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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**

Tenth Meeting
UNESCO Headquarters, Paris
10-11 December 2015

FINAL REPORT

I. Opening of the Meeting

1. The Tenth Meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter, "the Committee"), established by the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter, "the Second Protocol"), was held at UNESCO Headquarters on 10 and 11 December 2015. The meeting was attended by the twelve States Members of the Committee (Argentina, Armenia, Azerbaijan, Belgium, Cambodia, Cyprus, Czech Republic, Egypt, Georgia, Greece, Mali and Morocco). In addition, 38 States Parties to the Second Protocol that were not Committee members (Austria, Bahrain, Belarus, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, Gabon, Germany, Guatemala, Hungary, Iran, Italy, Japan, Jordan, Libya, Lithuania, Mexico, Montenegro, Netherlands, Niger, Palestine, Poland, Romania, Serbia, Slovakia, Spain, Switzerland and Uruguay), 15 High Contracting Parties to the Hague Convention that were not party to the Second Protocol (Bolivia, Burkina Faso, Denmark, France, Holy See, Iraq, Kuwait, Latvia, Monaco, Norway, Senegal, Sweden, Syrian Arab Republic, Turkey and Ukraine), 4 other Member States of UNESCO (Afghanistan, Djibouti, Ireland and Togo), 2 intergovernmental organizations (the Islamic Educational, Scientific and Cultural Organization and the International Centre for the Study of the Preservation and Restoration of Cultural Property) and 6 non-governmental organizations (the International Committee of the Red Cross, the International Committee of the Blue Shield, the International Council on Archives, the International Council of Museums, the World Association for the Protection of Tangible and Intangible Cultural Heritage in Times of Armed Conflict, the Traditions for Tomorrow) attended as observers. The working and information documents of the meeting were made available at the following web address:

<http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/meetings-and-conferences/>

2. The Meeting was opened by the Director of the Division for Heritage, Dr Mechtild Rössler, who highlighted three key issues for the Committee members: first, she stressed the important need to increase the number of requests for granting enhanced protection of cultural property to ensure full and effective protection during armed conflicts; second, she called attention to the urgent need to increase the resources of the Fund for the Protection of Cultural Property in the Event of Armed Conflict to enable the Committee to adequately respond to situations where cultural property is at high risk; and finally, she encouraged States Parties to submit requests for international or financial assistance.

II. Election of the Bureau

3. Following her opening statement, the Director proceeded to the election of the Bureau. She recalled that the Secretariat had been officially informed of the nomination of Ms Artemis Papathanassiou (Greece) by the Czech Republic for Chairperson of the Committee. As there were no other nominations introduced, Ms Papathanassiou was declared unanimously elected and was invited to take a seat at the podium.
4. Following her election, the Chairperson moved to the election of the four Vice-Chairpersons and the Rapporteur. The representative for Armenia nominated Georgia for Vice-Chairperson. The representative for Belgium nominated Cambodia and Mali for Vice-Chairpersons. The representative for Morocco nominated Egypt for Vice Chairperson. Ms Nelida Contreras de Ecker, Deputy Permanent Delegate of Argentina to UNESCO, was nominated for the post of Rapporteur. As there were no objections, all the candidates were elected and the Rapporteur was invited to take a seat at the podium.

III. Adoption of the Agenda

5. The Chairperson conducted the adoption of the agenda and opened the floor for comments or proposals for modification of the proposed agenda from Committee members. As there were no comments or proposals, the Chairperson declared the agenda adopted as proposed.

IV. Report of the Secretariat

6. The Chairperson then proceeded to the Report of the Secretariat, which she proposed should be a very brief update since more detailed information had already been presented in both written report and during the Secretariat's oral update at the Eleventh Meeting of the High Contracting Parties. The Secretariat provided information about the organization of the expert meeting on Responsibility to Protect that took place on November 2015, an ongoing project with Newcastle University (UK) on the preparation of training materials for armed forces. The Secretariat also outlined its participation in various capacity-building activities, including training for UNIFIL Officers on November 2015.
7. The Chairperson then proposed to adopt draft Decision 10.COM 8 contained in working document (CLT-15/10.COM/CONF.203/INF.2) Section II. as it stood. Belgium proposed a new paragraph to the draft decision, requesting the Secretariat to present a Report at the next Meeting on the discrepancies between the English and French versions of the Second Protocol. Decision 10.COM 8 was adopted as amended.

