

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

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

UNESCO Headquarters, Paris, 18 November 1999

FINAL REPORT

1. Following the resolution of the third meeting of the High Contracting Parties to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954 held in Paris on 13 November 1997, which invited the Director-General "to convene during the period of the thirtieth session of the General Conference a fourth meeting of the High Contracting Parties to the Hague Convention", this meeting took place at UNESCO Headquarters on Thursday, 18 November 1999. The representatives of the following sixty High Contracting Parties of the total number of ninety-six took part in the meeting: Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Cambodia, Canada, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, the Democratic Republic of the Congo, Dominican Republic, Ecuador, Finland, the former Yugoslav Republic of Macedonia, France, Germany, Greece, Holy See, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Mali, Mexico, Morocco, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Poland, Romania, Russian Federation, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, Uzbekistan and United Republic of Tanzania. The meeting was also attended by observers from Denmark, Malta, Rwanda, Sri Lanka and the United States of America. Representatives of the International Committee of the Red Cross (ICRC), the International Council of Museums (ICOM), the International Council on Archives (ICA) and the International Federation of Library Associations and Institutions (IFLA) also participated. A copy of the list of participants is attached.

2. On behalf of the Director-General, the meeting was opened by Mr Hernán Crespo-Toral, Assistant Director-General for Culture. In his presentation he stressed the importance of the adoption of the Second Protocol to the Convention by the March 1999 Hague Diplomatic Conference, thanked all the governments and international organizations that had participated in the review of the Convention and concluded by emphasizing UNESCO's ethical mission to build the culture of peace which would eliminate the roots of threats to cultural property.

3. In conformity with the provisional agenda, the meeting elected by consensus Mr Hubert van Houtte (Belgium) as Chairperson and adopted its Rules of Procedure.

4. Several countries questioned the inclusion of point 7 under the name "Situation of cultural property in Yugoslavia" in the provisional agenda. It was included by the Secretariat in order to

raise with the High Contracting Parties, besides other issues, the possibility of clarifying the status of the Federal Republic of Yugoslavia with regard to the Hague Convention by requesting an advisory opinion of the International Court of Justice on this matter (Secretariat's working paper Ref. CLT-99/206/INF. 1).

5. Following the Secretariat's introduction of this item and a subsequent discussion, the meeting preferred not to discuss further this issue and decided to replace it by the following agenda item: "Situation of cultural property in (a) Kosovo: statement on UNESCO's actions for the protection of cultural property; (b) Bosnia and Herzegovina: statement on UNESCO's actions for the protection of cultural property within the framework of the Dayton Agreement". Subsequently, the meeting adopted its agenda with this modification.

6. In this connection, the representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia made the following statement:

"Bosnia, Macedonia, Slovenia, and Croatia, successor States to the former Socialist Federal Republic of Yugoslavia, express their reserve concerning point 7 (a) of the agenda, namely the statement of UNESCO's actions for the protection of cultural property in Kosovo.

The aforementioned States deem it inappropriate for States Parties to the Hague Convention to discuss the state of cultural property in a country which is not a party to the Convention nor member of the United Nations. However, the named States do not object discussing the issue in question where appropriate."

7. The meeting then elected its four Vice-Chairpersons (Argentina, Islamic Republic of Iran, Mali and Tunisia) and Mr David Mašek (Czech Republic) as Rapporteur.

8. The Chairperson then invited the Secretariat to introduce the discussion by underlining the results of the review of the Convention and the adoption and signature of the Second Protocol as well as the Secretariat's activities on the implementation of the Convention since the third meeting of States party to the Convention. In particular, the Secretariat stressed the increased interest of the United Nations in the implementation of the main principles of the Convention during UN peace-keeping operations. In conformity with the modification of point 7 of the meeting's agenda, two additional presentations were provided: one on the Organization's actions for the protection of cultural property in Kosovo and, in particular, on UNESCO's co-operation with UNMIK, and second on UNESCO's actions for the protection of cultural property within the framework of the Dayton Agreement.

9. The Secretariat's presentations led to a general debate on various aspects of the review of the Convention in which representatives of twenty-six High Contracting Parties as well as an Observer from the International Council on Archives took the floor.

10. The main points of this debate may be summarized as follows:

(i) Signature and ratification of the Second Protocol to the Convention

Seven States (Austria, Canada, Cyprus, Germany, Islamic Republic of Iran, United Republic of Tanzania and Poland) stated that their national authorities are considering the provisions of the Second Protocol with a view to joining this agreement.

