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

**SECOND MEETING OF THE COMMITTEE
FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

(UNESCO, 17 – 19 December 2007)

FINAL REPORT

I. Opening of the meeting

1. The second meeting of the Committee took place in Paris from 17 to 19 December 2007. It was attended by all the twelve Committee Members (Argentina, Austria, Cyprus, El Salvador, Finland, Greece, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Lithuania, Peru, Serbia and Switzerland). The following were also represented as observers: eighteen Parties to the Second Protocol which are not Committee Members (Armenia, Azerbaijan, Bulgaria, Canada, Croatia, the Czech Republic, Ecuador, Egypt, Estonia, Hungary, Japan, Luxembourg, Mexico, the Netherlands, Nigeria, Slovakia, Slovenia and Spain); thirteen States Parties to the Hague Convention which are not party to the Second Protocol (Belgium, Cuba, the Holy See, Italy, Kuwait, Mali, Monaco, Norway, Poland, Portugal, the Russian Federation, Turkey and Ukraine); four other UNESCO Member States (Algeria, Djibouti, the United Kingdom and the United States of America); two intergovernmental organizations (ICRC and ISESCO); and four non-governmental organizations (ICA, ICBS, ICOM and ICOMOS). A copy of the list of participants is available upon request from the Secretariat.
2. The meeting was officially opened by the Director-General, who underlined the main purpose of the second meeting of the Committee, namely to examine the new version of the Draft Guidelines for the Implementation of the 1999 Second Protocol to the 1954 Hague Convention (“the Draft Guidelines”). He went on to reiterate that their elaboration will contribute to the establishment of best practices and working methods to facilitate the national implementation of the Second Protocol and lead to a better understanding of the Second Protocol and its further dissemination and acceptance by the wider international community. The Director-General also briefly summarized the different stages of the elaboration of the Draft Guidelines and thanked all the UNESCO Member States and one international organization concerned for their contribution to the drafting process of the Draft Guidelines. He concluded by stressing the ultimate objective: a clear and user-friendly practical document that will

ensure better protection of cultural heritage during periods of hostilities. Following his opening statement, the Director-General informed the Committee members and observers of his decision to transfer the management of the 1954 Hague Convention and its two (1954 and 1999) Protocols to the Division of Cultural Objects and Intangible Heritage, with the corresponding personnel and programme resources.

II. Election of the Chairperson and of four Vice-Chairpersons and the Rapporteur

3. Following the proposal of Ms Rivière, UNESCO's Assistant Director-General for Culture, the Bureau was renewed by general consensus of the Committee members. Thus, the new Bureau is composed of: Dr Christoph Bazil (Austria), Chairperson; Mr Rino Büchel (Switzerland), Rapporteur; Cyprus, Finland, Lithuania and Peru as Vice-Chairpersons.

III. Adoption of the agenda

4. The provisional agenda contained in document CLT-07/CONF/212/1 was adopted without amendment.

IV. Update by the Secretariat on the status and implementation of the Second Protocol

5. The Secretariat stressed the main reasons for organizing the second meeting of the Committee, recalled the composition of the Committee and terms of office of its members and then reported briefly on the status of the Second Protocol, the 1954 Hague Convention and its 1954 (First) Protocol. It went on to mention its main activities related to the dissemination of those agreements such as publications and meetings designed to raise awareness thereof.

V. Consideration of the redraft of the Draft Guidelines prepared by the Bureau

6. Dr Bazil informed the meeting of the work of the Bureau by referring to the outcome of its August 2007 Vienna informal working meeting and the subsequent October 2007 Paris informal working meeting. He introduced the main tenets of the new redraft and proposed to proceed to a chapter-by-chapter discussion of the Draft Guidelines. This proposal was accepted by the Committee. The main points of the discussion may be summarized as follows:
 - Redrafting of paragraph 27¹ related to the adoption of peacetime preparatory measures. The Committee decided to specify those measures as set forth by Article 5 of the Second Protocol and to stress that Parties are encouraged to consider other appropriate measures consistent with the purposes of the Second Protocol.
 - Redrafting of paragraph 32 related to the condition of “the greatest importance for humanity” as laid down by Article 10(a) of the Second Protocol. The Committee considered the Canadian proposal regarding two conjunctive components of the condition of “the greatest importance for humanity”: (i) being of outstanding universal value; and (ii) an irretrievable loss for humanity in the event of the destruction of the

¹ Note of the Secretariat: All the references to the relevant paragraphs of the Draft Guidelines are made to their latest version (cf. CLT-07/COF/212/3 Rev. 2, Paris, 20 December 2007).

cultural property concerned. Further to a substantial discussion of this issue during which the difference between the 1954 Hague Convention regime and the 1972 World Heritage Convention regime was stressed (the former establishing protection of cultural property in the event of armed conflict; the latter establishing, among other things, specific protection of cultural heritage of “outstanding universal value”) and the specificity of the concept of “outstanding universal value” was underscored, the Committee finally decided to use a different terminology to introduce the new concept of “exceptional cultural significance” into the condition of “the greatest importance for humanity”. The Committee also reserved for itself the possibility to make an evaluation on a case-by-case basis when considering whether the cultural property in question is of “the greatest importance for humanity”, applying a set of three criteria: (i) exceptional cultural significance; (ii) uniqueness; and (iii) the irretrievable loss for humanity in the event of its destruction. Those criteria may be either conjunctive or disjunctive.

