Propose a methodology to guide the assessment of applications for enhanced protection, including an evaluation grid to support the qualitative assessment of dossiers submitted by State Parties. (This methodology cannot be entirely objective and subjective assessments will still be needed based on professional expertise and knowledge).

¹ The original Terms of Reference under contract 4500209654 for the two studies are attached as Appendix 1.

The objectives of this study will be two fold i) present a methodology to enable the assessment of State Party submissions for Enhanced Protection of immovable cultural property in accordance with the Guidelines (Guidelines not revised) and ii) present proposals for clarifying and amending elements of the Guidelines (suggestions but not fully drafted textual amendments to the Guidelines) subject to the approval of the Committee and the Meeting of the Parties.

The adoption of cultural property onto the Enhanced Protection List is a significant achievement in the life of the Second Protocol and one that ICOMOS warmly welcomes as a major step forward in the protection of cultural property worldwide.

Introductory discussion

These two studies highlight some complex differences and similarities between the 1954 Hague Convention and its Second Protocol and the 1972 World Heritage Convention, the criteria for assessing the greatest importance to the whole of humanity, the type and extent of documentation to be presented by States Parties, and the evaluation of value and effective protection based on State Party submissions.

ICOMOS identified a number of practical issues in relation to the proposed methodology. The Bureau and Secretariat reviewed these issues and drafted a series of responses.

In subsequent discussions, following submission of earlier drafts, the Bureau, via the Secretariat, asked ICOMOS to take account of the work of other organisations in drafting a definition of “greatest importance for humanity” that would be equally applicable to immovable and movable cultural property. In doing so, ICOMOS has looked at not only the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage* (the World Heritage Convention), the 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property* but also the *Memory of the World Programme*, the *Valletta Convention 1992 (formerly the European Convention on the Protection of the Archaeological Heritage of Europe)*, the *Granada Convention for the Protection of the Architectural Heritage of Europe 1985*, ICOM's and INTERPOL's Red List documentation.

In undertaking these studies ICOMOS has made suggestions for the Bureau and the Committee for the future operation of the Enhanced Protection List. These include a proposed definition for the “greatest importance for humanity”, a proposed rationalisation of the criteria for justifying the “greatest importance for humanity”, proposed itemisation of types of information to be submitted at the time of nomination, reordering of the form to make it easier for State Parties to fill in and a proposal for regular updates of information that builds on the reporting mechanisms already operated by the Secretariat. Some technical questions, such as where and how data will be stored, and who will have access, remain to be clarified.

First Study:

A study on the criterion 10 (a) of the 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

The three parts of this study are dealt with separately.

1. Similarities and differences between the two instruments

ICOMOS was requested to analyse the similarities and differences between the 1999 Second Protocol to the 1954 Hague Convention on the one hand and the 1972 World Heritage Convention on the other hand in respect of the concept of “greatest importance for humanity” under the 1999 Second Protocol and the concept of “Outstanding Universal Value” under the 1972 World Heritage Convention.

- 1.1 Both the 1954 Hague Convention and the 1972 World Heritage Convention were developed following the Second World War to identify recognise and protect cultural property that is of importance to the whole of humanity both today and in the future². The 1954 Hague Convention is unique in that it covers all forms of cultural property both immovable and movable; subsequent conventions and UNESCO programmes have focused on immovable cultural property (the 1972 World Heritage³ Convention) or specific types of movable property (such as the Memory of the World programme) or specific problems affecting types of cultural property (1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects).
- 1.2 Many State Parties signed up to the 1954 Convention and First Protocol, but perceived implementation⁴ difficulties meant that it did not enjoy the widespread ratification of the World Heritage Convention. New conflicts such as the Balkans Crisis in the 1990s led to the promulgation of the Second Protocol in 1999.
- 1.3 The synergies between the two instruments have been recognised by both the 1954 Hague Convention Second Protocol Committee and the World Heritage Committee and both have agreed to work together more closely⁵.

² The 1972 Convention article 4 “Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in [Articles 1](#) and [2](#) and situated on its territory” and Article 6 “Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in [Articles 1](#) and [2](#) is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate”

³ 1954 Hague Convention Article 1 “cultural property’ shall cover, irrespective of origin or ownership:
(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as ‘centers containing monuments”

⁴ Patrick Boylan pers comm. – some State Parties were concerned that legitimate trade in antiques could be affected and perceived difficulties in enforcement against some State Parties.

⁵ Revision of the Operational Guidelines WHC13/37.COM/12, p. 7
<http://whc.unesco.org/archive/2013/whc13-37com-12-en.pdf>

Synergies between the Second Protocol (1999) to the 1954 Hague Convention and the 1972 Convention: At its seventh Meeting held on 20 and 21 December 2012, the Committee for the Protection of Cultural Property in the Event of Armed Conflict considered two documents relating to the development of synergies between

- 1.4 The Guidelines to the 1999 Second Protocol acknowledge these synergies and the group drawing up these Operational Guidelines drew heavily on existing available sources, in particular the World Heritage Operational Guidelines. These Second Protocol Operational Guidelines were developed in 2008-9 and endorsed by the third meeting of the State Parties⁶ to the Second Protocol in 2009.
- 1.5 Paragraph 36⁷ of the Second Protocol Operational Guidelines states that the State Parties to the Second Protocol Committee will include on the Enhanced Protection List immovable cultural property inscribed on the World Heritage List as satisfying the condition of "Greatest Importance for Humanity" provided that the immovable cultural property is cultural heritage of the Greatest Importance for Humanity, is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection, and that the State Party has declared it will not⁸ ever be used for military purposes or to shield military sites. The inclusion of World Heritage properties was agreed as this provided an existing corpus of assessed cultural property which could be quickly reviewed against the Second Protocol criteria and incorporated *where appropriate* thus ensuring the maximum amount of cultural property was protected as quickly as possible.
- 1.6 However, immovable cultural properties included on the Enhanced Protection List do not necessarily qualify for inclusion on the World Heritage List and vice versa. The reasons for this are discussed in 1.13 and section 4 in more detail.
- 1.7 The two Conventions define immovable cultural property and recognise value differently partly arising out of the fundamental reasons why each convention came into being.
- 1.8 The 1954 Hague Convention, and therefore its Protocols, has a wider definition of cultural property; this includes movable cultural property of all types, refuges or stores containing movable cultural property, immovable cultural property and centres containing a large amount of movable or immovable cultural property.
- 1.9 The 1954 Hague Convention and Protocols are designed to protect cultural property of great importance to the cultural heritage of every people when faced with armed conflict. The same preparedness techniques would apply in cases of other natural or human-made disasters as they represent extreme events which are usually time-limited⁹. Cultural property can only be included on the Enhanced Protection List if agreed to be of the greatest importance to humanity, is protected by adequate legal and administrative measures and is not and never will be used for military purposes. The World Heritage Convention is not bound by such parameters, is not event specific

the 1999 Second Protocol to the 1954 Hague Convention and the World Heritage Convention. By its Decision 7.COM (see Annex I), it requested its Secretariat to ensure that synergies apply at all levels when assisting States Parties with the identification, submission of proposals for enhanced protection, inclusion of cultural property on the List of Cultural Property under Enhanced Protection, and protection and safeguarding measures of cultural property both under the 1999 Second Protocol to the 1954 Hague Convention and the 1972 World Heritage Convention.
Page 9 of same document: Draft Decision: 37 COM 12 "Welcomes the reflections on the interaction between the World Heritage Convention and the Second Protocol (1999) to the 1954 Hague Convention and also requests the World Heritage Centre and the Advisory Bodies to consider the options for making reference to the Reinforced Protection under the Second Protocol (1999) of the Hague Convention (1954) within nominations to the World Heritage List"

⁶ Approval of amendments to the Guidelines for the Implementation of the Second Protocol to the Hague Convention: Improvement of the Enhanced Protection Request Form Decision 5.SP 2
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/5SP-final-report-EN_20140327.pdf

⁷ Second Protocol Guidelines 2009 paragraph 36 "It is presumed that the Committee subject to other relevant considerations will consider that immovable cultural property inscribed on the World Heritage List satisfies the condition of greatest importance to all humanity". This was further discussed and agreed at the Bureau meeting on 29th April 2011

⁸ There appears to be a discrepancy between article 10c of Second Protocol (is not used.... and it will not be so used" and in paragraph 42 of the Guidelines "must not be used for military purposes.... will not be so used"). ICOMOS recommends that the Guidelines be amended to be consistent with the Second Protocol.

⁹ The Bureau, ICOMOS and the Blue Shield network have suggested that the methodology used to prepare for armed conflicts can in many cases be used to prepare for natural and man-made disasters and that such preparedness should be promoted to State Parties

and some World Heritage properties contain military elements¹⁰ although it does require preparedness measures to be in place to protect immovable cultural property.