V. Provisional suspension of the application of Rule 33 of the Rules of Procedure of the Committee – proposal for its extension

8. The Chairperson turned to the item 5 of the agenda, the provisional suspension of the application of Rule 33 of the Rules of Procedure of the Committee and the proposal for its extension. The Chairperson gave the floor to the Secretariat to present the working document on this issue.
9. Following the presentation of the Secretariat, the Chairperson moved to a paragraph-by-paragraph examination of the draft Decision. Egypt proposed to revise the language of paragraph 5 of the draft Decision so that the suspension of the application of Rule 33 would extend to the Thirteenth Meeting of the Committee. As there were no further interventions by Committee members, the decision was adopted as amended.

VI. Procedure for granting enhanced protection

10. The Chairperson then moved to the following item on the agenda, the procedure for granting enhanced protection, and gave the floor to the Secretariat to present the issue.
11. Following the presentation by the Secretariat, the Chairperson opened the floor and asked for opinions from the Committee members. The representative from Belgium requested a discussion regarding the principles of "control" and "jurisdiction" under Article 11 of the Second Protocol. The representative from Greece proposed the inclusion of a definition of "highest importance for humanity", using the ICOMOS study as a basis.
12. The representative of Mali then raised the late submission of its request for the granting of enhanced protection by one day. He explained that the statutory deadline of 1 March 2015 fell on a Sunday. He requested greater flexibility in considering the submission. The Secretariat took the floor to state that, as a policy, if 1 March falls on a Saturday, Sunday or public holidays, it would accept applications submitted by the following Monday. Furthermore, the Secretariat declared that, as a policy, it would consider requests based on its postmarked date. Thus, requests for enhanced protection must be postmarked by 1 March or, should 1 March fall on a Saturday, Sunday or public holidays, requests must be postmarked by the following Monday. This understanding represents the agreed interpretation of paragraph 45 of the Guidelines for the Implementation of the Second Protocol.
13. The Chairperson proceeded to the examination of the draft Decision 10.COM 3. During the examination of this decision, the representative of Belgium proposed to continue holding necessary consultations in order to assist the Secretariat in producing preliminary draft statutory modifications of the Guidelines for the Implementation of the 1999 Second Protocol, and requested that the Secretariat presents an Information Document on the principles of "control" and "jurisdiction" as set forth in Articles 10 (c) and 11 (2) of the Second Protocol.

14. Belgium proposed the inclusion of four paragraphs regarding a request for a report to be conducted by the International Committee of the Blue Shield. The Committee members adopted the proposed paragraphs and decided to move these four paragraphs to a different decision because it was not related to the issue of the procedure for granting enhanced protection.
15. Decision 10.COM 3 was adopted as amended, excluding the four paragraphs related to the Blue Shield Report. Nevertheless, the content of the paragraphs related to the Blue Shield Report was adopted, but to be included at a later stage during the Meeting.

VII. Development of synergies with other UNESCO's normative instruments and programmes and strengthening partnerships

16. The Chairperson arrived at the item 7 of the agenda concerning the development of synergies with other UNESCO's normative instruments and programmes, and strengthening partnerships. The Chairperson gave the floor to the Secretariat to briefly present the item. During the presentation, the Secretariat reminded the Committee that, prior to the meetings of the three statutory bodies of the Hague Convention, the Secretariat facilitated a meeting between the Bureaus of this Committee and the Subsidiary Committee of the 1970 Convention, pursuant to Decision 3.SC 4.3 adopted by the Subsidiary Committee at its Third session (September 2015). During this joint meeting, the Bureaus adopted a recommendation to encourage the Director-General to hold a meeting of all Chairpersons of the six Culture Conventions at the Fourth Session of the Subsidiary Committee of the 1970 Convention (September 2016).
17. Greece raised the issue of synergies between the Second Protocol and the Convention for the Safeguarding of the Intangible Cultural Heritage. In particular, the representative of Greece stated that the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, at its Tenth Session (30 November – 4 December 2015, Windhoek, Namibia), adopted 12 ethical principles to be considered in safeguarding intangible heritage, with the goal to prevent disrespect and misappropriation of such heritage. One of the principles reflected the protection of intangible cultural heritage in times of armed conflict and was largely supported by the Committee. Greece stated that it would submit a document to the next meeting of the Bureau on this issue. Morocco also supported the idea of strengthening synergies with the 2003 Convention.
18. Palestine, an Observer State, took the floor and thanked the previous Chairperson, Mr Benjamin Goes, for bringing up the issue of synergies and following it closely. Palestine and Cambodia also underlined the importance of enhancing synergies among all cultural conventions.
19. Following the Secretariat's presentation, the Chairperson moved to the examination of Decision 10.COM 4, and opened the floor for proposals for modifications from the Committee members.
20. Belgium submitted a proposal to include as paragraph 3 of the decision a provision inviting the Secretariat to "pursue discussions with the World Heritage Centre in order to achieve concrete synergies for enhanced protection, in particular through the revision of the periodic reporting format of World Heritage and finally, in the framework of monitoring missions related to cultural property inscribed both on the World Heritage List and the List of Cultural Properties under Enhanced Protection, to report back to the next Committee".
21. Belgium further submitted a proposal to include as paragraph 6 of the decision a provision stating as part of good practice the joint meeting of its Bureau and that of the Subsidiary Committee of the 1970 Convention and invites its Bureau to also develop such synergies with the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.
22. The Committee members also decided to take note of UNESCO's action for "Reinforcement of UNESCO's Action for the Protection of Cultural Heritage and the Promotion of Cultural

