



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

5SP

CLT-13/5.SP/CONF.202/Report
Paris, 27 March 2014
Original: English

**UNESCO NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

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

UNESCO Headquarters, Paris (Room XI)
16 (p.m.) - 17 December 2013

FINAL REPORT

I. Opening of the Meeting

1. The Fifth Meeting of the Parties to the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the “Second Protocol”) was held at UNESCO Headquarters on 16 (p.m.) and 17 December 2013, immediately after the Tenth Meeting of the High Contracting Parties to the Hague Convention, which was held on the morning of 16 December. 59 States participated in the meeting: Argentina, Armenia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Equatorial Guinea, Finland, Germany, Georgia, Greece, Guatemala, Honduras, Hungary, Iran (Islamic Republic of), Italy, Japan, Jordan, Libya, Lithuania, Luxemburg, Mali, Mexico, Montenegro, Netherlands, Nicaragua, Nigeria, Oman, Palestine, Panama, Paraguay, Peru, Poland, Qatar, Romania, Saudi Arabia, Serbia, Slovakia, Slovenia, Spain, Switzerland and Uruguay. The list of participants and the documents of the Meeting are available on the website of the Convention at the following address: <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/meetings-and-conferences/>.
2. In his opening remarks, the representative of the Director-General, Mr Francesco Bandarin, the Assistant Director-General for Culture, thanked all participants and observers for their contribution and officially declared the Meeting open. Mr Bandarin emphasized that the Second Protocol continues to carry great importance in light of contemporary challenges, and that it serves as an example of how UNESCO can contribute to the common goal of the United Nations system in peacetime just as much as during times of war. Mr Bandarin also proposed a change in the provisional agenda, that the election of six members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict take place the following day (17 December) instead of that afternoon (16 December) to allow Cambodia to be eligible for election, as the Second Protocol would enter into force for Cambodia on 17 December 2013.

II. Election of the Bureau

3. At the end of his opening address, Mr Bandarin reminded participants that he had requested that the heads of the regional electoral groups consult within their respective electoral groups to come to a consensus about their nominations for the Bureau of this Meeting.
4. The representative from Egypt, on behalf of the Arab States, proposed Mr Mounir Anastas from Palestine as Chairperson. This proposal was supported by the representative from Nicaragua. Mr Bandarin proposed that if there were no objections, Mr Anastas could be elected by acclamation. After Mr Anastas’ election by acclamation, Mr Bandarin invited the newly elected Chairperson to take a seat at the rostrum. The Chairperson expressed his thanks and then proceeded to continue to the next item of the provisional agenda of the Meeting.
5. The Chairperson asked for the nominations for the remaining positions of the Bureau of the Meeting: the four Vice-Chairpersons and the Rapporteur. The representative from Argentina nominated Nicaragua as Vice-Chairperson. The representative from the Islamic Republic of Iran nominated Japan as Vice-Chairperson. The representative from Canada nominated the Federal Republic of Germany as Vice-Chairperson. The representative from Croatia nominated Romania as Vice-Chairperson. The Chairperson then asked for a nomination for the Rapporteur of the Meeting. The representative from Nigeria nominated Mali as Vice-Chairperson. When asked by the Chairperson if Nigeria also nominated Mali as Rapporteur, the representative of Nigeria responded that it was not the case. The Chairperson asked if one of the nominees for Vice-Chairperson would volunteer to be the

Rapporteur. When the Chairperson suggested Nicaragua, Mr Mauricio Lautaro Sandino Montes from Nicaragua accepted and took his position at the rostrum. The Chairperson declared the four Vice-Chairpersons and the Rapporteur elected.

III. Adoption of the agenda

6. After announcing that there would be no coffee breaks and that the Meeting would continue without interruption until 6 p.m., the Chairperson suggested proceeding to the next item of the provisional agenda: the adoption of the agenda. The Chairperson referenced the proposal by the Secretariat to postpone the election of six members of the Committee until the next day, specifying that when item six of the provisional agenda would be reached, it would be left until the morning of 17 December. The Chairperson asked if there were any remarks. The representative from Egypt said that there was no objection to postponing the election, but that Egypt wished the hour of the election be defined. The representative from Egypt also disagreed with the language of point seven of the provisional agenda, saying that “Consideration” would be a more neutral term than “Approval”. Mr Jan Hladík, Chief of the Cultural Heritage Protection Treaties Section, explained why the term “Approval” had been used. The Chairperson proposed adopting the agenda as amended and then addressing the timing of the election at a later time. The agenda was adopted as amended and the provisional agenda became the adopted agenda. The Chairperson then announced that the Secretariat proposed to start with the election at 10.15 a.m. on 17 December.