- 1.10 Both Conventions seek to protect tangible buildings, archaeology and monuments. These are described as properties (formerly sites) under the World Heritage Convention, and as cultural property and centres containing a large amount of immovable or movable cultural property (centres containing monuments) under the Hague Convention and its Second Protocol.
- 1.11 The Hague Convention also seeks to protect movable cultural property, the buildings that contain it and stores and refuges for cultural property. This lies outside the scope of the World Heritage Convention.
- 1.12 The Hague Convention sets out to protect centres containing a large amount of immovable or movable cultural property; this is in recognition of the need to accommodate military requirements within historic areas that contain particular concentrations of museums, galleries, archives, libraries, archaeological remains or historic buildings. The World Heritage Convention does not recognise the concept of “centres” and inscribes areas, monuments or buildings either as properties containing “Outstanding Universal Value” or as buffer zones around such properties.
- 1.13 Both conventions seek to protect the cultural property which is most important to humanity both alive now and in the future. The Second Protocol seeks to include all cultural property provided the case is made that it is cultural heritage of the greatest importance for humanity, it is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring its highest protection and it is not used for military purposes or to shield military sites and a declaration has been made confirming it will not be so used (article 10 Second Protocol). Provided that the State Party makes a satisfactory case explaining why the cultural property is of national, regional or universal value (31-35 Second Protocol Guidelines), its loss will be irretrievable for humanity, there are adequate measures in place to protect the cultural property and declares it is not and will not be used for military purposes then Enhanced Protection is likely to be granted.
In contrast the World Heritage Committee, responsible for implementation of the World Heritage Convention, has become more selective in deciding what properties have Outstanding Universal Value. State Parties are discouraged from nominating types of sites that are already over represented on the World Heritage List, or are places connected with renowned individuals or are places reflecting solely intangible values.
- 1.14 Certain types of property inscribed under the World Heritage Convention do not fall within the 1954 Hague definitions as set out in paragraph 33 of the Hague Convention Second Protocol Guidelines; these are natural sites¹¹ (both terrestrial and marine) and mixed sites¹² (i.e. inscribed for their natural and cultural Outstanding Universal Value. World Heritage Properties inscribed as extensive cultural landscapes¹³, both rural and urban, exemplars of traditional human settlement, land or sea use or interaction with the environment or places that are valued for their associations¹⁴, such as spiritual or religious associations, and for their ongoing traditional processes, such as types of agricultural activities), also do not appear to fall within the definition of paragraphs 33 to 37.4 or 33 of the Second Protocol Guidelines.
- 1.15 World Heritage properties are inscribed for their Outstanding Universal Value (OUV), whereas the Second Protocol article 10 (a) refers to cultural heritage of the greatest importance for humanity for

¹⁰ Examples include World Heritage property Edinburgh Castle, part of the Old and New town of Edinburgh (UK) which is an active military garrison albeit mainly for administrative and ceremonial functions and the World Heritage Property Memphis and its Necropolis -- the Pyramid Fields from Giza to Dashur (Egypt) where military camps are located in Dashur area.

¹¹ Natural World Heritage Properties are evaluated against criteria vii to x (cf World Heritage Operational Guidelines 2013). These do not equate to Second Protocol categories.

¹² Mixed World Heritage Properties inscribed under World Heritage criteria i to iv may qualify

¹³ These are properties inscribed on the World Heritage List under criterion 5

¹⁴ These are properties inscribed on the World Heritage List under criterion 6. It is rare to find a property inscribed under criterion 6 alone so it may be that properties qualify if inscribed under criteria i-iv.

cultural property under enhanced protection¹⁵, and these two concepts are defined by different sets of criteria.

- 1.16 The Second Protocol Guidelines with respect to exceptional cultural significance recognises national, regional and global value (an exceptional cultural property bearing testimony to one or more periods of the development of humankind at the national, regional or global level)¹⁶. The WH Convention inscribes properties on the basis that their OUV transcends national boundaries¹⁷.
- 1.17 The 1954 Hague Convention and its Second Protocol emphasise the need for preparedness to ensure cultural property is protected during military conflict. It specifies the need for protective mechanisms to be put in place during peacetime and for civilian and military training to engage them in such protective measures on a regular basis including the identification of “competent authorities” who can act to safeguard cultural property in the event of an emergency. Appropriate measures must include preparation of inventories and the planning of emergency measures for protection against fire or structure collapse, preparation for the removal of movable cultural property, or provision of adequate *in situ* protection and the designation of competent authorities responsible for the safeguarding of cultural property. The Bureau and Committee have recognised that such measures are often equally applicable to natural disasters as to manmade disasters or armed conflict and this is to be welcomed. State Parties should include as much detail in their submissions as possible detailing fire prevention and suppression systems, flood, storm and earthquake proofing including protection against structural collapse, anti terrorism and security procedures, evacuation procedures for people and movable cultural property and preparation and use of appropriate secure storage areas for cultural property. This requirement was intended to form part of a comprehensive system for protecting cultural property based ensuring regular engagement from all levels of society including government, the military and communities. The World Heritage Convention¹⁸ seeks to conserve and preserve immovable cultural property and increasingly asks State Parties to involve local communities. It encourages training in conservation at all levels.
- 1.18 Both instruments ask State Parties to put in place adequate protection for their cultural properties and to foster respect for cultural heritage and property within their countries; the Hague Convention identifies the need for strengthening appreciation for cultural property throughout society and in its military forces and legal protection of the Blue Shield emblem; State Parties are requested to put the Blue Shield on their cultural property on the Enhanced Protection List though it is recognised that in certain circumstances this may lead to increased targeting of cultural property. The World Heritage Convention promotes State Party use of the World Heritage and UNESCO symbols¹⁹ to increase awareness and appreciation of World Heritage. Both instruments seek to increase and foster community engagement and awareness of cultural heritage and use of the logos may help to provide a focus for this.
- 1.19 Under the Second Protocol Operational Guidelines, State Parties are asked to prepare peacetime plans to ensure cultural property is protected against the foreseeable effects of armed conflict and negligence, decay and destruction²⁰. Risk Preparedness is increasingly being recognised as

¹⁵ World Heritage properties that do not satisfy the criteria for Enhanced Protection still fall under the definition of cultural property under Article 1 of the 1954 Hague Convention (immovable property of great importance to the cultural heritage of every people...)

¹⁶ Second Protocol Guidelines 2009 paragraph 33

¹⁷ World Heritage Convention 1972 Article 6 “whilst fully recognising the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 are situated, and without prejudice to property rights provided by national legislation, the State Parties to this convention recognise that such heritage constitutes a world heritage whose protection is the duty of the international community as a whole to co-operate”. This is summarised in the World Heritage Operational Guidelines 2013 as “The cultural and natural heritage is among the priceless and irreplaceable assets, not only of each nation, but also of humanity as a whole. The loss, through deterioration or disappearance, of any of these most prized assets constitutes an impoverishment of the heritage of all the peoples of the world” (paragraph 4)

¹⁸ World Heritage Convention Articles 5 and 27

¹⁹ The World Heritage emblem was adopted by the World Heritage Committee in 1978 and its uses has been published by the World Heritage Committee (World Heritage Operational Guidelines 2013 paragraphs 258-279)

²⁰ Second Protocol Operational Guidelines paragraph 39

important by the World Heritage Committee²¹ and future editions of the World Heritage Operational Guidelines²² will include information and requirements for risk preparedness which will be developed in order to satisfy the synergies with the Hague Convention Second Protocol. Similarly training for communities in conservation is increasingly being emphasised under the World Heritage Convention.

- 1.20 The World Heritage Convention encourages State Parties to collaborate on transnational nominations and several World Heritage properties, such as the Struve Geodetic Arc, are thousands of miles long. It would appear that such properties would be covered under the Second Protocol subject to compliance with the conditions provided for in its Article.
- 1.21 The World Heritage Convention provides for a regular world-wide programme (the Periodic Report) of reporting by State Parties on a property-by-property basis and on an overall basis; the questionnaire covers a wide range of issues including an up to date assessment of the state of conservation of the property. The Hague Convention and the Second Protocol provide for a programme of regular reporting by State Parties on activities undertaken.
- 1.22 The Second Protocol requires State Parties to ensure that properties on the Enhanced Protection List are not and will not be used for military purposes, or to shield military sites. The World Heritage Convention does not require this.
- 1.23 Both instruments have provision for international assistance. The Second Protocol and Guidelines provide for other categories of assistance.
- 1.24 The two Conventions operate under different resource constraints. The World Heritage Convention has a budget of \$54²³ million per annum and the World Heritage Centre has 60 staff²⁴. A maximum of 45 applications are accepted per year and are evaluated by the appropriate advisory body (ICOMOS, IUCN and/or ICCROM) over an 18 month period via peer review and site visits. The advisory bodies also work on referral, deferral and state of conservation cases. The World Heritage List comprises 1007 properties (September 2014) 779 of which are cultural, 197 are natural and 31 mixed.
The Hague Convention and its Protocols had an overall budget of 591660 (dollars or euros) for 2013. The Chief of the Cultural Heritage Protection Treaties Section is responsible for 3 Conventions and has access to (0.5 post for administrative and other purposes). State Party submissions are checked by UNESCO to see that all required documentation is submitted but lack of resources preclude assessment, cross checking and evaluation of the submissions.
- 1.25 Despite the differences between the two instruments outlined above, both the World Heritage Committee and the Hague Convention Second Protocol Committee aim to promote synergies between the two Conventions by putting immovable cultural property inscribed on the World Heritage List and satisfying the criteria in the Second Protocol onto the Second Protocol Enhanced List wherever possible.

