



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

11 COM

C54/16/11.COM/8
Paris, 2 December 2016
Original: English

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 8 of the provisional agenda:

**Report of the Blue Shield on the situations where cultural property is at risk in
the context of an armed conflict, including occupation**

This document brings to the attention of the Committee the follow-up of Decision 10.COM 9 concerning the submission to the eleventh Meeting of the Committee of the Report of the Blue Shield on the situations where cultural property is at risk in the context of an armed conflict, including occupation.

Draft decision: paragraph 14.

BACKGROUND

1. At its tenth Meeting (UNESCO, 2016), the Committee for the Protection of Cultural Property in the Event of Armed Conflict (“the Committee”) adopted Decision 10.COM 9 by which it invited, among others:

“the Chairperson, with the assistance of the Secretariat, to continue the dialogue with the International Committee of the Blue Shield with a view to drafting a Report on the situations where cultural property is at risk in the context of an armed conflict including occupation.”¹
2. The decision encouraged all the Parties to the Second Protocol to pool, as appropriate, financial resources for the preparation of this Report and by deciding that, should the call for contributions fail to raise the necessary resources to finance the Report, to use the Fund for the Protection of Cultural Property in the Event of Armed Conflict.
3. Decision 10.COM 9 requested that the Report should be submitted to the Meeting of the Bureau of the Committee in order to be analyzed and to establish an Action Plan coherent with the “Strategy for reinforcing UNESCO’s action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict” as adopted by the 38th session of the General Conference (38 C/Res.48).

FOLLOW-UP BY THE SECRETARIAT

4. A meeting with the representatives of the International Council of Museums (ICOM) acting on behalf of the International Committee of the Blue Shield (ICBS) was held on 27 January 2016. On 29 January 2016, the Secretariat communicated by e-mail the draft Terms of Reference of the Report to ICOM to which its representatives agreed on 5 February 2016. The Terms of Reference indicated that ICOM would prepare the Report in both English and French for the sum of 20,000 Euros.
5. On 14 April 2016, ICOM provided a budgetary breakdown in compliance with UNESCO administrative rules.
6. On 29 April 2016, the Secretariat communicated the costs related to the preparation of the Report as requested by paragraph 3 of Decision 10.COM 9 to the Members of the Committee. On this occasion, the Secretariat also informed about the budgetary breakdown proposed by ICOM for the preparation of the Report. On 18 May 2016, the Secretariat dispatched in accordance with paragraph 2 of Decision 10.COM 9 a letter to all Parties to the 1999 Second Protocol encouraging contributions to the Fund for the Protection of Cultural Property in the Event of Armed Conflict to cover the costs of the Report. At the time of the preparation of this document, no earmarked contributions have been received. A “Contract for services” for the preparation of the Report was concluded on 26 May 2016 with ICOM. The Terms of Reference were as follows:
 - The Report shall contain background information on the work of the Committee related to this issue [the protection of cultural property in the event of armed conflict, including occupation], by referring to its previous relevant decisions;
 - The Report shall focus on technical aspects related to the safeguarding of cultural heritage;
 - The Report shall have a future-looking approach by determining the possible actions which should be taken to ensure better protection of cultural heritage. In this framework, the modalities concerning the dispatch of technical missions on the ground in order to assess the extent of protection required for cultural properties affected by an armed conflict, including situations of occupation, shall be considered;
 - The Report shall propose a set of recommendations to the Committee, UNESCO Member States and other stakeholders, including civil society. These recommendations

¹ Decision 10.COM 9 available at: <http://unesdoc.unesco.org/images/0024/002435/243563E.pdf>

will aim at shaping the initiatives from both the Committee and the Member States – should the latter be Party to the 1999 Second Protocol or not. These recommendations shall also stress the utmost importance of military training in the field of cultural heritage protection;

- Taking into account that Decision 10.COM 9 mentioned the establishment of an Action Plan in line with the “Strategy for reinforcing UNESCO’s action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict” (38C/Res.48), the Report shall propose a draft for such Action Plan.

