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

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

**Seventh meeting
UNESCO Headquarters, Paris
20 to 21 December 2012**

**Item 5 of the Provisional Agenda:
Synergies between the Second Protocol
and the World Heritage Convention**

I. Introduction

1. The fifth meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (“the Committee”) (UNESCO Headquarters, November 2010) considered a document analysing possible synergies between the List of Cultural Property under Enhanced Protection (“the List”) and the World Heritage List, as well as other UNESCO instruments (*Synergies between the Second Protocol to the Hague Convention and other Relevant UNESCO Instruments and Programmes*, CLT-10/CONF/204/4). After taking note of the document, the Committee

“Request[ed] the Secretariat to ensure that synergies foreseen in document CLT-10/CONF/204/4 between the Second Protocol to the Hague Convention of 1954 and other relevant UNESCO conventions and programmes apply at all levels when assisting Parties with the identification, submission of proposals for enhanced protection, inclusion of cultural property on the List [of Cultural Property under Enhanced Protection], and protection and safeguarding measures of cultural property;”

and

“Invite[d] the Secretariat to include relevant information on the progress of cooperation with the secretariats of other UNESCO conventions in the updates by the Secretariat to the Committee on the status and implementation of the Second Protocol.”

2. Since then, further synergies between the Second Protocol to the 1954 Hague Convention (“Second Protocol”), the World Heritage Convention, and other UNESCO standard-setting instruments have been developed. These synergies, including the creation of the Cultural Conventions Liaison Group (“CCLG”), were outlined in an information document prepared for the 36th session of the World Heritage Committee entitled *UNESCO Conventions in the field of Culture* (WHC-12/36.COM/INF.5A.1).
3. During its informal meeting on 19 September 2012, the Bureau of the Committee requested the Secretariat of the Second Protocol to elaborate a document for the seventh meeting of the Committee (UNESCO Headquarters, 20 and 21 December 2012) analysing the synergies between the Second Protocol and the World Heritage Convention. This document will present these synergies, including the work of the CCLG.

II. Summary of Synergies between the Second Protocol to the Hague Convention and other Relevant UNESCO Instruments and Programmes (CLT-10/CONF/204/4)

4. As mentioned above, the Committee requested the Secretariat to ensure synergies between the List and the lists created under the World Heritage Convention and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage; the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the Memory of the World Programme; technical and international assistance; and respective funds.
5. As stated in this document, the conditions for inscription of cultural property on the List and the World Heritage List are specific to each instrument, since each operates in

accordance with its content and scope of application: the instrument's subject-matter (primarily the adopted definition of cultural heritage), as well as geographic (States Parties) and temporal factors. Exact synergies, therefore, are not always possible given these parameters; however, the List and the World Heritage List overlap in an important way with regard to the enhanced protection regime under the Second Protocol. To begin with, cultural property complying with the three conditions of Article 10 of the Second Protocol¹ may be granted enhanced protection by the Committee. When considering whether one of these conditions has been established - "the greatest importance of humanity" (Article 10(a) of the Second Protocol) - the Committee will deem immovable cultural property inscribed on the World Heritage List in principle as satisfying this condition (i. e. paragraph 36 of the Guidelines for the Implementation of the Second Protocol).

6. Further, when considering the information submitted in support of the condition under Article 10(b) of the Second Protocol - the protection by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection - the Secretariat of the Second Protocol considers relevant existing legislative and regulatory measures submitted in support of existing World Heritage sites (cf. paragraph 98 of the Operational Guidelines for the Implementation of the World Heritage Convention).
7. Finally, with regard to the granting of international assistance to cultural property under enhanced protection that has already been inscribed on the World Heritage List, or the List of World Heritage in Danger, the Committee will consider assistance already provided by the World Heritage Committee and will thereby determine whether any further assistance should be granted (cf. paragraph 137 of the Guidelines for the Implementation of the Second Protocol).
8. The above synergies have become an integral part of the work of the Secretariat of the Second Protocol, as detailed below.

III. Work of the Cultural Conventions Liaison Group (CCLG)

9. The Secretariat recently created the CCLG with the aim of streamlining the practices and policies of UNESCO cultural conventions and exploring where further synergies may be developed. Working groups have been established regarding the following topics: periodic reporting, international assistance, capacity building, information management, and visibility and partnership development. Further, the World Heritage

¹ Cultural property may be placed under enhanced protection provided that it meets the following three conditions:

- a. it is cultural heritage of the greatest importance for humanity;
- b. it is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection;
- c. it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

Centre attended the sixth meeting of the Committee during which requests for the granting of enhanced protection for three World Heritage sites were considered.