²¹ World Heritage Operational Guideline 2013 paragraph 118 (Decision 28 COM 10B.4 and World Heritage Centre Resource Manual [Managing Disaster Risks for World Heritage](#))

²² World Heritage Operational Guideline 2013 paragraph 118 (Decision 28 COM 10B.4)

²³ Source for financial information <http://whc.unesco.org/en/funding/>

²⁴ Source for staffing <http://whc.unesco.org/en/whoswho/>

2. Clarification of the “greatest importance for humanity” under the Second Protocol, definition of the criteria for assessing this concept and guidance on the application of criteria

ICOMOS was requested to clarify the concept of “greatest importance for humanity” under the Second Protocol applicable to immovable cultural property and also to movable cultural property (subject to subsequent further refinement by other appropriate organisations specialised in movable cultural property) so as to achieve a common approach and define the criteria for assessing this concept with regard to immovable cultural heritage and provide guidance on the application of the criteria.

- 2.1 Many UNESCO and other cultural conventions seek to promote intercultural understanding through protection of heritage and support for cultural diversity. Wherever possible such definitions are short and succinct such as that used for the Memory of the World (1992) or the Convention for the Safeguarding of the Intangible Cultural Heritage 2003 and are the product of consensus.
- 2.2 The following is a proposed definition of the “Greatest Importance for Humanity” for consideration by the Committee, and others as appropriate. It has been drafted, as requested, to be applicable to both movable and immovable cultural property.

Cultural property is one of the basic and most important expressions of human society. In all its tangible forms, both immovable and movable, it reflects the rich evolution of ideas, discoveries, interactions, values and achievements of people and their shared history.

Some cultural property is recognised by the world community as being of such significance for the collective and diverse history of humanity that it should be protected today and as a legacy for the future to benefit everyone everywhere. Its destruction would lead to an irretrievable loss for humanity.

Such cultural property is recognised as being “of the greatest importance for humanity” in the Second Protocol.

3. Suggested methodology for the evaluation of the notion of “the “greatest importance for humanity” under the current Guidelines.

- 3.1 Section IIIA of the Guidelines states that the Committee may place cultural property under Enhanced Protection provided that it satisfies the following conditions laid down in the Second Protocol. It:
- Is of the “greatest importance for humanity”
 - Is safeguarded by “adequate domestic legal and administrative measures of protection”
 - is not used for military purposes or to shield military sites and a declaration has been made by the State Party which has control over the military property confirming that it will not so be used.
- 3.2 The Guidelines in paragraphs 32 to 37 set out information for State Parties to use when preparing submissions for incorporation onto the Enhanced Protection List.
- 3.3 To enable the Committee to agree that cultural property meets the condition of the “greatest importance for humanity”, State Parties are asked to provide information demonstrating how the cultural property is of national, regional or universal value meeting the following criteria:
- Is an exceptional cultural property bearing testimony to one or more of the periods of development of humankind at the national, regional or global level;
 - It expresses a masterpiece of human creativity;
 - It bears an exceptional testimony to a cultural tradition or to a civilisation which is living or has disappeared;
 - It exhibits and important interchange of human achievements, over a span of time or with a cultural area of the world and on developments in arts and sciences;
 - It has a central significance to the cultural identity of societies concerned.

State Parties are asked to provide as much information as possible to assist evaluation. State Parties are encouraged to use existing UNESCO databases in preparing submissions.

- 3.4 To explain the importance of the cultural property (and where the proposed immovable cultural property is not an inscribed World Heritage property) State Parties are asked to provide the following information:
- Description of the immovable cultural property and its history including, photographs, pictures, maps and survey data, archaeological data, summary of inventories
 - Detailed justification of the area proposed for inclusion
 - Description of the current state of conservation of the immovable cultural property including details of any defects and mitigation measures, risks and mitigation measures, maintenance regimes
 - Justification for the ways in which the cultural property conveys significance, including in relation to changes over time where appropriate, together with an explanation of the reliability of the information sources. State Parties are encouraged to use the following list (in the case of World Heritage properties State Parties could use the agreed statement of authenticity^[1]).
 - Form and design
 - Materials and substance
 - Use and function including continuity of use, details of significant change or repair
 - Traditions, techniques and management systems
 - Location and setting
 - Language and other forms of intangible heritage
 - Spirit and feeling Other internal and external factors
 - State Parties should ensure that the area proposed effectively contains all of the elements of the immovable cultural property that convey its national, regional or universal significance. In the case of World Heritage properties State Parties could use the agreed Statement of Integrity^[2])
 - Evidence demonstrating that the immovable cultural property is of national, regional or global importance. This should include physical, written, figurative, scientific, oral sources. Using this evidence, State Parties should provide a comparative study placing

^[1] For further explanation see World Heritage Operational Guidelines 2013 paragraphs 79 to 86 and Annex 4 (the Nara Document) <http://whc.unesco.org/archive/opguide13-en.pdf>

^[2] World Heritage Guidelines 2013 paragraphs 87-102 where relevant <http://whc.unesco.org/archive/opguide13-en.pdf>

the immovable cultural property in its international context. This will identify clearly for the assessors:

- Whether the State Party considers the immovable cultural property to be of national importance, why and how the physical features articulate this;
- Whether the State Party considers the immovable cultural property to be of regional importance, why and how the physical features articulate this;
- Whether the State Party considers the immovable cultural property to be of global importance, why and how the physical features articulate this;

3.5 State Parties should submit evidence that the immovable cultural property is protected by adequate domestic legal and administrative measures including:

- National heritage legislation for inclusion onto the Second Protocol legal database;
- Spatial planning legislation and guidance at both national, regional and local levels;
- Relevant building and maintenance legislation that may affect the immovable cultural property;
- Relevant resilience and emergency planning legislation, statutes and instruments to include details of legislation and instruments relating to fire, natural disasters and other relevant elements that may affect the immovable cultural property;
- Other legislation and designations that may affect the immovable cultural property (including any relevant international legislation, directives, classifications);
- Details of relevant cultural heritage and environmental designations including assessments of significance, conservation plans, emergency plans (also known as risk reduction plans or disaster plans);
- Where the immovable cultural property is complemented by related movable cultural property eg historic portraits or diaries, details of protective mechanisms and arrangements could usefully be provided;
- Details of legislation ensuring protection of the Blue Shield emblem and any accompanying guidance relating to the use of the emblem
- Details and evidence of the identification of immovable cultural property in accordance with Article 5;
- Details of appropriate criminal legislation providing for the repression of and jurisdiction over offenses committed against cultural property under cultural property within the meaning of, and in accordance with, chapter 4 of the Second Protocol;
- Evidence that the immovable cultural property is appropriately protected against neglect, decay and destruction in peace time and in the event of armed conflict and other military. State parties will be expected to provide amongst other items details of emergency stabilisation measures including specifications, resourcing details, evidence of refuges as appropriate, details of the protection of staff, maintenance regimes and details of their implementation;
- Evidence of peacetime training of communities and others in relation to cultural property of the greatest of importance to all humanity including details of rehearsals, community representatives with responsibility for safeguarding;
- Details and evidence of incorporation of awareness and understanding of and respect for cultural property and of cultural property under enhanced protection or proposed for inclusion on the Enhanced Protection List into military planning and military training programmes;
- Relevant resilience and emergency planning legislation, statutes and instruments to include details of legislation and instruments

Wherever possible State Parties are encouraged to use existing UNESCO databases and to report any inaccuracies.

- 3.6 State Parties should provide the required evidence in so far as this is possible. If it is not, possible reasons should be set out clearly and a proposed timetable for providing the information agreed with the Committee and Secretariat.
- 3.7 More detailed requirements e.g. scale are set out in the proposed Methodology (see sections 4 and for proposed methodology for World Heritage properties and section 7 for proposed methodology dealing with immovable cultural property not on the World Heritage List)
- 3.8 Assessors will evaluate the information provided and in particular the statements of Greatest Importance for Humanity, Authenticity and integrity, the location data and evidence, together with details of domestic administrative and legal arrangements. Where possible and appropriate these will be compared with other cultural property on the Enhanced Protection List. If further information is required then the Secretariat will write to the State Party seeking clarification.