IV. Report of the Secretariat on its activities

7. After the adoption of the agenda, the Chairperson proceeded to the next item. The Chairperson proposed skipping item four because the Secretariat had already provided all relevant information in the written report, available on the Secretariat’s website, and through an oral update earlier that day to the Tenth Meeting of the High Contracting Parties.

V. Report of the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict to the Meeting of the Parties

8. The Chairperson proceeded to the next item of the agenda, the report of the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, Mr Benjamin Goes, to the Meeting of the Parties. Mr Goes then took the floor and reported on what actions had been undertaken since the last report to the Meeting of the Parties. Mr Goes discussed a variety of topics, including the system of enhanced protection, international assistance granted to El Salvador and Mali, various activities conducted within the implementation of the Second Protocol, the Committee’s decision to amend the Enhanced Protection Request Form, synergies between the Second Protocol and the World Heritage Convention, the question of protection of cultural property in occupied territory, and the study of criteria 10(a) and 10(b) commissioned from ICOMOS.
9. The Chairperson thanked Mr Goes for his report and then asked if there were any observations or comments from the floor. The representative from Canada asked whether the Second Protocol covered not only immovable but also movable cultural property. As Canada wished to ensure that both were covered, it requested that when the Committee addressed the studies, they could be modified to also address movable property. Mr Hladík responded that further down the road, it might also be possible to look at the question of movable cultural property. The Chairperson asked if there were any further comments. Next, the representative Argentina thanked Mr Goes for his dedicated work as Chairperson of the Committee, as Argentina was just finishing its term as a member of the Committee. The Chairperson asked if there were any further questions or comments. When none were voiced, the Chairperson proposed moving on to item 7 of the agenda (as the Meeting had

agreed on postponing item 6, the election of six members of the Committee, until the next day).

VI. Approval of amendments to the Guidelines for the Implementation of the Second Protocol to the Hague Convention: Improvement of the Enhanced Protection Request Form

10. The Chairperson gave the floor to Mr Hladík to give a brief presentation on the document on the approval of amendments to the Guidelines regarding the improvement of the Enhanced Protection Request Form. Mr Hladík proceeded to give an introduction to the document and explain how these proposed amendments to the Guidelines would make the Enhanced Protection Request Form more user-friendly.
11. The Chairperson proposed proceeding to the phase of endorsing the amendments. The representative from Cyprus voiced disapproval of the notion of taking the forms out of the Guidelines at this stage. The representative from Finland agreed with Cyprus's concern. The representative from the Netherlands also agreed with these concerns, saying that the Netherlands would prefer to study the subject further and have this issue as a proposal to consider at a future meeting. The representative from Belgium then stated that although its proposal was an attempt to facilitate the Secretariat's work and to improve the tools of the enhanced protection process, it would not defend this proposal adamantly if there were no consensus. The representative from El Salvador voiced support to Belgium's proposal, adding that as a state which had used the forms, it supported removing the forms from the Guidelines so as to accelerate the process of changing the forms. El Salvador proposed removing the forms from the Guidelines for a one- or two-year trial period. Then, the representative from Belgium asked if the Secretariat were in a position to suggest a way to incorporate these differences of opinion. Mr Goes took the floor, explaining that the Meeting of Parties is able to amend the forms because the forms are part of the Guidelines. He said that since the forms are processed by the Secretariat and the Committee, it would make sense for the Committee to be in charge of changing the forms. Mr Goes admitted that he understood the concerns of some states.
12. The representative from Egypt asked a question directed at the representative from the Office of the Legal Counsel: whether this action be a *de facto* amendment of Article 23 of the Second Protocol. The representative from the Office of the Legal Counsel, prefaced his answer by stating that interpretation of treaty language falls to the parties to the treaty and not the Secretariat. He then pointed out that the treaty text did not say the Meeting of the Parties could not delegate and that a specific transfer of the handling of forms was nowhere forbidden. The representative of Canada suggested that the Committee be entrusted with amending the forms which could be approved by the Meeting of Parties. The Chairperson declared that this was already the practice. The representative from El Salvador again suggested the compromise of a two-year trial period to take the forms out of the Guidelines. The representative from Cyprus stated that it did not understand El Salvador's suggestion. The representative from Egypt stated that it did not disagree with the opinion of the Office of the Legal Counsel, but that it hesitated going along with the Belgian proposal.
13. The Chairperson announced that there did not seem to be a consensus, but that the intermediary proposal to adopt the amendment for a limited, definite period of time could work. The representative from the Islamic Republic of Iran voiced disapproval at the length of discussion of this issue. The representative from Belgium expressed support for the intermediary proposal. The representative from the Netherlands was reluctant to make it easier to amend the forms. The representative from Mali pointed out that using the forms could sometimes be difficult. The representative from El Salvador appealed to the Parties' goodwill to give the Committee a two-year period to try out this modality. The representative from the Netherlands suggested that perhaps the underlying problem was perhaps that the Guidelines were not clear enough. The representative from Finland expressed support for