(ii) Application of the Convention by UN peace-keeping forces

The participants took note of the UN Secretary-General's Bulletin *Observance by United Nations forces of international humanitarian law* of 6 August 1999 whose Section 6(6) provides for the respect of cultural property by UN peace-keeping forces during military engagement. During the general debate several countries stressed the need for application of the Convention by UN peace-keeping forces.

(iii) Training seminars on the Convention

One High Contracting Party mentioned its recent training seminar for the military on the Convention as an example of national measures on the implementation of the Convention.

(iv) Protection of cultural property in occupied territory

One speaker emphasized the importance of Article 9 of the Second Protocol dealing with protection of cultural property in occupied territories, drawing attention to archaeological excavations taking place on an occupied part of his country's territory and mentioned a pending suit in another State party to the Convention related to return of cultural property exported from that occupied territory in contravention to the provisions of the 1954 Protocol to the Convention to which both States are High Contracting Parties.

(v) Marking of cultural property under enhanced protection

It was pointed out by another speaker that, unlike cultural property under the special protection of the Convention, cultural property under enhanced protection of the Second Protocol has not been attributed a special protective sign and, therefore, this situation is likely to create a practical problem which will be necessary to regulate.

11. Following a request from Bosnia and Herzegovina at the beginning of 1999 as to the appropriateness of marking destroyed cultural sites with the distinctive emblem of the Convention, the Secretariat introduced its working paper Ref. CLT-99/206/INF.2 on point 8 of the agenda related to the "Marking of cultural property with the distinctive emblem of the Convention". As this issue concerned the interpretation of the Convention, the Secretariat mentioned the possibility of requesting an advisory opinion of the International Court of Justice. Following a discussion on this point the Chairperson proposed to the participants to submit this issue to their national authorities for consideration in order to provide the Secretariat with their views, thus allowing the Secretariat to prepare a working paper for the next meeting of States party to the Convention.

12. The Chairperson concluded the debate and opened discussion on a draft resolution which he had prepared, with the assistance of the Secretariat, on the basis of the views expressed in the

meeting. In discussion the participants proposed a number of amendments to the draft resolution which was then adopted. A copy of the resolution is attached.

**Fourth meeting of States Parties to the Convention for the Protection
of Cultural Property in the Event of Armed Conflict
(The Hague, 1954)**

Paris, 18 November 1999

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

Recalling the Resolution adopted at the third meeting (13 November 1997) of the High Contracting Parties to the Hague Convention which invited, inter alia, the Director-General 'to convene during the period of the thirtieth session of the General Conference a fourth meeting of the High Contracting Parties to the Hague Convention';

Thanking all High Contracting Parties to the Convention as well as intergovernmental and non-governmental organizations for their active support and contribution to the review of the Convention resulting in the elaboration and adoption of the Second Protocol to the Convention during the Diplomatic Conference held in The Hague 15-26 March 1999 at the invitation of the Netherlands Government and of the Director-General of UNESCO;

Expressing its particular thanks to the Netherlands Government for its organization of the Diplomatic Conference which greatly contributed to its success;

Thanking the Secretariat for its efforts aimed at the better implementation and promotion of the Convention and its two Protocols, in particular by disseminating the Convention to target groups such as the military or cultural heritage protection professionals as well as to the general public and by co-ordinating its action with intergovernmental and non-governmental organizations concerned;

1. **ENCOURAGE** States not yet party to the Convention to join this agreement and to adopt the relevant national legislation;
2. **NOTE** that all States party to the Convention which have not yet signed the Second Protocol should consider doing so;
3. **NOTE** that those States party to the Convention which have signed the Second Protocol should ratify, accept or approve this agreement;
4. **INVITE** States party to the Convention to provide the Secretariat with their national reports on the implementation of the Convention under Article 26(2) within the time allowed;
5. **INVITE** the Director-General to distribute the report of the present meeting of High Contracting Parties together with this resolution to all High Contracting Parties to the Convention, to all UNESCO Member States, to States with an Observer status, to all other interested States and to international organizations concerned;
6. **INVITE** the Director-General to convene during the period of the thirty-first session of

the General Conference a fifth meeting of the High Contracting Parties to the Hague Convention or earlier if the Director-General receive a request from at least one-fifth of States Parties to the Convention.