4. Suggested methodology for evaluation of World Heritage Properties put forward for inclusion on the Enhanced Protection List under the current guidelines

- 4.1 ICOMOS notes that there may not always be a straightforward translation for cultural properties inscribed under the World Heritage Convention to be put onto the Enhanced Protection List. Some properties that are inscribed under the World Heritage Convention as landscapes related to traditional processes may not be seen to fall within the scope of the Second Protocol, and others might include places associated with military activities, key infrastructure or extensive urban or rural landscapes. Some are transnational properties covering continents involving many State Parties. The Second Protocol does not cover natural sites.
- 4.2 ICOMOS suggests that State Parties will need to screen their own properties on the World Heritage List and demonstrate that they are cultural sites inscribed on the World Heritage List for criteria i, ii, iii or iv (properties inscribed solely under (v) traditional processes or under (vi) may fall outside the Hague Convention remit) as well as satisfying the other Hague criteria²⁵. It is suggested that the attached checklist be used by State Parties to be aware that properties proposed for Enhanced Protection satisfy the various criteria.
- 4.3 In order to avoid potential tensions between the Conventions, ICOMOS recommends that State Parties be made aware that inclusion on the Second Protocol Enhanced Protection List does not mean automatic inscription on the World Heritage List. ICOMOS recommends that this is acknowledged on the Enhanced Protection model application form. (see proposals for revised form below).
- 4.4 In many cases, particularly for World Heritage properties inscribed before 2000, nomination documentation is not very detailed and will need to be augmented to enable desk based assessment. For extensive World Heritage properties more detailed maps and data that show the precise location of individual buildings or sites will be required to enable effective monitoring. Details of state of conservation of the cultural property may not have been included when inscribed onto the World Heritage List and this could prejudice effective protection in the event of armed conflict and preclude future legal action against physical persons who may have committed breaches of Article 15 and its subsections of the Second Protocol. In such cases State Parties should endeavour to collect additional information before making a nomination for Enhanced Protection Listing.
- 4.5 Many World Heritage properties can be put forward for inclusion on the Enhanced Protection List in their entirety. There are other properties that will however contain places that are used for military purposes²⁶ or contain strategic infrastructural assets that might be used for military purposes. It is highly likely that this will be the case in extensive urban areas or in linear riverine landscapes that include bridges or dams. In such instances the State Party should review whether these areas should be included in the nomination for Enhanced Protection Listing and if areas are excluded the State Party should include clear reasons for this decision. State Parties should clearly mark items which are confidential.
- 4.6 To assist assessors preparing reports for consideration by the Second Protocol Committee State Parties should provide the following information (much of this will most likely be found in the nomination dossiers, advisory body evaluation and reports, World Heritage committee discussion, inscription data, state of conservation reports, Periodic Reports and any in danger reports and listing or deletion reports) :
- Description of the immovable cultural property and its history including photographs, maps and survey data, archaeological data, summary of inventories
 - Detailed justification of the area proposed for inclusion (this is particularly important where the area proposed for Enhanced Protection status is different to that inscribed on the World Heritage List)
 - Description of the current state of conservation of the immovable cultural property including details of any defects and mitigation measures, risks and mitigation measures, maintenance regimes

²⁵ Article 10 of the Second Protocol

²⁶ An example of a World Heritage Property containing military features is the Tower of London. The Royal Regiment of Fusiliers has been based at the Tower since 1685; garrison duties are undertaken by Yeoman Warders and three London regiments on a rotational basis. The regimental museum of the Fusiliers is in the Old Officers' Quarters together with the regimental HQ and mess.

- State Parties should submit their approved Statement of Outstanding Universal Value or approved Retrospective Statement of Outstanding Universal Value to demonstrate that the immovable cultural property is of national, regional or global importance.
- Description of the ways in which the cultural property conveys significance, how this significance has evolved over time together with an explanation of the reliability of the sources. State Parties could use the agreed statement of authenticity²⁷ that forms part of the agreed World Heritage Statement of Outstanding Universal Value.
- Description of how the significance is to be secured and sustained; State Parties should ensure that the area proposed effectively contains all of the elements of the immovable cultural property that convey its national, regional or universal significance is included. If this is not possible an explanation should be provided (in the case of World Heritage properties State Parties could use the agreed Statement of Integrity²⁸).
- Comparative studies submitted as part of the World Heritage nomination process supplemented by information on any other values and significances of the cultural property.

4.7 State Parties should submit evidence that the immovable cultural property is protected by adequate domestic legal and administrative measures including:

- National heritage legislation for inclusion onto the Second Protocol legal database;
- Spatial planning legislation and guidance at both national, regional and local levels;
- Relevant building and maintenance legislation that may affect the immovable cultural property;
- Relevant resilience and emergency planning legislation, statutes and instruments to include details of legislation and instruments relating to fire, natural disasters and other relevant elements that may affect the immovable cultural property;
- Other legislation and designations that may affect the immovable cultural property (including any relevant international legislation, directives, classifications);
- Details of relevant cultural heritage and environmental designations including assessments of significance, conservation plans, emergency plans (also known as risk reduction plans or disaster plans);
- Where the immovable cultural property is complemented by related movable cultural property eg historic portraits or diaries, details of protective mechanisms and arrangements could usefully be provided;
- Details of legislation ensuring protection of the Blue Shield emblem and any accompanying guidance relating to the use of the emblem
- Details and evidence of the identification of immovable cultural property in accordance with Article 5;
- Details of appropriate criminal legislation providing for the repression of and jurisdiction over offenses committed against cultural property under cultural property within the meaning of, and in accordance with, chapter 4 of the Second Protocol;
- Evidence that the immovable cultural property is appropriately protected against neglect, decay and destruction in peace time and in the event of armed conflict and other military. State parties will be expected to provide amongst other items details of emergency stabilisation measures including specifications, resourcing details, evidence of refuges as appropriate, details of the protection of staff, maintenance regimes and details of their implementation;
- Evidence of peacetime training of communities and others in relation to cultural property of the greatest of importance to all humanity including details of rehearsals, community representatives with responsibility for safeguarding;
- Details and evidence of incorporation of awareness and understanding of and respect for cultural property and of cultural property under enhanced protection or proposed for inclusion on the Enhanced Protection List into military planning and military training programmes;
- Relevant resilience and emergency planning legislation, statutes and instruments to include details of legislation and instruments

²⁷ For further explanation see World Heritage Operational Guidelines 2013 paragraphs 79 to 86 and Annex 4 (the Nara Document) <http://whc.unesco.org/archive/opguide13-en.pdf>

²⁸ World Heritage Guidelines 2013 paragraphs 87-102 where relevant <http://whc.unesco.org/archive/opguide13-en.pdf>

- 4.8 State Parties should provide the required evidence in so far as this is possible. If it is not, possible reasons should be set out clearly and a proposed timetable for providing the information agreed with the Committee and Secretariat. The Committee may wish to consider using the Fund – resources permitting – to assist in training and other assistance.
- 4.9 More detailed requirements e.g. scale are set out in the proposed Methodology (section 7)
- 4.10 Assessors will evaluate the information provided together with details of domestic administrative and legal arrangements. Where possible and appropriate these will be compared with other cultural property on the Enhanced Protection List. If further information is required then the Secretariat will write to the State Party seeking clarification.

5. Revised model application form through which States Parties request enhanced protection (for immovable cultural properties), in order to support the qualitative assessment of dossiers submitted. State Party/ies should refer to the accompanying methodology and check list.

ENHANCED PROTECTION REQUEST FORM

General Information required

1. STATE PARTY:

Submission prepared by:

Institution:

E-mail:

Name:

Fax:

Address:

Telephone:

Institutions consulted and involved in the preparation of this nomination for Enhanced Protection List (delete as appropriate):

Military authorities (yes/no), Cultural authorities (yes/no), Emergency preparedness and Resilience authorities (yes/no), Education authorities (yes/no), State regional and local government (yes/no), local community organisations/groups (yes/no), cultural property owners/managers/institutions (yes/no)

Information regarding responsible authority/ies:

State Parties should set out here information details of the authority/ies responsible for the measures referred to in Articles 5, 10(b), and 10(c) of the Second Protocol and for training and monitoring

Date of Accession and ratification to the Hague Convention and Second Protocol:

2. DATE OF SUBMISSION

3. REQUIREMENTS CONSIDERED BY THE COMMITTEE:¹

3.A IDENTIFICATION OF THE CULTURAL PROPERTY

(please include photos, survey data, aerial photographs and maps):

- State, Province or Region Located or Stored:
- Name of the Cultural Property:
- Type of Cultural Property (movable or immovable or both):
- UTM coordinates of the approximate central point and a list of UTM coordinates indicating the course of the property boundary, if applicable (a map showing the property boundary should be provided):
- Area of the cultural property (immovable) in hectares:
- Where the nomination involves centres of monuments or large areas, identify locations of key elements such as museum buildings, archives, galleries, historic buildings, archaeological remains etc. by also providing maps at an appropriate scale, aerial photographs annotated as appropriate. The maps should show street names in one of the two working languages of the Second Protocol Committee to facilitate assessment). Where possible both electronic data and hard copies should be provided.
- In the case of immovable cultural property, techniques such as LIDAR, 3D laser scanning, photogrammetric survey data should be used to provide detailed structural and other information supplemented with photographs wherever possible (if this is not possible please explain why and what arrangements can be put in place to provide the information within a

¹ More detailed information is contained in paragraphs 54 - 62 of the Guidelines.

specified number of years such as 3 years²⁹). In the case of movable cultural property, details of the buildings, stores and refuges housing movable cultural property should be provided. Further guidance will be developed to detail information requirements for movable cultural property. State Parties should indicate if details are to be kept confidential.

