



Committee for the Protection of Cultural Property  
in the Event of Armed Conflict

**Tenth Meeting of the High Contracting Parties  
to the 1954 Hague Convention for the Protection of Cultural Property  
in the Event of Armed Conflict  
16 December 2013**

**Speech by Benjamin Goes**

**Chair of the Committee for the Protection of Cultural Property  
in the Event of Armed Conflict**

Mr Chairperson,  
Excellencies,  
Ladies and gentlemen,

It is a great pleasure for me to address you, as next year is a particularly significant year for the 1954 Convention and its Protocols, when we will celebrate the 60th anniversary of the 1954 Convention and its First Protocol, and the 15th anniversary of the Second Protocol of 1999.

This will provide an opportunity for us all to appreciate how far we have come and the distance that we still have to travel.

Currently there are 123 High Contracting Parties to the Hague Convention, demonstrating in a very real and public way your country's commitment to improving the protection of cultural property in the world. Nevertheless, only 66 of you are Party to the Second Protocol, that is, just over half.

Yet the Second Protocol proposes a number of opportunities to the States which I would like to explain to you.

Firstly, I would like to emphasize that the Second Protocol aims to complement the Hague Convention. It in no way modifies the definition of cultural property covered or the essential spirit of the Convention, that is, to prepare against risk in times of peace, and to minimize, as far as possible, damage during times of conflict. However, it provides detail of what is covered by measures that may be taken in peacetime, and of other ideas such as the concept of military necessity, so that the arrangements set out in the Convention are more adapted to contemporary conflicts.

The Second Protocol creates a mechanism of enhanced protection. This allows States to ensure the immunity of cultural property in the event of armed conflict. In order to do this, a request is submitted to the Committee which must satisfy three criteria:

- (1) The cultural property must be of the greatest importance to humanity.
- (2) It must be protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection.
- (3) It is not used for military purposes or to shield military sites.



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It soon became obvious to us that the sites on the World Heritage List were naturally of the greatest importance to humanity. Therefore, the Committee considers, subject to other relevant considerations, that the property within its scope of activities and inscribed on the List satisfy the condition of the greatest importance to humanity. Synergies are also being established between the Second Protocol's Committee and the World Heritage Committee in order to simplify the granting of enhanced protection to new world heritage candidates, inasmuch as the applicant State is a Party to both the 1972 Convention and the Second Protocol of 1999. This opportunity will therefore only be available to 66 States.

This is also an indication of the efforts required for a wider ratification of the 1954 Convention itself, with 123 Parties, while the 1972 Convention has 190. As stressed by a participant at an international colloquium devoted to the Second Protocol last Thursday and Friday in Brussels, the 1954 Convention is not "sexy".

Despite not being "sexy", the Second Protocol however has many strong points, and real added value when examined closely.

Besides the provision for enhanced protection, one of the most noticeable additions to the Second Protocol is its Chapter 4, which provides that the States adopt criminal legislation with a view to sanctioning serious breaches of the Protocol and the Convention. Seemingly insignificant, it is a very important element because it allows you to seize back the initiative in matters of incrimination and prosecution relating to attacks on cultural property of particular significance in your country, while currently this tends to be left to the competence of international tribunals.

Another particularity of the Second Protocol is the creation of an intergovernmental committee. This is obviously a decisive step towards action after a dormant phase in the 1954 Convention. The Intergovernmental Committee, established in 2005, has already achieved much in the few years of its life. This includes granting enhanced protection status to five world heritage sites and providing financial assistance to El Salvador and Mali, together with involvement alongside the United Nations Stabilization Mission in Mali (MINUSMA) in the training of armed troops and police.

Ratifying the Second Protocol allows you to request financial assistance from the Fund for the Protection of Cultural Property in the Event of Armed Conflict, or to contribute to it on a voluntary basis, although of course this is also less "sexy" in the current climate. Finally, besides the benefits that you may derive from its provisions, ratification of the Second Protocol needs to be viewed from a geopolitical perspective. The Committee will continue to work, even at a faster rate. At present, based on the groupings of Member States for elections to the Executive Board, the 66 States Parties to the Second Protocol are distributed as follows: 12 out of 27 States from Group I (or 44.5% of Group I); 19 States out of 25 from Group II (or 76% of Group II); 17 States out of 33 from Group III (or 51.5% of Group III); four States out of 44 from Group IV (or only 9% of Group IV); six States out of 47 from Group V (a) (or only 12.8% of Group V (a)); and eight States out of 19 from Group V (b) (or 42% of Group V (b)). Such an imbalance is not good for everyone. Although it is envisaged by the Second Protocol that the Parties endeavour to ensure a balanced representation of the different regions and cultures of the world, in practice, the Committee has instead hitherto reflected the composition of Meeting of the Parties. To ensure that this changes, the aforementioned Meeting also requires geographically balanced membership. As I have just demonstrated, this is not the case. I feel that there is therefore an urgent need for ratification in under-represented regions.



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By ratifying the Second Protocol you become one of its players, and your vote will count at the Meeting of the Parties, as well as in the Committee, to which you will be able to belong. This critically important topic itself calls for mobilization, not on a partial but on an international scale.

For all of these reasons, and particularly because you, as a High Contracting Party to the 1954 Hague Convention are already particularly concerned by the protection of cultural property and aware of the critical issues relating to this problem, we hope that you will take without delay the necessary steps towards a speedy ratification of the Second Protocol. Do not hesitate to ask for any further information from the Secretariat of the 1954 Convention, we are at your disposal. Likewise, I am sure that those States which are already Parties to the Second Protocol will be very pleased to share their own experience as Party with you.

Thank you for your attention.