IV. Synergies between the Second Protocol and the World Heritage Convention

A. World Heritage sites that are also on the List

10. As of the date of publication of this document, all of the five cultural properties on the List were already World Heritage sites. It should be noted that, to date, the Secretariat has not received a complete request for the granting of enhanced protection for a cultural property that is not a World Heritage site. As such, the Committee considered that the condition under Article 10(a) of the Second Protocol had been fulfilled, and the State Party then needed to establish the fulfilment of the two remaining conditions (Articles 10(b) and (c) of the Second Protocol).
11. As mentioned above, the Secretariat of the Second Protocol has worked with the World Heritage Centre in each case to assist the submitting State Party by consulting the relevant World Heritage nomination files. Information supporting the fulfilment of the condition under Article 10(b) of the Second Protocol often can be found in these files, including relevant maps, photographs, conservation and site management information, legislation and other regulations, Universal Transverse Mercator (“UTM”) coordinates and any other relevant safeguarding measures. The Secretariat of the Second Protocol also consults the UNESCO Database of National Cultural Heritage Laws.
12. The fulfilment of the condition under Article 10(c) of the Second Protocol, essentially the non-use of the site for military purposes or to shield military sites and a declaration confirming the same, is unique to the Second Protocol.

B. The List of World Heritage in Danger and the List

13. The Secretariat of the Second Protocol has not yet received a complete request for the granting of enhanced protection to a cultural property that is on the List of World Heritage in Danger, but it closely monitors the relevant decisions and recommendations of the World Heritage Committee. At this juncture, the Guidelines for the Implementation of the Second Protocol are silent as to what would happen if a World Heritage site were inscribed on the List and then later inscribed on the List of World Heritage in Danger, or if a request were submitted for the granting of enhanced protection to a cultural property on the List of World Heritage in Danger. It may be submitted that the inscription of a cultural property on the List of World Heritage in Danger could affect its compliance with Article 10(a) of the Second Protocol (“greatest importance for humanity”), since the Committee evaluates compliance based on three criteria: “exceptional cultural significance, and/or its uniqueness, and/or if its destruction would lead to irretrievable loss for humanity” (c.f. paragraph 32 of the Guidelines for the Implementation of the Second Protocol).

C. Technical advice from the World Heritage Centre

14. The World Heritage Centre has been consulted regarding technical advice on the inclusion of UTM coordinates, including how to most accurately state them on the List and in a request for the granting of enhanced protection.

D. Technical and International Assistance

15. As mentioned above, in order to avoid duplication of means and to ensure coherence and synergy in the implementation of different UNESCO instruments for the protection of cultural property, the Committee may consult the Secretariat on whether international or technical assistance for the same purpose was already requested or obtained from the Secretariat within the framework of another instrument (cf. paragraph 143 of the Guidelines for the Implementation of the Second Protocol). This was done as part of the process of the Committee's consideration of El Salvador's request for financial assistance from the Fund for the Protection of Cultural Property in the Event of Armed Conflict during its sixth meeting.

V. Collaboration in response to the protection of cultural property during recent armed conflicts

16. UNESCO reacted with concerted action to recent events in Libya, Mali and the Syrian Arab Republic. With regard to Libya, the 1954 Hague Convention was implicated, and the Director-General called on the coalition of States to implement a no-fly zone over the country to protect its five World Heritage sites. Further, the Director-General alerted the six neighboring countries of Libya of reports of the illicit trafficking of cultural objects.
17. Similar alerts were issued to countries neighboring the Syrian Arab Republic regarding reports of illicit trafficking, and UNESCO has worked with the United Nations Secretariat to assist in the protection of Syrian cultural property.
18. The Secretariat also has been very active in Mali. Following the UNESCO mission to Mali (18-20 May 2012) to study, with the State Party, emergency measures to be taken to ensure the preservation of World Heritage sites, the 36th session of the World Heritage Committee (24 June – 6 July 2012, St. Petersburg, Russian Federation) decided to inscribe Timbuktu and the Tomb of Askia on the List of World Heritage in Danger (Decision 36 COM 7B.106). It also asked bordering States Parties (Algeria, Burkina Faso, Cote d'Ivoire, Guinea, Mauritania, Niger and Senegal) to cooperate in a joint conservation strategy for World Heritage sites in Mali, and to combat the illicit trafficking of cultural objects. Further, it requested the Director-General to consider creating a Special Fund to assist Mali in its efforts to support the conservation of its cultural heritage (Decision 36 COM7B.107). The Director-General approved the creation of a Special Fund for Mali, and granted 140,000 USD in emergency funds for safeguarding measures regarding cultural property (World Heritage, intangible, and the fight against the illicit trafficking of cultural property). These funds will be used by the Government of Mali for conservation efforts of the cultural properties of Timbuktu and the Tomb of Askia, and activities financed through this fund will be monitored by the World Heritage Centre and the Culture Sector in general.

19. The Committee may wish to adopt the following decision:

DRAFT DECISION 7.COM 3

The Committee,

1. Recalling the decision of its fifth meeting regarding document CLT-10/CONF/204/4 and the recent request of its Bureau with regard to the development of synergies between the Second Protocol and the World Heritage Convention,
2. Takes note of document CLT-12/7.COM/CONF.201/3 concerning synergies between the Second Protocol and the World Heritage Convention,
3. Requests its Secretariat to ensure that synergies foreseen in document CLT-12/7.COM/CONF.201/3 apply at all levels when assisting Parties with the identification, submission of proposals for enhanced protection, inclusion of cultural property on the List, and protection and safeguarding measures of cultural property both under the 1999 Second Protocol and the World Heritage Convention;
4. Thanks the Secretariat for its work;
5. Welcomes the efforts of the Secretariat to elaborate the cooperation between secretariats of different standard-setting instruments.