- If the nominated cultural property is an inscribed World Heritage property and is not nominated for inclusion on the Enhanced Protection List in its entirety, provide a map showing areas proposed for exclusion accompanied by notes explaining the reasons why areas are excluded. If the nominated cultural property is an inscribed World Heritage property and is not nominated for the List in its entirety, provide a map showing areas proposed for exclusion accompanied by notes explaining the reasons why areas are excluded
- The State Party/ies is/are also invited to provide information concerning relevant measures adopted under other UNESCO standard-setting instruments and Programmes such as Memory of the World or Man and the Biosphere programmes, if applicable.

3.B USE OF THE CULTURAL PROPERTY

- State Party/ies should set out here details of use and, in the case of immovable cultural property, buildings housing movable cultural property and centres containing monuments, uses within the surrounding area that might impact on the cultural property and steps taken to mitigate risk (eg. fire suppression systems in historic timber housing to mitigate the risk of fire posed by firework manufacturers in the surrounding areas).
- State Parties should explain here any regular events that take place at or in connection with the cultural property. This may include festivals, commemorative events, conferences, cultural events and sporting events.
- State Party declaration of non military use see below

Information required in connection with criteria 10a

3.C BRIEF DESCRIPTION OF THE CULTURAL PROPERTY

- State Party/ies should provide a description of the immovable or movable cultural property and its history including photographs, oral history and songs, pictures, maps and survey data, archaeological data, summary of inventories. Details of significant changes to the cultural property such as part destruction, significant repair or particular events should be detailed. Further details can be found in the accompanying methodology.

3.D INFORMATION REGARDING ONGOING CONSERVATION AND MONITORING OF CULTURAL PROPERTY

- State Parties should set out here details of management and conservation arrangement.
- State Parties should set out here information on the current state of conservation of the cultural property identifying any concerns and remedial programs in place to mitigate concerns. Details of regular maintenance regimes should also be included.
- State Parties should include emergency and risk preparedness plans in place to protect the cultural property including details of training and rehearsals as well as government and community involvement

3.E STATEMENT OF WHY THE CULTURAL PROPERTY IS OF THE GREATEST IMPORTANCE FOR HUMANITY

- State Parties should provide a short statement that explains briefly what the cultural property is and why it is considered to be of greatest importance for humanity and why its destruction would lead to irretrievable loss for all humanity. This should be supported as appropriate by

²⁹ ICOMOS recommends that the Committee should be invited to set a timeframe for information to be provided and suggests 3 years.

the studies set out above in Sections 3 and 4. If the property is accepted for enhanced protection, this description could then form the basis of the text to be used on the Register.

Information required in connection with criteria 10 b

3.F PROTECTION OF THE CULTURAL PROPERTY

- State Parties should briefly indicate here details of international and national legislation protecting the cultural property nominated, and any regional or local legislation. Copies of the legislation should be provided in English or French for inclusion onto the Second Protocol legal database;
- Spatial planning legislation and guidance at both national, regional and local levels;
- Relevant building and maintenance legislation that may affect the immovable cultural property;
- Relevant resilience and emergency planning legislation, statutes and instruments to include details of legislation and instruments relating to fire, natural disasters and other relevant elements that may affect the immovable cultural property;
- Other legislation and designations that may affect the immovable cultural property (including any relevant international legislation, directives, classifications);
- Details of relevant cultural heritage and environmental designations including assessments of significance, conservation plans, emergency plans (also known as risk reduction plans or disaster plans);
- Where the immovable cultural property is complemented by related movable cultural property eg historic portraits or diaries, details of protective mechanisms and arrangements could usefully be provided;
- Details of any spatial planning or other protective regimes should also be provided as appropriate.
- Details of legislation ensuring protection of the Blue Shield emblem and any accompanying guidance relating to the use of the emblem
- Details and evidence of the identification of immovable cultural property in accordance with Article 5;
- Details of appropriate criminal legislation providing for the repression of and jurisdiction over offenses committed against cultural property under cultural property within the meaning of, and in accordance with, chapter 4 of the Second Protocol;
- Evidence that the immovable cultural property is appropriately protected against neglect, decay and destruction in peace time and in the event of armed conflict and other military. State parties will be expected to provide amongst other items details of emergency stabilisation measures including specifications, resourcing details, evidence of refuges as appropriate, details of the protection of staff, maintenance regimes and details of their implementation;
- Evidence of peacetime training of communities and others in relation to cultural property of the greatest of importance to all humanity including details of rehearsals, community representatives with responsibility for safeguarding;
- Details and evidence of incorporation of awareness and understanding of and respect for cultural property and of cultural property under enhanced protection or proposed for inclusion on the Enhanced Protection List into military planning and military training programmes;
- Relevant resilience and emergency planning legislation, statutes and instruments to include details of legislation and instruments

3.G TRAINING

- State Parties should set out here information regarding details of peace time training of civilian and military authorities and arrangements in place for its continuing review. Details of regular resilience rehearsals should also be provided where possible.

Information in support of criteria 10c

3.H DECLARATION THAT THE CULTURAL PROPERTY IS NOT USED FOR MILITARY PURPOSES OR TO SHIELD MILITARY PURPOSES AND WILL NOT BE SO USED

The State Party is requested to confirm that the cultural property identified above is not used for military purposes or to shield military sites and a declaration has been made by the State Party which has control over the cultural property confirming it will not be so used. State Parties may use the attached model declaration as a base if they so wish.

MODEL: Non-military use declaration

On behalf of [the Party which has control over the cultural property], I hereby declare that, in conformity with Article 10 of the Second Protocol, [the cultural property for which enhanced protection was requested] is not and will not be used for military purposes or to shield military sites.

[Signature of the representative authorized by the Party which has control over the cultural property as competent for this matter]

Name:
Function:
Date:

Conclusion

4.0 STATEMENT OF GREATEST IMPORTANCE FOR HUMANITY

The State Party is asked to submit a **short** statement for inclusion on the Register. This should set out briefly what the cultural property is and why it is considered of greatest importance for humanity, outline legal, administrative and domestic protective mechanisms including mechanisms for training of civilians and the military,

Signature by the Party's competent authority:
Full name
Title
Date

6.0 Suggested Revisions to the text of the Enhanced Protection List Guidelines

- 6.1 ICOMOS has been asked to present proposals for amending the Second Protocol Guidelines, subject to the approval of the Committee and the Meeting of the Parties, in order to facilitate their use, and also to identify issues for clarification arising out of these studies. This is not intended to be a comprehensive review of the Guidelines or the Guidelines text.

Definition of Greatest Importance for Humanity

- 6.2 The Bureau and Secretariat requested ICOMOS to propose a draft definition of greatest Important for Humanity that would be equally applicable to immovable and movable cultural property. This definition has been set out above for discussion with other organisations, State Parties and the Committee.
- 6.3 ICOMOS considers that, as it is axiomatic that the destruction of property of high value to humanity would be a great loss to humanity, the notion of *destruction leading to irretrievable loss for humanity*, should form part of the definition of the Greatest Important for Humanity rather than being part of the criteria for assessment.
- 6.4 Although paragraphs 32 to 35 of the Guidelines for the implementation of the Second Protocol provide an overview of the elements to be taken into account in justifying the Greatest Importance for Humanity, these remain rather abstract and ICOMOS considers that they could be more clearly set out.
- 6.5 In order for there to be a clear methodology for assessing the “Greatest Importance for humanity”, ICOMOS suggests that the Second Protocol Guidelines paragraphs 32-35 should be revised as follows

Cultural property is one of the basic and most important expressions of human society. In all its tangible forms, both immovable and movable, it reflects the rich evolution of ideas, discoveries, interactions, values and achievements of people and their shared history.

Some cultural property is recognised by the world community as being of such significance for the collective and diverse history of humanity that it should be protected today and as a legacy for the future to benefit everyone everywhere. Its destruction would lead to an irretrievable loss for humanity.

Such cultural property is called “of the greatest importance for humanity” in the 1954 Hague Convention and its protocols.

Such cultural property is recognised as being “of the greatest importance for humanity” in the Second Protocol.

