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

Paris, 12 December 2011, 10:00 to 13:00 (Room XII)

FINAL REPORT

I. Opening of the Meeting

1. The Ninth Meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was held at UNESCO Headquarters on 12 December 2011 in the morning.
2. It was attended by sixty-seven of the one hundred and twenty-three High Contracting Parties to the 1954 Hague Convention: Argentina, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Cyprus, Colombia, Costa Rica, Cote d'Ivoire, Croatia, the Democratic Republic of the Congo, Egypt, El Salvador, Ecuador, Germany, Ethiopia, Russia, Finland, France, Georgia, Greece, Honduras, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Kazakhstan, Kuwait, Lithuania, Luxembourg, Mexico, Monaco, Myanmar, Nicaragua, Niger, Norway, Pakistan, Panama, Netherlands, Peru, Poland, Portugal, Qatar, Czech Republic, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Sudan, Switzerland, Thailand, Turkey, the United States of America and Uruguay. Afghanistan, Algeria and the Republic of Korea, which are not party to the Hague Convention, attended the Meeting as observers. In addition, two intergovernmental organizations (the International Committee of the Red Cross (ICRC) and the International Centre for Conservation and Restoration of Cultural Property (ICCROM)) and two non-governmental organizations (the International Council of Museums (ICOM) and the International Committee of the Blue Shield (ICBS)) were also present as observers. The list of participants and the meeting documents are available on the website of the Convention at <http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/armed-conflict-and-heritage/meetings-and-conferences/>
3. The representative of the Director-General, Mr Francesco Bandarin, Assistant Director-General for Culture, opened the Meeting underlining that it would allow for the exchange of views and experiences between the High Contracting Parties regarding the implementation at the national level of the Hague Convention and its First Protocol of 1954, recalling in this regard the importance of national reports submitted by States. Mr Bandarin said that the ratification of the Hague Convention and its 1954 Protocol was only the first step, certainly inevitable, which must necessarily be followed by the concrete implementation of such instruments, i.e. by taking appropriate measures such

as safeguarding cultural property in peacetime and training specialised personnel in the field of protection of cultural property. He called for the widest possible dissemination of these instruments within the public and target groups, as well as the adoption of relevant national legislations. Finally, Mr Bandarin spoke about the role of UNESCO in the recent conflict in Libya.

II. Election of the Chairperson

4. At the proposal of Finland, the Meeting elected by consensus H. E. Ms Martina Nibbeling-Wrießnig, Ambassador and Permanent Delegate of Germany to UNESCO, as Chairperson.

III. Adoption of the Agenda (document CLT-11/CONF/209/1)

5. The participants adopted the agenda, as presented in the document CLT-11/CONF/209/1.

IV. Election of four Vice-Chairpersons and a Rapporteur

6. Four Vice-Chairpersons (Burkina Faso, El Salvador, Egypt and the Islamic Republic of Iran) were elected by consensus. Mr Ousmane Blondin Diop, Minister Counsellor, Deputy Permanent Delegate of Senegal to UNESCO, was elected by consensus as Rapporteur.

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

7. The Secretary of the Meeting noted that there were now one hundred and twenty-three High Contracting Parties to the Hague Convention, of which one hundred are bound by the (First) 1954 Protocol and that sixty States are party to the (Second) 1999 Protocol, five more than in 2009.
8. Concerning the follow-up to the recommendations of the Eighth Meeting of the High Contracting Parties, he reported, among other things, on the activities to encourage Member States who are not party to the Hague Convention and/or its two Protocols, to become party rapidly; the creation of the new Cultural Heritage Protection Treaties Section which is responsible, among other things, for the management of the Hague Convention and its two Protocols; the strengthening of the Secretariat of these three instruments; and the online publication of the report on the implementation of the Hague Convention and its two Protocols covering the period from 2005 to 2010.
9. The Secretary of the Meeting then presented the actions taken regarding the protection of cultural heritage of Libya. He referred to the two expert meetings, contacts made with the Secretary-General of the United Nations, the Secretary-General of NATO and several non-governmental organizations, the transmission of lists of important Libyan cultural property to the Coalition members in order to ensure their protection during military operations, as well as press releases from the Director-General alerting Member States and the international community to the need to protect Libyan cultural heritage against the effects of the armed conflict or against illicit traffic in cultural property. Finally, the Secretary of the Meeting stressed the practical results of the expert meeting on this issue held last October, including the dispatch of an assessment mission in Libya as soon as security conditions permit.¹

¹ The assessment mission to Libya took place from 16 to 23 December 2011.