the remarks of the Netherlands and Egypt. Finland also asked what the trial period of two years would entail and whether the Committee would decide what to do and then present to the Meeting of the Parties in two years' time. The representative from the Federal Republic of Germany stated that it was currently in the course of preparing applications for enhanced protection and expressed concern that if amendments were made it would be unclear on what form Parties should rely. The Federal Republic of Germany stated that the differences were not major or burdensome, so it should be possible to keep the forms in the Guidelines with or without major modifications.

14. The Chairperson pointed out that some Parties wanted the forms simplified while other Parties preferred clearer forms. He proposed referring the issue to the Committee to reflect on, consider several possibilities, and then come back to the Sixth Meeting of the Parties with a solution. The Meeting agreed and adopted Decision 5.SP 2, as amended.

VII. Fundraising Strategy for the Fund for the Protection of Cultural Property in the Event of Armed Conflict

15. The Chairperson proceeded to item 8 of the agenda: the fundraising strategy. Mr Hladík presented a brief introduction on the document, putting the document in context and summarizing its main points. Mr Hladík also informed the participants about the forthcoming contributions to the Fund for the Protection of Cultural Property in the Event of Armed Conflict pledged by the Netherlands and New Zealand.
16. The Chairperson proceeded to the consideration of the draft decision of the fundraising strategy document. The Meeting agreed and adopted Decision 5.SP 3, as amended.

VIII. Report on the implementation of the strategy for encouraging ratifications of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

17. The Chairperson proceeded to item 9 of the agenda and gave the floor to Mr Hladík to introduce the information document on the implementation of the strategy for encouraging ratifications of the Second Protocol.
18. The Chairperson opened the floor to the Parties for questions or suggestions. When none were voiced, the Chairperson suggested ending the Meeting for the day and resuming the next morning at 10.15 a.m., with the election of six members of the Committee as the first order of business.

IX. Election of six members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

19. After the Chairperson opened the Meeting for its second day (17 December), he suggested adding an adoption of recommendations to the agenda, as it had not been included on the agenda adopted the day prior. No objections were raised.
20. The representative from the Netherlands took the floor to announce an event it had organized: a presentation on the situation in Syria, the cooperation between UNESCO and NATO, and a summary of the meeting held the previous week in Brussels on the implementation of the Second Protocol. This event was to be held at 2 p.m. in Room IX.
21. The Chairperson announced that the election would now take place. He recalled the rules of voting to the Meeting, and then announced that two tellers would need to be chosen. Following the selection of Germany and Serbia, the Chairperson invited them to take their places in front of the rostrum.

