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للتربية والعلم والثقافة

联合国教育、
科学及文化组织

11 COM

C54/16/11.COM/6
Paris, 28 October 2016
Original: French

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

Eleventh meeting
UNESCO Headquarters
8 – 9 December 2016

Item 6 of the provisional agenda:

**Request for international assistance from the Fund for the
Protection of Cultural Property in the Event of Armed Conflict
submitted by Mali in connection with the request for the granting
of enhanced protection for the Tomb of Askia**

The working document presents the request for international assistance under the Fund for the Protection of Cultural Property in the Event of Armed Conflict submitted by Mali in connection with the elaboration of preparatory measures.

This request for international assistance in the amount of US\$40,000 is related to the request for the granting of enhanced protection for the Tomb of Askia submitted by the Malian authorities.

Draft decision: paragraph 13.

CONTEXT

1. By virtue of Article 32 of the Second Protocol of 1999 to the 1954 Hague Convention (“the Second Protocol”), “a Party may request from the Committee international assistance for cultural property under enhanced protection as well as assistance with respect to the preparation, development or implementation of the laws, administrative provisions and measures referred to in Article 10 [of the Second Protocol]”. In this context, the Committee may, in accordance with Article 29.1 of the Second Protocol, mobilize the resources of the Fund for the Protection of Cultural Property in the Event of Armed Conflict (“the Fund”) to finance international assistance.
2. In connection with their request for the granting of enhanced protection for the Tomb of Askia (submitted on 2 March 2015), the Malian authorities, through their Permanent Delegation to UNESCO, transmitted to the Secretariat on 18 May 2016 a request for international assistance from the Fund in the amount of US\$40,000.
3. The Malian request for international assistance is available online, with access limited to the Parties to the Second Protocol, at: <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/the-fund/international-assistance/>
4. On 7 June 2016, the Secretariat notified the Malian authorities about the registration of the international assistance request and indicated that the request will be submitted to the Bureau of the Committee, then to the Committee which is responsible for disbursement for the Fund.
5. In accordance with paragraph 162 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention (“the Guidelines”)¹ which foresees that “requests registered by the Secretariat at least six months before the ordinary meeting of the Committee are forwarded to the Bureau of the Committee for its consideration”, the Secretariat transmitted the international assistance request to the members of the Bureau of the Committee as well as to the other members of the Committee on 24 August 2016 for information. All members of the Bureau (Argentina, Cambodia, Egypt, Georgia, Greece and Mali) expressed their support for the request for the granting of international assistance.
6. The request from Mali concerns the implementation of raising-awareness activities as well as the elaboration of preparatory measures intended to contribute to the preparation, development and implementation of laws, administrative provisions and measures recognizing the exceptional cultural and historic value of the Tomb of Askia and ensuring the highest level of protection. The request specifically involves:
 - activities to raise awareness among local communities and customary authorities about the project to grant enhanced protection to the Tomb of Askia;
 - documentary research regarding the Malian standard-setting framework for the protection of cultural property;
 - preparation, updating and adoption of legislative and regulatory texts incorporating into domestic Malian legislation the provisions of Chapter IV of the Second Protocol;
 - adoption of measures for the safeguarding of the Tomb of Askia, in particular the creation of an inventory and the establishment of emergency plans to protect the building from collapse and fire;
 - preparation of plans and programmes to train Malian armed forces in rules related to cultural heritage protection; and,
 - preparation of the final file for submission of the request for the granting of enhanced protection to the Tomb of Askia.

¹ The Guidelines, as amended by the sixth meeting of the Parties (December 2015), are available online at: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/01_Guidelines_Implementation_1999_Protocol_ENG_2015.pdf

7. It should be noted that this request for international assistance must be considered in connection with the pending request for the granting of enhanced protection for the Tomb of Askia.
8. This request is the second request for international assistance under the Fund submitted by the Malian authorities. The first was submitted in 2012 on an emergency basis during the crisis in Mali. On that occasion, the Committee received the request favourably and, by decision 7.COM 1, granted financial assistance in the amount of US\$40,500.
9. It should also be noted that, in the framework of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage (“the 1972 Convention”), Mali was granted financial assistance for the Tomb of Askia on two occasions: the first one, totalling US\$30,000, was granted in 2000 with a view to assisting in the preparation of the nomination dossier of the Tomb of Askia on the World Heritage List²; the second one, totalling US\$23,333, was granted on an emergency basis during the Malian crisis, with a view to reinforcing the protection of the Tomb of Askia³.
10. These decisions in favour of the requests for international assistance under the 1972 Convention as well as under the Second Protocol, reflect the existing synergies to develop between these two legal instruments. While having previously been granted financial assistance that initially resulted in the international recognition of the Tomb of Askia and also in its safeguarding during the Malian crisis, the potential granting of this international assistance will establish a framework, both legal and operational, that will ensure a sustainable safeguarding of the Tomb of Askia and of Malian cultural heritage sites in general.
11. Finally, following consultation with the UNESCO Bamako Office related to the budgetary breakdown proposed by the Malian authorities – out of the US\$40,000 requested by the Malian authorities, US\$17,000 are allocated to the funding of “consultants’ honorarium for the identification and analysis of the information related to Chapter IV of the Second Protocol to criminal responsibility and jurisdiction” – the Secretariat is of the view that those costs could be reduced to US\$12,000. This opinion has been communicated to the Malian Permanent Delegation to UNESCO which informed the Secretariat, through a verbal note that “Mali is committed once granted financing by the Committee, to raise the amount of US\$5,000 on its contribution as a State Party.”

ANALYSIS OF THE COMPLETENESS OF THE REQUEST

12. After careful analysis of the request for international assistance pursuant to paragraphs 169-170 of the Guidelines, the Secretariat deems that the request may be considered as complete.
13. The Committee may wish to adopt the following decision:

DRAFT DECISION 11.COM 6

The Committee,

1. Having examined document C54/16/11.COM/6,
2. Recalling Articles 29.1 and 32 of the Second Protocol of 1999,
3. Approves the request for international assistance under the Fund for the Protection of Cultural Property in the Event of Armed Conflict in the amount of **[US\$35,000]**, so as to enable the submission by the Malian authorities of a complete application for the granting of enhanced protection to the Tomb of Askia;

² Information related to this request for international assistance may be found online at: <http://whc.unesco.org/en/intassistance/1330/>

³ The total amount of the assistance allocated in the framework of the 1972 Convention due to the 2012 Malian crisis is US\$70,000: US\$23,333 for Timbuktu; US\$23,333 for the Tomb of Askia; and, US\$23,333 to Old Towns of Djenné. Information related to this request for international assistance may be found online at: <http://whc.unesco.org/en/intassistance/2477/>

4. Requests Mali to prepare for its twelfth meeting a detailed report on the use of the financial assistance approved with a view to ensuring its appropriate monitoring and evaluation, and to submit it through the Secretariat;
5. Requests in particular that Mali keep it informed of the adoption and implementation of its national legislation, or any other regulations, concerning Chapter IV of the Second Protocol, and of the development and implementation of plans and programmes to train Malian armed forces in cultural property protection;
6. Requests the Secretariat to report to it on the implementation of the international assistance at its twelfth meeting.