Pluralism in the Event of Armed Conflict” (Document 38 C/49) recently adopted by General Conference at its 38th session.¹

23. Decision 10.COM 4 was adopted as amended.

VIII. Fundraising strategy

24. The Chairperson opened the next item of the agenda, the fundraising strategy, and invited the Secretariat to deliver a presentation of the working document (CLT-15/10.COM/CONF.203/5). The Secretariat informed on the current total assets of the Fund (387,720 USD), as well as States Parties who made financial contributions to the Fund (Czech Republic – 7,235 EUR; the Netherlands – 25,000 EUR; Slovakia – 15,000 USD; and Switzerland – 20,000 CHF). The Secretariat also informed the Committee that it prepared an Information Kit, including information about the purposes of the Fund, examples of international assistance that can be provided through the Fund and practical information on applying to the Fund. This kit would be widely distributed among UNESCO Member States and uploaded on the website of the Secretariat. In addition, the Secretariat informed the members of the Committee that it received an informal request for financial assistance from Libya.

25. Belgium took the floor and thanked the Netherlands for its regular support to the Fund for the Protection of Cultural Property in the Event of Armed Conflict and requested the Secretariat to provide more clarification of the Libyan request. The Secretariat stated that due to the incomplete nature of the request it was not transmitted to the Bureau.

26. The Chairperson then moved to an examination of Draft Decision 10.COM 5. Taking into account the discussions, the Secretariat proposed the following new paragraph to the draft Decision:

“Requests the Secretariat to propose to the Eleventh Meeting of the Committee draft amendments to the Guidelines related to procedural aspects of the submission of requests for international or other categories of assistance from the Fund to align them with procedural aspects of the submission of requests for the granting of enhanced protection”.

27. The proposal was supported by the Committee, and the decision was adopted as amended.

IX. Follow-up to the Audit of the Working Methods of Cultural Conventions and to the evaluation of UNESCO’s Standard-Setting Work of the Culture Sector

28. The Chairperson gave the floor to the Secretariat to introduce working document (CLT-15/10.COM/CONF.203/6) on the Follow-up to the Audit of the Working Methods of Cultural Conventions and to the evaluation of UNESCO’s Standard-Setting Work of the Culture Sector. The Secretariat presented the working document that provides a detailed update on the status of the implementation of the IOS recommendations (located in the table attached in the Annex) since December 2014.

29. After the Secretariat’s introduction to this issue, the Chairperson opened the general discussion. Belgium took the floor and asked about the status of implementation of Recommendation 4 of the IOS Audit relating to the formulation of coordinated fundraising strategy for all Conventions’ Secretariats. The Secretariat replied that one of the key functions of the Conventions Common Services Unit (“CSS”) is to assist the Secretariats on fundraising and that the Secretariat of 1954 Hague Convention and its two (1954 and 1999) Protocols works closely with the CSS on this issue.

30. The Chairperson then moved to the Draft Decision 10.COM 6. Because there were no amendments or modifications proposed the decision was adopted as amended.