7. The “working calendar” provided by the contract originally foresaw the submission of the first draft on 10 June 2016; the submission of observations by the Secretariat on 15 July 2016; and the submission of the final Report in both English and French by 1 September 2016. Due to delays registered by ICOM, the contract was amended on two occasions. On 13 October 2016, a first draft of the Report was officially transmitted to the Secretariat. The Secretariat immediately undertook to carefully review the draft report and submitted finally its observations to ICOM on 15 November 2016.
8. The substantial comments of the Secretariat underlined the need to comply with the terms of reference and to provide the Committee with practical measures which would enable to better protect cultural property on the ground, and stressed the necessity to provide an Action Plan in line with the “Strategy for reinforcing UNESCO’s action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict” (38 C/Res.48).
9. On 28 November 2016, the Secretariat was provided with a new draft Report. Careful review is currently under process and observations will be submitted to ICOM as soon as possible.

CONSIDERATION OF THE BLUE SHIELD REPORT BY THE COMMITTEE

10. Taking into account the sensitivity of the subject matter covered by the Report, paragraph 4 of Decision 10.COM 9 requested that:

“this Report should be submitted to the Meeting of the Bureau in September 2016 to analyze and establish an action plan coherent with the strategy on the “Reinforcement of UNESCO’s Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict” (Document 38 C/49) adopted by the General Conference at its 38th session.”
11. On the occasion of the Meeting of the Bureau of the Committee (UNESCO, 31 October 2016), the Secretariat informed the Members of the Bureau that the first draft of the Report was only submitted on 13 October 2016 and, thus, that it was not in position to provide the Members of the Bureau with the final version of the Report in view to enable the Bureau to establish an Action Plan. The delays in the submission of the Report mean that it was not possible to implement the terms of Decision 10.COM 9 and to present the final Report together with an Action Plan to the eleventh Meeting of the Committee.
12. Consequently, the Secretariat will continue working with ICOM in order to ensure the preparation of a Report in line with the expectations of the Committee expressed on the occasion of its tenth Meeting. In this process, the Secretariat will ensure that sufficient time is given to Members of the Bureau both to consult their respective capitals and to analyze and establish an Action Plan coherent with the “Strategy for reinforcing UNESCO’s action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict” (38 C/Res.48).
13. Eventually, the Report together with the Action Plan will be brought to the attention of the twelfth Meeting of the Committee in December 2017.

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

DRAFT DECISION 11.COM 8

The Committee,

1. Recalling its Decision 10.COM 9 adopted at its tenth meeting,
2. Takes note of the delays encountered in the elaboration and submission of the report and, consequently, of the impossibility for its Bureau to establish an Action Plan coherent with the “Strategy for reinforcing UNESCO’s action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict” (38 C/Res.48)
3. Requests the Secretariat to continue working with the International Committee of the Blue Shield towards the preparation of the final version of this Report and to submit it to its Bureau for review and to establish such an Action Plan;
4. Also requests that this Report and this Action Plan be presented at its Twelfth Meeting.

ANNEX – Decision 10.COM 9 adopted by the Committee

DECISION 10.COM 9

The Committee,

1. Invites the Chairperson, with the assistance of the Secretariat, to continue the dialogue with the International Committee of the Blue Shield with a view to drafting a Report on the situations where cultural property is at risk in the context of an armed conflict including occupation;
2. Encourages all Parties to the Second Protocol to pool, as appropriate, financial resources for the preparation of this Report;
3. Decides, should the call for contributions addressed to the Parties fail to raise the necessary resources to finance this Report, to use the Fund for the Protection of Cultural Property in the Event of Armed Conflict, and requests the Secretariat to communicate electronically to the Members of the Committee within the framework of the procedure already used in the granting of financial assistance to Mali the amount which will be withdrawn from the Fund;
4. Requests that this Report should be submitted to the Meeting of the Bureau in September 2016 to analyze and establish an action plan coherent with the strategy on the “Reinforcement of UNESCO’s Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict” (Document 38 C/49) adopted by the General Conference at its 38th session;
5. Also requests that this Report and this action plan be presented at its Eleventh Meeting.