10. The Secretary of the Meeting also presented the information document concerning 'UNESCO's Standard Plan of Action to Protect Cultural Property in the Event of Armed Conflict' and the seminars he attended in 2010 and 2011 to promote the implementation of the Convention and its two Protocols.

VI. Exchange of national experiences and debate

11. After the introduction by the Secretary of the Meeting, the Chairperson invited the participants to exchange information on their national experiences and to engage in a debate, during which the representatives of several High Contracting Parties took the floor.

12. The main points of this debate are as follows:

(i) Update on the situation in Libya

Libya thanked UNESCO for its actions during the armed conflict and considered this action to be an example of UNESCO's action for future armed conflict. Similarly, Sudan expressed that this was a pioneering act on UNESCO's part, but it would have preferred UNESCO's report to also mention the protection of cultural property in Yemen, Tunisia and Egypt. In response to Sudan, the Secretary of the Meeting stressed that the Hague Convention applied only to armed conflict, which was not the case for any of these three countries. However, he recalled that a mission had been sent to Egypt and Tunisia as soon as the security situation allowed for it. Regarding Libya, it was stressed that the report established following the conflict showed that no site had been destroyed or severely damaged as the Secretariat might have feared.

(ii) Analysis of 'UNESCO's Standard Plan of Action to Protect Cultural Property in the Event of Armed Conflict' (document CLT-11/CONF/209/INF.1)

Ecuador hoped that 'UNESCO's Standard Plan of Action to Protect Cultural Property in the Event of Armed Conflict' could also be available in Spanish. With regard to Points 1 to 3, Belgium considered that the Plan of Action should also mention the Rome Statute, which had anticipated this question. In response, the Secretary of the Meeting said that the Rome Statute only applies to States that have ratified it, which is not the case for all High Contracting Parties. Mexico wished to know the status of the Plan of Action in view of possible subsequent amendments, and felt that a fundraising component could be included to assist the Secretariat. The Secretary of the Meeting took note of these remarks. An updated Plan of Action will be presented at the 10th Meeting of the High Contracting Parties. Concerning the fundraising, the Secretary of the Meeting informed the High Contracting Parties that the Secretariat had begun a reflection in this regard.

(iii) Implementation of the Hague Convention of 1954 and its two Protocols (1954 and 1999)

Greece reported the development of a contingency plan to protect cultural property and the launch of a military training plan by the Ministry of Defense. Romania reported on recent developments in its relevant legislation. To begin, the representatives of the Ministry of Culture and National Heritage and of the Ministry of Environment and Forests are now part of the Romanian National Committee on International Humanitarian Law ('Committee'). Further, in order to avoid unnecessary duplication of competences in the field of protection of cultural property in the event of armed conflict, this Committee will also serve as the national advisory body competent in the abovementioned field, as provided for in Resolution II of the 1954 Hague Conference. El Salvador congratulated

the Secretariat and thanked it for its support. It also informed the Secretariat of the success of the Regional Seminar for National Committees of International Humanitarian Law on the Protection of Cultural Property in the Event of Armed Conflict organized by the International Committee of the Red Cross and the Inter-institutional Committee of International Humanitarian Law of El Salvador. The representative of UNESCO in the seminar welcomed the initiative, which was an excellent opportunity for participating countries to exchange views and experiences on the effective implementation of the 1954 Hague Convention and its two Protocols (1954 and 1999) in the region and to launch a regional action plan for the coming years.

VII. Adoption of recommendations

13. The Chairperson opened the discussion on the draft recommendations developed to reflect the debate and its conclusions.
14. Three new items were added: (i) encouragement of bilateral contacts for the ratification of the Convention or either of its Protocols, (ii) invitation to the High Contracting Parties to submit national reports on the implementation of the Hague Convention to the Secretariat in the framework of the appropriate cycles and (iii) a welcome to 'UNESCO's Standard Plan of Action to Protect Cultural Property in the Event of Armed Conflict' and an invitation to the Director-General to amend it on the basis of discussions at the Meeting of the High Contracting Parties.
15. It is also noteworthy that a proposed amendment was made regarding Point 2, but it was not accepted.
16. Following substantial discussion and inclusion of the above-mentioned amendments to the draft text, the Meeting adopted the recommendations by consensus. The text is attached hereto.

VIII. Other business

17. No issue was raised.

IX. Closure of the Meeting

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