<p>31. The Committee may place cultural property under enhanced protection provided that it is considered to be of the “<i>Greatest importance for humanity</i>” and its destruction would lead to irretrievable loss for humanity.</p>	<p>Article 10 of the Second Protocol and definition of greatest importance for humanity</p>
<p>32. In order to decide whether cultural property is of the Greatest Importance for Humanity, the destruction of which would lead to irretrievably loss for humanity, the Committee will evaluate, case by case, its exceptional cultural significance and/or its uniqueness:</p>	<p>Article 10a of the Second protocol</p>

<p>33. To be deemed of exceptional cultural significance, State Parties will need to demonstrate that the cultural property satisfies one or more of the following criteria;</p> <ul style="list-style-type: none"> • is an exceptional cultural property bearing testimony to one or more periods of the development of humankind at the national, regional or global level; • represents a masterpiece of human creativity; • bears an exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared; • exhibits an important interchange of human achievements, over a span of time or within a cultural area of the world on developments in arts and sciences; • has a central significance to the cultural identity of societies concerned; • is unique as there is no other comparable cultural property that is of the same cultural significance in terms of history, aesthetics, science, design or other cultural associations. 	<p>Article 10a of the Second Protocol</p>
<p>34. For cultural property to be deemed unique State Parties will need to demonstrate there is no other comparable cultural property that is of the same cultural significance. The unique character may be deduced from a variety of indicative criteria including;</p> <ul style="list-style-type: none"> • Age • History • Community • Representivity • Location • Size and dimension • Shape and design • Purity and authenticity in style • Integrity • Context • Artistic craftsmanship • Aesthetic value • Scientific value 	
<p>Para 35 integrated into 31</p>	

Issues requiring clarification

- 6.6 ICOMOS suggests that the Committee should clarify what is meant by the term regional, and suggests a distinct cultural or geographic area comprising two or more countries.
- 6.7 ICOMOS notes that both the terms “global” and “universal” have been used in the Operational Guidelines. It is suggested that the Committee note that the terms are equivalent.
- 6.8 ICOMOS also suggests that the terms national, regional and universal should only be used under criterion (i) rather than there being an over-arching requirement to demonstrate whether the property is of national, regional or universal value, as it is difficult to reconcile national and regional ‘value’ with the “Greatest Importance to Humanity”.
- 6.9 In certain cases, a cultural property on the Enhanced Protection List might be considered to have lost its greatest importance for humanity for example if it has been damaged or items removed.

ICOMOS considers that guidance needs to be established regarding assessment of such situations and whether there is scope for an Enhanced Protection in Danger list akin to that of the World Heritage List. It would also be useful for guidance to be developed on whether the State Party is obliged to inform UNESCO in such circumstances as to why it considers that the cultural property no longer fulfils the criteria or whether this can be done by other parties. ICOMOS considers that the Committee should be responsible for confirming that a site has lost its value.

- 6.10 ICOMOS suggests that two further issues that need clarification are the scope and level of detail of documentation requested as an adequate basic record of what areas or buildings are being put forward for enhanced protection, and ICOMOS has proposed a methodology identifying what State Parties should submit in support of their application. This includes comparative assessments of other similar cultural property to demonstrate why the cultural property submitted is considered to be of Greatest Importance to Humanity, a summary statement of Greatest Importance for Humanity as well as locational historical and other information and ICOMOS has made proposals for changes to the submission form. A checklist has been produced to aid State Parties in preparing their proposals. It is important that State Parties provide full and detailed documentation as resources preclude site visits and assessors may not have visited the cultural property proposed. ICOMOS recommends that the Committee use the existing regular reporting process required under Article 37 of the Second Protocol to provide regular updated information on the state of conservation of the cultural property and suggests the Committee does this on a 3 to 5 year timetable.
- 6.11 ICOMOS notes that it is vital to make appropriate arrangements for storing and long term curation of submitted data and arrangements for access. It is suggested that a protocol for secure access to information is produced.
- 6.12 In some cases information provided could be required to help restore immovable cultural property after damage or may form evidence in litigation. ICOMOS suggests that a protocol be devised to cover such possibilities.

Updating of information

- 6.13 ICOMOS recommends that State Parties are asked to provide regular information updates for example regarding training, state of conservation of the cultural property and suggests that this be done on a three to five yearly cycle. ICOMOS suggests that if the Committee includes cultural property placed on the Enhanced Protection List, without the full information being provided – for example if cultural property is thought to be in imminent danger- the information should be provided at the next reporting cycle at the latest.
- 6.14 For the Hague Convention to be effective in the long term, ICOMOS considers that it could be desirable to try to enter into collaborative partnerships with other organisations such as the Getty Foundation to undertake surveys for States Parties with limited resources. For the Second Protocol to be effective in the long term, ICOMOS considers that it could be desirable to try to enter into collaborative partnerships with other organisations such as the Getty Foundation to undertake surveys for States Parties with limited resources.

Protection of cultural property from natural disasters

- 6.15 ICOMOS notes that the measures required to protect immovable cultural property from armed conflict, fire and structural collapse are in essence the same as those required to protect cultural property from other natural disasters which can have a similarly devastating effect. It is recommended therefore that the Enhanced Protection List Guidelines be amended to include recognition of this and that State Parties be [asked to protect cultural property against other types natural disasters. Details of such requirements are set out in Section 7.

Transnational submissions for inclusion onto the Enhanced Protection List

- 6.16 ICOMOS notes that several inscribed properties on the World Heritage List are transnational properties covering several countries and even a continent. Examples include The Struve Geodetic Arc, Frontiers of the Roman Empire, the Andean Road system and Silk Roads: The Routes Network of Chang'an-Tian-shan Corridor. Each such property will have an overall Statement of Outstanding Universal Value; in each of the constituent State Party elements there will be agreed

and coordinated management practises and protective mechanisms. ICOMOS recognises that such coordination and agreement can take a long time to achieve and recommends in the long term that the Committee look at establishing guidelines for transnational submissions.

7.0 Methodology for preparing proposals for inclusion of cultural property of the greatest importance for humanity onto the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict Second Protocol Enhanced protection List

General information for State Parties

The Bureau has indicated that proposals for inclusion of cultural property on to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict Second Protocol Enhanced protection List will be evaluated via a desk based study, It may be possible in the future that evaluation missions will take place as is the case for nominations to the World Heritage List but at present there are no resources for such work.

It is important therefore for State Parties to ensure that proposals are as complete as possible and that all information is submitted in such a way as to ensure evaluators can easily understand, assess and evaluate the information, as they may not be familiar with the cultural property being put forward.

The proposal must be one of the two working languages of the Secretariat (currently English or French) and supplied in both electronic and hard copy formats. Location maps and detailed maps should be submitted at appropriate scale and to existing UNESCO³⁰ requirements. Street names should be annotated in English or French. Photographic and survey data including photogrammetric survey in colour where possible and appropriate, 3D laser scanning and LIDAR survey should be submitted in as detailed a scale as possible to enable clear identification of items put forward.

Confidential Items requiring secure handling and storage should be clearly marked as such.

Contents

A cover letter from the State Party must include the name, the position of the proposer, a brief of cultural property, confirmation that the cultural property is of greatest importance to all humanity, that the cultural property is adequately protected by domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection, that it is not being and will not be used for military purposes, located within military installations or used to shield military installations if included on the Enhanced Protection List.

State Parties should also confirm that they are aware that inclusion on Enhanced Protection List does not necessarily mean that the cultural property will be included on other UNESCO lists such as the Memory of the World or the World Heritage List.

The State Party should submit evidence that the cultural property is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection. This is likely to include details of legislation and regulations protecting cultural property both movable and immovable, legislation protecting the historic and natural environment, details of legislation and regulations relating to spatial planning, construction and infrastructure development. It would be useful also to provide copies of property management and conservation plans, survey reports and details of maintenance regimes and repair programmes both ongoing and in the past. Where structural stability is a particular concern e.g. in areas prone to earthquakes or floods, State Parties should provide details of any structural stabilisation programmes or emergency measures put in place to prevent long term damage. Areas prone to fire should identify fire prevention strategies and measures in place to address fire emergencies. Other information to be supplied includes details and copies of urban and rural resilience plans, details of resilience rehearsals and information on community networks and fire map information.

In some cases the State Party may be invited by the Committee to submit cultural property for inclusion on the Enhanced Protection List³¹ for example if an Advisory Body or the Blue Shield or other NGO with relevant expertise recommends inclusion of specific cultural property to the Committee. In such cases the reasons why the State Party had not previously proposed the cultural property for inclusion should be included in the proposal as well as the information identified above (sections 3 and 4)

³⁰ These requirements can be obtained from World Heritage Convention Secretariat - Alessandro Balsamo A.Balsamo@unesco.org and Richard Veillon R.Veillon@unesco.org

³¹ Second Protocol Article 11 paragraph 3

1.0 Administrative Data (Application Form General Section)

- 1.1 Name of State Party or responsible authority as relevant
- 1.2 UNESCO administrative region
- 1.3 Date of signing and ratification of /accession to Hague Convention and its Second Protocol
- 1.4 Details of Inclusion on other UNESCO lists, Council of Europe lists or other lists
- 1.5 Details of the responsible authorities making the request including contact details

2.0 Location Data to be provided (Application Form General Section)

all maps, survey data and photographs should be annotated with the date compiled and should be as up to date as possible.

