



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
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Organización
de las Naciones Unidas
para la Educación,
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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

CLT-10/CONF/204/5
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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

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

**FIFTH MEETING
(UNESCO HEADQUARTERS, 22 - 24 NOVEMBER 2010)**

ITEM 6 OF THE PROVISIONAL AGENDA:

**REPORT ON THE IMPLEMENTATION OF THE GUIDELINES FOR
THE IMPLEMENTATION OF THE SECOND PROTOCOL TO THE
HAGUE CONVENTION**

I. Introduction

1. The informal meeting of the Bureau of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (UNESCO Headquarters, 17 – 18 June 2010) decided to include on the provisional agenda of the fifth meeting of the Committee (UNESCO Headquarters, 22 – 24 November 2010) an item concerning the report on the implementation of the Guidelines for the Implementation of the Second Protocol to the Hague Convention. This item was included as a follow-up to the resolution of the third Meeting of the Parties (UNESCO Headquarters, 23 and 24 November 2009), which invited the Committee to report on their implementation at its fourth Meeting in 2011.

2. To date, the Guidelines have been essentially implemented by the Bureau's evaluation of the twelve requests for the granting of enhanced protection (six from Azerbaijan, three from the Republic of Cyprus, one from the Dominican Republic, one from Italy and one from Lithuania).

II. Issues for consideration regarding the Guidelines

3. Following their evaluation during its two informal meetings, the Bureau identified the following issues that may require consideration (modifications in the following paragraphs are underlined):

- Specifying the transmitter of and timeframe for the submission of requests for enhanced protection.
 - Unlike paragraph 145 that includes a six-month deadline for the submission of requests for international assistance provided by the Committee, the section “Procedure for granting enhanced protection” does not provide for a similar deadline. It is therefore proposed that the Committee consider introducing a similar deadline. Paragraph 45 of the Guidelines could read as follows (the proposed language is underlined):

45. The request for the granting of enhanced protection is sent by the Permanent Delegation or embassy of the Party to the Committee through the Secretariat. Requests registered by the Secretariat six months before the ordinary meeting of the Committee are forwarded to the Bureau of the Committee (hereinafter “the Bureau”)¹ for its consideration. Requests received after this deadline will be considered during the next meeting of the Committee. The six-month time period does not apply to requests

¹ Note of the Secretariat: The reference to “Bureau of the Committee (hereinafter “the Bureau”)” was moved from paragraph 46 to paragraph 45.

for the granting of enhanced protection in exceptional cases or requests for provisional enhanced protection.

- Checklist for completeness developed by the Secretariat.
 - The Bureau noted, with satisfaction, the usefulness of the checklist for completeness and decided to use it together with the original requests for the granting of enhanced protection when considering those requests. Thus, the following amendment is proposed to paragraph 46 (the proposed language is underlined):

46. The Secretariat acknowledges the receipt, checks for completeness and registers the request. The Secretariat requests any additional information from the Party, as appropriate, and all such information must be received, preferably, in a single submission of one complete file² within two months of the date of the request. The Secretariat forwards complete requests to the Bureau together with the checklist for completeness prepared by the Secretariat.

- Co-ordinates of the property submitted for the granting of enhanced protection.
 - The Bureau noted the discrepancy between paragraph 56 requiring the co-ordinates of the cultural property concerned in the Universal Transverse Mercator system and Annex I to the Guidelines (Enhanced Protection Request Form) requesting either latitude and longitude or UTM co-ordinates. Thus, it is proposed to modify Annex I by deleting a reference to latitude and longitude.
 - In order to clarify the relation between co-ordinates and maps, it is proposed to consider the possibility of marking the UTM co-ordinates of the boundary of the property proposed for enhanced protection on the map(s) of such property that are attached to the request. Thus, it is proposed that paragraph 55 be modified as follows:

² Note of the Secretariat: It is proposed that one complete file be submitted in response to the Secretariat's request for additional information. This will clearly signal the Party's confirmation that all existing information has been submitted, and it will simplify the organization, analysis and transmission of the submitted information to the Bureau. The file will therefore only be analyzed one time following this single submission, instead of exchanging numerous correspondence.

55. The boundaries of an immovable cultural property and its immediate surroundings³ are clearly defined, and the UTM co-ordinates of the boundaries of such property are marked on the map(s) attached to the request. Maps are sufficiently detailed to determine precisely which area of land and/or building(s) are nominated. Movable cultural property is identified by its detailed descriptions and sufficient images.

- The provision of the non-military use declaration by the competent authorities of the Party and the focus of the declaration on future use. As a consequence, the modified paragraph 59 of the Guidelines may read as follows:

59. The Party describes the use of the cultural property. The declaration, issued by the national authority for which the State concerned has provided sufficient proof of competence in this matter⁴, confirms that the cultural property and its immediate surroundings ~~are not and~~ will not be used for military purposes or to shield military sites is attached to the request. The information provides the facts needed to support and substantiate the argument that the cultural property meets the criterion laid down in Article 10(c).

Draft Decision:

The Committee:

1. *Thanking the Bureau* for drawing its attention to certain practical problems related to the implementation of the Guidelines for the Implementation of the Second Protocol;
2. *Thanking* the Secretariat for preparing this document;
3. *Having considered* document CLT-10/CONF/204/5;
4. *Decides* to modify the Guidelines as proposed in the current document and submit them for endorsement to the fourth Meeting of the Parties in 2011.

³ Note of the Secretariat: The Committee may wish to clarify whether the “buffer zone” required of World Heritage Sites should be considered as “immediate surroundings”, and be submitted as part of the cultural property for which a request for enhanced protection has been made.

⁴ Note of the Secretariat: Neither the Second Protocol nor the Guidelines specify the nature of the competent authority issuing a non-military use declaration under Article 10(c) of the Second Protocol. In this regard, it should be noted that five of the twelve declarations attached to the requests for the granting of enhanced protection were signed by a representative of the Ministry of Defence; one was signed by the Head of the Administration of the State Historical-Architectural Reserve “Icherisheher” under the Cabinet of Ministers; and five were signed by the Deputy Minister of Culture and Tourism.

Annex I

Non-military use declaration

I _____ hereby declare that, in conformity with Article 10 of the Second Protocol, (the cultural property for which Enhanced Protection was requested) will not be used for military purposes or to shield military sites.

(Signature of the representative of the national authority for which the State concerned has provided sufficient proof of competence in this matter)

Name: _____

Title: _____

Date: _____