- Redrafting of the old paragraph 34 resulting in new paragraph 33 providing that cultural property of national, regional or universal value may have exceptional cultural significance. This significance may be deduced from the following indicative criteria:
 - it is an exceptional cultural property bearing a testimony of one or more periods of the development of humankind at the national, regional or global level;
 - it represents a masterpiece of human creativity;
 - it bears an exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
 - it 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;
 - it has a central significance to the cultural identity of societies concerned.
- Insertion of a new paragraph 34 related to the criterion of “uniqueness”. This paragraph states that cultural property is considered to be unique if 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 age, history, community, representativity, location, size and dimension, shape and design, purity and authenticity in style, integrity, context, artistic craftsmanship, aesthetic value and scientific value.
- Insertion of a new paragraph 35 regarding the criterion of irretrievable loss for humanity. Such a criterion is met if the damage or destruction of the cultural property in question would result in the impoverishment of the cultural diversity or cultural heritage of humankind.
- When considering the linkage between the World Heritage List and the criterion of “the greatest importance for humanity”, the Committee decided that it would consider, subject to other relevant considerations, that immovable cultural property inscribed in the World Heritage List satisfies the condition of “the greatest importance for humanity” (cf. paragraph 36).
- As to documentary heritage, the Committee decided that it would consider the fact that the cultural property is inscribed on UNESCO’s Memory of the World Register (cf. paragraph 37).
- When considering whether cultural property proposed for enhanced protection is protected by adequate domestic legal and administrative measures recognizing exceptional cultural and historic value and ensuring the highest level of protection (cf. Article 10(b) of the Second Protocol), the Committee decided to stress four categories of measures: (i) measures related to the identification and safeguarding of cultural property proposed for enhanced protection; (ii) due consideration for the protection of

cultural property proposed for enhanced protection in military planning and military training programs; (iii) appropriate criminal legislation providing for the repression of, and jurisdiction over, offences committed against cultural property under enhanced protection in the meaning of, and in accordance with, Chapter 4 of the Second Protocol; and (iv) taking into account the fact that cultural property proposed for enhanced protection is marked with the distinctive emblem of the Hague Convention. (cf. paragraph 39 of the Draft Guidelines).

- When considering part 3.5 on the *Use of the Emblem*, following a lengthy discussion, the Committee did not accept the Canadian, Finnish, Greek and Japanese proposals related to this issue. It decided to insert a new paragraph 95 related to the possibility of the Parties to mark cultural property under enhanced protection with the distinctive emblem of the Hague Convention because such property is by definition cultural property.
 - A partial redraft of Annexes I (Form to request international assistance for cultural property under enhanced protection) and II (Format for request for the granting of enhanced protection). The Chairperson pointed out that neither Annex is part of the Draft Guidelines. The Annexes will be submitted to future sessions of the Committee for consideration.
7. The consideration of the three chapters of the Draft Guidelines resulted in their adoption by the Committee.

VI. Adoption of recommendations

8. A copy of the adopted recommendations is attached in Annex I. The recommendations summarized the main outcome of the meeting and, in particular, pointed out that the Committee had developed Chapters 1, 2 and 3 of the Draft Guidelines. They went on to recommend the endorsement of the Draft Guidelines by the Extraordinary Meeting of the Parties to the Second Protocol to be held in 2008. Finally, the Committee decided to convene its next meeting in the first half of 2008.

VII. Other business

9. The participants of the meeting discussed the timeframe of its next (third) meeting in 2008 as well as procedural issues related to further development of the Draft Guidelines. It was agreed that following their finalization, they would be translated into other three languages (Arabic, Russian and Spanish) and despatched to Committee members and observers.

ANNEX I**SECOND MEETING OF THE COMMITTEE FOR THE PROTECTION OF
CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT****(UNESCO, 17 – 19 December 2007)****ROOM XI****ADOPTED RECOMMENDATION**

The Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereafter "the Committee"):

1. Thanks the Bureau for preparing a new version of the Draft Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict ("the Draft Guidelines") at its informal working meetings held in Vienna in August 2007 and Paris in October 2007;
2. Thanks those UNESCO Members States and the International Council of Museums which have provided to the Secretariat their valuable comments on the new version of the Draft Guidelines;
3. Having developed Chapters 1, 2 and 3 of the Draft Guidelines for the Implementation of the Second Protocol, recommends their endorsement by the Meeting of the Parties;
4. Decides to continue its deliberations to finalize its work on the Draft Guidelines for the Implementation of the Second Protocol, including dissemination, monitoring and international assistance;
5. Proposes to the Parties to invite the Director-General to convene an Extraordinary Meeting of the Parties in 2008 in order to endorse the Guidelines developed by the Committee;
6. Recognizing the invaluable contribution of the Secretariat to the work of this Committee recommends to the Director-General to provide sufficient human and financial resources in order to ensure the assistance by the Secretariat of UNESCO in the implementation of the Second Protocol;
7. Decides to convene its next meeting in the first half of 2008.