22. The representative from Libya then took the floor, asking what geographical regions the current members of the Committee hailed from. The Chairperson responded by first pointing out that the seats were not distributed among geographical lines, in the same practice as the World Heritage Committee, but rather that the Parties should keep geographic equity in mind. The Secretariat then listed the six members of the Committee elected until 2015: Azerbaijan, Belgium, Croatia, El Salvador, Japan, and the Netherlands.
23. The Chairperson announced that the Secretariat would then distribute the voting ballot and instructed each Party to encircle the names of up to six candidates. As the ballots were being distributed, Mr Hladík read the rules of procedure of the Meeting of the Parties regarding the election of members of the Committee (Rule 14). Then, the Chairperson asked if everyone had read the ballot, which was the case. The Chairperson also pointed out that New Zealand would not be able to vote since the Second Protocol had not yet entered into force for New Zealand. The Chairperson explained that the Secretariat would be calling out the French names of the countries in alphabetical order. When a Party's name was called, it was to place its ballot into the box. There were to be no interruptions unless a point of order was to be raised.
24. The Secretariat proceeded to call out the names of the countries. The following countries voted: Germany, Saudi Arabia, Argentina, Armenia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, Cyprus, Colombia, Costa Rica, Croatia, Egypt, El Salvador, Ecuador, Spain, Estonia, Finland, Georgia, Greece, Guatemala, Equatorial Guinea, Honduras, Hungary, the Islamic Republic of Iran, Italy, Japan, Jordan, Libya, Lithuania, Luxembourg, Mali, Mexico, Montenegro, Nicaragua, Nigeria, Oman, Palestine, Panama, Paraguay, the Netherlands, Peru, Poland, Qatar, the Dominican Republic, the Czech Republic, Romania, Serbia, Slovakia, Slovenia, Switzerland and Uruguay. The following countries were absent: Bahrain, Barbados, the Former Yugoslav Republic of Macedonia, Gabon, Niger and Tajikistan.
25. The Chairperson then read out the names of the absent Parties. The six Parties which had not voted still appeared to be absent (Bahrain, Barbados, the former Yugoslav Republic of Macedonia, Gabon, Niger, and Tajikistan). The Chairperson then announced that the Meeting would adjourn for half an hour to count the votes.
26. After the votes were counted, the Chairperson resumed the Meeting to announce the results of the election. The Chairperson thanked the tellers from Germany and Serbia. Then, the Chairperson announced that with six absent Parties, there were 59 voters and no null votes. The required majority was therefore 30 votes. The results were as follows: Greece - 54 votes, Mali - 50 votes, Cambodia - 46 votes, Georgia - 41 votes, Egypt - 39 votes, Armenia - 38 votes, Romania - 34 votes, and Libya - 24 votes. The following six candidates were therefore declared elected: Greece, Mali, Cambodia, Georgia, Egypt, and Armenia.
27. The representative from Greece took the floor and expressed thanks. It announced that Greece would further its commitment to the protection of cultural property and would strive to increase synergies with the 1970 Convention. The Chairperson acknowledged that having Greece as a member of the Committee and a Party to the 1970 Convention would ensure greater synergy.
28. The representative from Mali expressed thanks and stated that Mali would do everything possible to encourage innovation and the broadest possible participation in the implementation of the Second Protocol, especially greater participation from the African region.
29. The representative from Cambodia expressed gratitude in assuming this responsibility alongside the other Committee members and Parties to the Second Protocol. He expressed

a desire to increase the visibility of the Second Protocol, especially among countries in Asia and the Pacific and stated that Cambodia's position as a member of the Committee would encourage more participation from this region.

30. The representative from Georgia expressed thanks and an eagerness to begin work on the Committee.
31. The representative from Armenia expressed gratitude and pointed out that owing to Armenia's long history of protecting its many monuments and sites, becoming a member of the Committee had been a priority for this country.
32. The representative from Egypt expressed thanks and acknowledged the challenges awaiting the work of the Committee while looking forward to working on the Committee and developing further cooperation.
33. The representative from Libya took the floor, expressing frustration but thanking those who voted for Libya, as well as those who did not. Libya congratulated the newly elected members and reaffirmed its country's commitment to the Second Protocol.
34. Finally, the representative from Romania congratulated the newly elected members and ensured its continued participation in working with the Committee and as an observer.

X. Adoption of recommendations

35. As there was no further business to discuss, the Chairperson proceeded to the adoption of recommendations. Mr Hladík took the floor, announcing that a set of draft recommendations had been prepared and were distributed to all Parties. The recommendations were then adopted, as amended.

XI. Miscellaneous

36. The Chairperson then gave the floor to Mr Goes, who suggested an informal meeting among the newly elected members of the Committee to take place before the beginning of the Eighth Meeting of the Committee. The representative from Armenia asked when and where the informal meeting would take place. Mr Goes responded that it would be immediately after the end of the present Meeting, in the same room.

XII. Closure of the Meeting

37. The Chairperson declared the Meeting closed and thanked all participants and observers, as well as the Secretariat, for contributing to the success of the Meeting.