2.1 Geographical Data and coordinates

- 2.1.1 Regional map (i.e. continent)
- 2.1.2 Country map and a general map showing location of cultural property at an appropriate scale
- 2.1.3 Map of Region or State and a general map showing location at an appropriate scale³²
- 2.1.4 Map of the local area and a map showing location of cultural property at an appropriate scale (this is likely to be at least 1:10,00 and more likely 1:5000 or 1:2500 in some cases)
- 2.1.5 Map(s) at an appropriate scale (likely to be at least 1:5000) showing the immovable cultural property, centre with monuments, buildings containing movable cultural property including stores, shelters and/or refuges. Aerial photographs and photographs should also be included and annotated in one of the working languages of the Second Protocol to show clearly the cultural property. The boundaries should be clearly delineated. **If maps are not available then this should be explained clearly in the text.**

2.2 Topographic information to be provided

- 2.2.1 Information on surroundings including watercourses and bridges, vegetation, seismic activity, volcanic activity, flood history, previous industrial activity such as mining or forest clearance. This should include 360 degrees photographs and aerial photographs and a link to Google Earth.

2.3 Details of surrounding settlements and map at appropriate scale. This should include details of history, rate of settlement growth, usage of surrounding area.

2.4 Details of surrounding infrastructure (roads, railways, airports, industrial infrastructure, mining (including oil) and map at an appropriate scale). Annotated aerial photographs.

3.0 Cultural Property details (Application form information required in support of criteria 10a)

3.1 Description of cultural property proposed for inclusion on Enhanced Protection List

State Parties may find it useful to use the following list when preparing the description.

- 3.1.1 Extent, geographical location and setting
- 3.1.2 Form and shape
- 3.1.3 Function and design
- 3.1.4 Materials
- 3.1.5 Development and evolution over time in particular any significant changes or repair programmes
- 3.1.6 Integrity and authenticity (ways in which the cultural property conveys significance and how that significance is sustained)
- 3.1.7 Use including continuity of use
- 3.1.8 Details of creator/architect/manufacturer
- 3.1.9 Uniqueness
- 3.1.10 Intangible values
- 3.1.11 Sources used

³² Details can be obtained from the Secretariat or from Alessandro Balsamo A.Balsamo@unesco.org and Richard Veillon R.Veillon@unesco.org

3.2 Justification for inclusion on the Enhanced Protection List (General Section Application Form)

- 3.2.1 State Party/ies should set out existing UNESCO citations (Memory of the World justification, Statement of Outstanding Universal Value (World Heritage Convention) or inclusion on the list of other pan national organisations
- 3.2.2 State Party/ies should include details of existing national citations or entries onto national and international protective legislative systems
- 3.2.3 State Party/ies should set out if the cultural property proposed is included on any World Heritage in Danger Lists, Red Lists or other such systems and explain the reasons why
- 3.2.4 State Party/ies should identify any defects or challenges e.g. conservation defects, challenges to effective management or conservation, damage arising from previous armed conflicts
- 3.2.5 The State Party/ies should set out details of any other values not necessarily of Greatest Importance for all humanity e.g. religious, scientific, environmental, artistic or intangible significance
- 3.2.6 State Parties should provide a proposed statement of Greatest Importance for Humanity

3.3 Evidence provided – State Parties should provide (as appropriate) the following (application form information in support of 10a)

- 3.3.1 Documentary evidence (to include comparative studies detailing justification for identification as nationally, regionally or globally important as appropriate)
- 3.3.2 Inventories, pictures and catalogues
- 3.3.3 Photographs (colour, present day and historic)
- 3.3.4 Survey data
- 3.3.5 Written sources (translations into one of the two working languages of the Convention)
- 3.3.6 Electronic or recorded sources to include music, oral histories and oral traditions translated as appropriate
- 3.3.7 Details of safeguarding measures against both armed conflict and natural disasters
- 3.3.8 Details of management and conservation regimes (including World Heritage site Management Plans). State Parties should include details of survey inspections and reports, maintenance programmes, major planned programmes of fabric repair and restoration. Where the cultural property includes landscapes, historic parks, gardens or other open spaces State Party/ies should include details regarding management and use wherever possible.
- 3.3.9 Conservation arrangements

3.4 Details of Risk Preparedness measures/Disaster Plans/Risk mitigation plans (application form information in support of 10a and 10b)

- 3.4.1 Fire Prevention and Suppression systems. State Parties should include assessments of fire safety, details of fire prevention programmes and fire suppression systems including those involving traditional knowledge mechanisms. Details of fire escape routes and evacuation procedures should also be included and in particular evidence included demonstrating the effectiveness.
- 3.4.2 Flood Prevention systems. State Parties should include details of flood mitigation measures including infrastructure programmes such as barrages, realignment of water courses, building adaptations such as barriers, alteration of roof systems and drainage systems. Details of flood alert systems and emergency measures should be set out as far as possible including details of salvage, decontamination measures (an assessment of up-river uses will assist here in identifying possible contaminants)
- 3.4.3 Structural strengthening measures where appropriate should be set out for example to prevent damage from earthquakes, wind or in situ measures put in place. Details of alert systems should be included
- 3.4.4 State Party/ies should include security measures (to include details of secure locations and refuges and methods of secure transportation), evacuation procedures. Confidential items should be clearly marked for secure handling.
- 3.4.5 State Party/ies should include details of training of staff in preparedness measures and evidence of rehearsals
- 3.4.6 State Party should set out details of training for relevant communities
- 3.4.7 State Parties should include details of training of the military with respect to cultural property and provide supporting material. This should include details of training received from International organisations such as NATO.

3.5 Details of domestic, administrative and legal arrangements to be provided by State Party/ies (application form information in support of 10b)

- 3.5.1 Details of relevant national, regional and local legislation

- 3.5.2 Details of appropriate criminal legislation providing for the repression of, and jurisdiction over offenses committed against cultural property under Enhanced Protection within the meaning of and in accordance with Chapter 4 of the Second Protocol.
- 3.5.3 Details of legislation protecting the Blue Shield emblem

Flow Chart for State Parties to use when proposing cultural property for nomination onto the 1954 Hague Convention Cultural Property Second Protocol Enhanced Protection List

State Party checklist

Where State Parties wish to put forward immovable cultural property already inscribed on the World Heritage List for inclusion on the Enhanced Protection List, State Parties should use the following checklist to screen and assist in preparing their submissions;

- a) Does the proposal count as cultural property - screen out natural World Heritage Properties (criteria vii to x) as these do not fall within the scope of the 1954 Hague Convention (mixed sites should be examined carefully to see if they qualify and if so on what grounds). Identify if the immovable cultural property qualifies as i) immovable cultural property ii) a centre for monuments iii), movable cultural property or iv) refuge/stores/shelter?
- b) Screen out World Heritage properties inscribed solely under criteria v and vi as these do not fall within the scope of the Second Protocol;
- c) Identify whether the World Heritage Property contains any areas of military use or is being used to shield military sites; if so the property would not qualify for inclusion on the Enhanced Protection List unless the State Party which has control over the cultural property chooses to relocate the military activity and sites and declares the area is not used for military purposes or to shield military sites and will not be used in such a way in the future.
- d) Justify why the nominated cultural property is of greatest importance to humanity. In the case of inscribed World Heritage Properties inscribed under criteria i, ii, iii or iv this will be the approved Statement of Outstanding Universal Value together with a list of identified attributes. For immovable cultural property not inscribed on the World Heritage List State Party/ies should also include statements of authenticity and integrity.
- e) If only part of a World Heritage property is put forward, identify the reasons why areas are excluded. Proposed areas should be clearly delineated and shown on a map at an appropriate scale and aerial photographs included where possible. If the reason is because one part is used for military use, this must be detailed and explained by the State party in such a way as to allow the Committee to take an informed view. Information should be clearly marked as confidential as appropriate.
- f) Where only part of a World Heritage property is put forward for inclusion on the Enhanced Protection List nomination, set out clearly how the areas put forward relate to the definition of Greatest Importance for all Humanity, OUV and to the attributes of OUV as a means of justifying how the property might satisfy the Second Protocol criteria.
- g) Where the World Heritage property is also inscribed on the List of World Heritage in Danger, demonstrate how the values of Greatest Importance to Humanity and OUV have been sustained.
- h) Where the cultural property is on a State Party World Heritage Tentative List, State Parties should identify what elements fulfil the criteria of greatest importance to humanity by following the same methodology as that used for non-inscribed World Heritage properties
- i) Where a property is put forward for Enhanced Protection that is part of a transnational World Heritage property, State Parties involved in the inscription should both be involved in the submission for Enhanced List status. Where this is not possible, for example in the case of an emergency, a submission of only part of the property may be made by only the State Party having control or jurisdiction over the property. The reasons for this should be detailed for consideration by the Bureau and the Second Protocol Committee.