¹ Reinforcement of UNESCO's action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict, <http://edats.hq.int.unesco.org/Archive/General%20Conference/English/38/38-C/38-C-49/en-38-C-49.doc>

X. Electronic form for the submission of national reports

31. The Chairperson moved to the next item of the agenda which concerned the electronic form for the submission of national reports. He gave the floor to the Secretariat to present the working document (CLT-15/10.COM/CONF.203/7/REV).
32. The Chairperson then opened the floor for discussion on Decision 10.COM 7. Cambodia reminded the Committee that not all States Parties may be in a position to submit national reports electronically.
33. In addition, Belgium and Cambodia proposed to amend paragraph 6 of the draft decision so that the Committee would request the Secretariat to “implement this new format in view of its statistical use”. Thus, Decision 10.COM 7 was adopted as amended.

XI. Miscellaneous

34. The Chairperson moved the agenda item 11, “miscellaneous activities”. The Chairperson gave the floor to the Secretariat to present information document (CLT-15/10.COM/CONF.203/INF.3) on protected cultural zones.
35. The Secretariat noted the recent expert meeting on the concept of “responsibility to protect” as applied to the protection of cultural heritage, organized by UNESCO at the request of the Director-General. As an outcome of this meeting, a series of recommendations for steps to be taken by the international community, under the auspices of UNESCO, was produced. One of these recommendations requested that UNESCO Member States and the Secretariat “give due consideration to the idea of ‘cultural protected zones’, in accordance with Article 24 of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, Articles 59 and 60 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, and the Charter of the United Nations”.
36. The Committee agreed to deliberate on the previously adopted content of the Blue Shield Report as proposed by Belgium in order to adopt the decision as a whole. The Legal Adviser stated that, in practice, miscellaneous matters should concern non-substantive issues; however, because the content of the decision had already been adopted, the Committee could submit the Report with an explanatory report at its next meeting. At this time, the representative of Armenia took the floor to object to the adoption of the separate decision on reiterating the request for the Blue Shield to prepare the Report due to the lack of time to consult with the capital on the issue. Armenia also stated that the adoption of such a decision would establish poor practice and would be against of the Rules of Procedure. Azerbaijan, the Czech Republic, Greece and Morocco stated that since the decision was adopted in the first day of the meeting unanimously and it only reiterated the Decision 9.COM 3, the Committee could proceed with adoption of the decision.
37. The members of the Committee decided to review paragraphs proposed. The representative of Belgium added a paragraph on the possibility to use the Fund for the Protection of Cultural Property in the Event of Armed Conflict as an alternative financial source for commissioning Blue Shield to prepare the Report. Decision 10.COM 9 was adopted as amended.
38. Finally, the Chairperson invited the Committee Members to consider a Statement drafted by Armenia. Cambodia welcomed the practice of adopting Statements and suggested to discuss the proposed Statement paragraph by paragraph. The members of the Committee amended certain paragraphs of the proposed Statement, in particular adding a reference to the Committee’s mandate under Article 27 of the 1999 Second Protocol, and a precise reference to the UNSC resolution 2199 (2015). The adopted Statement calls on all Parties to the Hague Convention and its two Protocols to conduct their activities, in peacetime and in the event of armed conflict, including the case of occupation, in the spirit of UNESCO’s Declaration of 17 October 2003 concerning the intentional destruction of cultural heritage. In particular, the Statement requests Parties to the Second Protocol to harmonize their criminal legislation with Chapter 4 of the Second Protocol and ensure effective implementation. Notably, the Statement invites the Director-General to initiate discussions on the

improvement of the protection of cultural heritage across the UN system and with the involvement of the ICRC and the International Committee of the Blue Shield. The Statement was adopted as amended.

XII. Closure of the Meeting

39. The Chairperson thanked the Committee members for their contribution to the smooth deliberations of the Meeting. She gave the floor to the Director for the Division of Heritage, to present her closing remarks.
40. In her closing remarks, Dr Rössler stressed the importance of the need to review certain procedural aspects of the submission of requests for the granting of international or other categories of assistance from the Fund, as well as the need to improve the protection of cultural property in peacetime and times of armed conflict, including during occupation. She further appealed to Committee members to submit requests for granting enhanced protection or international or other categories of assistance. Finally, she urged Committee members to provide the Secretariat with adequate human and financial resources to cope with its increasing workload. She then thanked the Chairperson, Rapporteur and the whole Committee as well as observers for their contributions and excellent collaboration.