In preparing their submissions State Parties should:

- (i) Identify clearly boundaries on a map at an appropriate scale as well as central grid coordinates. Individual elements should be itemised and clearly located in English or French (the languages of the Second Protocol Committee) on a map at an appropriate scale.
- (ii) Aerial photographs annotated as appropriate to show locations should be included.
- (iii) Provide addresses for the cultural property where appropriate
- (iv) Describe the cultural property (to include movable/immovable, form, function, design, materials, made by, intangible importance etc). Photographs and survey drawings should be included.
- (v) Identify reasons why the cultural property is of Greatest Importance for all Humanity (include other citations eg Outstanding Universal Value, Memory of the World Listing, Comparative analyses justifying inclusion should be submitted as appropriate. This should be summarised in a Statement of Greatest Importance for all Humanity
- (vi) List out and identify national legislation
- (vii) Identify any structural defects or conservation problems and details mitigation programmes
- (viii) Detail preparedness regimes by topic (fire, structural collapse, security and anti terrorism, natural disaster preparedness)
- (ix) Detail relevant training regimes for government, military, regional and local government and local communities with respect to the nomination for Enhanced Protection Listing. This should include details of rehearsals and lessons learned.
- (x) Provide details of responsible authorities, evacuation and transportation strategies as appropriate
- (xi) Detail and provide sources used in the preparation of the nomination
- (xii) Provide photographs and illustrations as appropriate
- (xiii) Prepare supporting letters and translations

1954 Hague Convention Second Protocol Enhanced Protection List checklist to assist assessors

Details supplied	Fully supplied and sufficient	Fully supplied but not sufficient	More details needed	Greatest Importance to Humanity not proven
Name of site				
State Party				
Declaration of Non Military Use				
Responsible authority/not				
Type of cultural property				
Boundary details maps				
Survey details				
Aerial photographs				
Justification of greatest importance for humanity				
Inclusion on other UNESCO programmes				
Sufficient area included				
Comparative study				
Evidence of comprehensive protective mechanisms and assessment of current state of conservation included				
Evidence of systems to protect against decay or neglect				
Peacetime training of civilians				
Peacetime training of military				
Emergency preparedness Fire Flood Structural instability Earthquake including tsunami Hurricane/Typhoon Security & terrorism				
Site constraints				
More than one type of cultural property involved				
Consultation with others, e.g. ICOM, IFLA, ICA, ICRC, CCAAA, INTERPOL				

Second Study: Study on the criterion 10 (b) (concept of internal, legal and administrative, protective measures) of the Second Protocol to the 1954 Hague Convention

1. Provide a practical methodology that provides elements for carrying out objective assessments;

- 1.1 The Bureau has indicated that resourcing issues mean that assessment of nominations by appropriately qualified assessors for Enhanced Protection Listing will be undertaken as a desk based study. This means therefore that State Parties will need to submit sufficient information in their applications to establish adequate domestic, legal and administrative protection measures are in place and in particular to enable assessment of the protection arrangements, the state of conservation of the cultural property, risk preparedness measures and evidence of adequate legal and domestic legislation.
- 1.2 ICOMOS set out in 6.15 above suggestions for the details that States Parties should submit on safeguarding measures in place to protect the cultural property. It recommends that measures to prevent fire and structural instability and emergency preparedness procedures. Details should also be provided as to how the cultural property might be protected against other manmade threats and natural disasters such as earthquakes, floods, hurricanes. Evidence of regular rehearsals should also be submitted as well as programmes for the training of military and civilian personnel in peacetime and in times of war. In the following section, ICOMOS suggests details State Parties should submit on the safeguarding measures in place to protect the cultural property. Specifically, it recommends measures to prevent fire and structural instability and emergency preparedness procedures. Details should also be provided as to how the cultural property might be protected against other manmade threats and natural disasters such as earthquakes, floods, and hurricanes. Evidence of regular rehearsals and programs for the training of military and civilian personnel in peacetime and in times of war should be submitted
- 1.3 ICOMOS suggests that wherever possible synergies with other UNESCO programmes should be exploited. In particular it is suggested that future assessments of the Memory of the World proposals and advisory body advisory missions assessing World Heritage nominations should seek to include assessment of elements relating to the Hague Convention.

This second study also brings up further issues, such as who monitors the ongoing state of conservation of properties on the Enhanced Protection List over time, who assesses the effectiveness of training regimes and risk preparedness over time; and how evidence might be gathered if there is damage during an armed conflict. ICOMOS suggests that the Committee might wish to consider how far States Parties to provide evidence for these aspects perhaps by providing regular updates perhaps on a 3 to 5 year cyclical basis.

- 1.4 Many of these issues have been addressed in sections 3,4,5,6 and 7 above and proposals put forward for clarification and as such are not repeated here. In the interests of accessibility and convenience ICOMOS has combined these elements into the methodology set out above but these are reproduced here for clarification:
- 1.5 Details of Risk Preparedness measures/Disaster Plans/Risk mitigation plans**
 - 1.5.1 Fire Prevention and Suppression systems. State Parties should include assessments of fire safety, details of fire prevention programmes and fire suppression systems including those involving traditional knowledge mechanisms. Details of fire escape routes and evacuation procedures should also be included and in particular evidence included demonstrating the effectiveness.
 - 1.5.2 Flood Preventions systems. State Parties should include details of flood mitigation measures including infrastructure programmes such as barrages, realignment of water courses, building adaptations such as barriers, alteration of roof systems and drainage systems. Details of flood alert systems and emergency measures should be set out as far as possible including details of salvage, decontamination measures (an assessment of up-river uses will assist here in identifying possible contaminants)
 - 1.5.3 Structural strengthening measures where appropriate should be set out for example to prevent damage from earthquakes, wind or in situ measures put in place. Details of alert systems should be included

- 1.5.4 State Party/ies should include security measures (to include details of secure locations and refuges and methods of secure transportation), evacuation procedures. Confidential items should be clearly marked for secure handling.
 - 1.5.5 State Party/ies should include details of training of staff in preparedness measures and evidence of rehearsals
 - 1.5.6 State Party should set out details of training for relevant communities
 - 1.5.7 State Parties should include details of training of the military with respect to cultural property and provide supporting material. This should include details of training received from International organisations such as NATO.
- 1.6 Details of domestic, administrative and legal arrangements to be provided by State Parties**
- 1.6.1 Details of relevant national, regional and local legislation to be provided in one of the working languages of the Convention.
 - 1.6.2 Details of appropriate criminal legislation providing for the repression of, and jurisdiction over offenses committed against cultural property under Enhanced Protection within the meaning of and in accordance with Chapter 4 of the Second Protocol.
 - 1.6.3 Details of legislation protecting the Blue Shield emblem and steps available to prevent its misuse.

Appendix 1: Summary of Terms of Reference for the two Studies (translation from French original)

- 1. A study on the criterion 10 (a) of the 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. This study will:**
 - i. Clarify the concept of "greatest importance for humanity" under the Second Protocol with regards to the notion of "Outstanding Universal Value" for immovable cultural property under the World Heritage Convention of 1972;
 - ii. Provide a comparison between the two above mentioned concepts, identifying commonalities and differences, and give a clear definition of the concept of "greatest importance to humanity";
 - iii. Propose accordingly a practical and predictable methodology for assessing the notion of the "greatest importance for humanity" for immovable cultural properties not inscribed on the World Heritage List. Although paragraphs 32 to 35 of the Guidelines for the implementation of the Second Protocol provide an overview of the elements to be taken into account, these elements remain rather abstract and do not allow an objective assessment;
 - iv. For this purpose, provide a an evaluation grid and method for the objective evaluation of requests for Enhanced protection to support the qualitative assessment of dossiers submitted;
 - v. Specify the changes that need to be made to the Model Application Form for Enhanced Protection (for immovable cultural properties) .

- 2. A study on the criterion 10 (b) (concept of internal, legal and administrative, protective measures) of the Second Protocol to the 1954 Hague Convention. This study will:**
 - i. Take a practical approach and provide elements to enable an objective assessment. It will rely on the experience of the Committee in the evaluation of the five site (immovable cultural properties) which have already been granted enhanced protection;
 - ii. For this purpose, provide an evaluation grid and method for the objective evaluation of requests for Enhanced protection to support the qualitative assessment of dossiers submitted;
 - iii. Specify the changes that need to be made to the Model Application Form for Enhanced Protection (including examples of the types of measures (non-exhaustive list) to be taken to satisfy the requirements of criterion 10(b).