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Organización  
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منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

# 11 COM Decisions

**C54/16/11.COM/Decisions**  
**Paris, 3 Februari 2017**  
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## **ELEVENTH MEETING OF THE COMMITTEE FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT**

**UNESCO Headquarters, Paris (8 – 9 December 2016)**

**ADOPTED DECISIONS**

**I. PROVISIONAL AGENDA OF THE 11th MEETING OF THE COMMITTEE FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT**

1. Opening of the meeting
2. Election of the Bureau
3. Adoption of the Agenda
4. Report of the Secretariat on its activities
5. Consideration of requests for the granting of enhanced protection: Historical Monuments of Mtskheta (Georgia) and Tomb of Askia (Mali)
6. 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
- 6bis. Request for international assistance from the Fund for the Protection of Cultural Property in the Event of Armed Conflict submitted by Libya
7. Procedure for the granting of enhanced protection: methodologies for the evaluation of the conditions set forth by Article 10 of the 1999 Second Protocol
8. Report of the Blue Shield on the situations where cultural property is at risk in the context of an armed conflict, including occupation
9. Cultural property and its immediate surroundings
10. The notions of “control” and “jurisdiction” as set forth in Articles 10 (c) and 11 (2) of the Second Protocol: perspectives under international law and international case-law
11. Development of synergies with other relevant UNESCO’s normative instruments and programmes and strengthening partnerships
12. Update on fundraising and further development of the fundraising strategy
13. 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
14. Follow-up to the Recommendations of the External Auditor’s “Report on the governance of UNESCO and dependant funds, programmes and entities” (Document 38C/23)
15. Report on the discrepancies between the French and English versions of the Second Protocol
16. Other business
17. Closure of the meeting

**II. DECISION 11.COM 3**

The Committee,

1. Having examined Document C54/16/11.COM/3,
2. Adopts the Agenda contained in the above-mentioned document, as amended.

#### **DECISION 11.COM 4**

The Committee,

1. Having considered Document C54/16/11.COM/4/REV,
2. Thanks Ms Artemis Papathanassiou for all her efforts and quality of work as Chairperson of the Committee for the last two years;
3. Takes note with appreciation of the Secretariat's report on its activities for the period December 2015 – October 2016;
4. Thanks Switzerland and Azerbaijan for supporting the reinforcement of the implementation of the 1954 Hague Convention for the Protection of Cultural property in the Event of Armed Conflict through extra-budgetary funds;
5. Also thanks Azerbaijan and Cyprus for contributing to the enhancement of the Human Resources of the Secretariat;
6. Encourages all Parties to the 1999 Second Protocol to provide contributions to reinforce the Secretariat of the Convention;
7. Requests the Secretariat to submit to its Twelfth Meeting a report of the Secretariat on its activities.

**DECISION 11.COM 5**

The Committee,

1. Referring to its previous decisions and actions aimed at increasing the number of cultural properties under enhanced protection,
2. Requests the Secretariat to prepare proposals to increase the visibility of cultural property under enhanced protection and the mechanism for its listing, as well as to ensure more efficient protection and to submit them to its Twelfth Meeting.

## DECISION 11.COM 5.1

The Committee,

1. Recalling that Georgia submitted a request for the granting of enhanced protection for the cultural property of the **Historical Monuments of Mtskheta** in 2016,
2. Having considered Document C54/16/11.COM/5, Part I,
3. Decides that this request is complete;
4. Further decides to grant enhanced protection to the **Historical Monuments of Mtskheta (Georgia)**;
5. Adopts the following Statement of Inclusion of the said property in the List of Cultural Property under Enhanced Protection:

The cultural property of the Historical Monuments of Mtskheta, Georgia, complies with the three conditions of Article 10 of the 1999 Second Protocol in the following ways:

- By virtue of its inscription on the World Heritage List, and in light of paragraph 36 of the Guidelines for the Implementation of the 1999 Second Protocol to the 1954 Hague Convention, the **Historical Monuments of Mtskheta** comply with the condition of being of the greatest importance for humanity;
- Protection measures have been taken and the cultural property is protected by (i) the Constitution of Georgia, (ii) the Law of Georgia on Cultural Heritage, (iii) the Law of Georgia on Civil Safety and the standard normative acts subordinated to this Law, including the “Technical Regulations on Fire Safety Rules and Conditions” (N 370, July 23, 2015), Regulations of Firefighting and Emergency - Rescue Operations (Decree N 738 of May 21, 2007), (iv) Decree No. 1750 on the establishment of the Mtskheta Cultural Heritage Protection Zones. Furthermore, Decree No. 4 of the Minister of Defence issued on 20 January 2000 incorporated the rules of International Humanitarian Law in combat training programmes of the Georgian Armed Forces. Finally, the Criminal Code of the Georgia incorporates provisions providing for the repression of, and jurisdiction over, offences committed against cultural property under enhanced protection in accordance with Chapter 4 of the 1999 Second Protocol. Consequently, the **Historical Monuments of Mtskheta** comply with the condition of being protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection;
- By a non-military use declaration issued by the Minister of Defence on 15 February 2016 stating that the **Historical Monuments of Mtskheta** and also their immediate surrounding areas are not and will not be used for military purposes or to shield military sites, the **Historical Monuments of Mtskheta** complies with the condition according to which the Party having control over the cultural property declare that the cultural property will not be used for military purposes or to shield military sites.

**DECISION 11.COM 5.2**

The Committee,

1. Recalling that Mali filed a request for the granting of enhanced protection for the cultural property, the **Tomb of Askia** in 2015,
2. Having considered Document C54/16/11.COM/5, part II,
3. Also recalling Article 11 (8) of the 1999 Second Protocol,
4. Decides that, subject to the adoption by Mali of preparatory measures pursuant to Article 10 (b) of the 1999 Second Protocol, the request is complete as regards the conditions of Article 10, paragraphs (a) and (c), of the 1999 Second Protocol;
5. Requests Mali to adopt such preparatory measures within a period of 18 months from the present decision and inform it thereof through the Secretariat;
6. Further decides to grant enhanced protection to the Tomb of Askia (Mali), in accordance with the procedure laid down in Article 11 (8) of the 1999 Second Protocol;
7. Adopts the following Statement of Inclusion of the said property in the List of Cultural Property under enhanced protection:

The **Tomb of Askia (Mali)** complies with the two conditions set forth in Article 10, paragraphs (a) and (c), of the 1999 Second Protocol for the following reasons:

- By virtue of its inscription on the World Heritage List, and in light of paragraph 36 of the Guidelines for the Implementation of the 1999 Second Protocol to the 1954 Hague Convention, the **Tomb of Askia** complies with the condition of being of the greatest importance for humanity;
- By virtue of a non-military use declaration issued by the National Director of Cultural Heritage on 16 February 2015 stating that the **Tomb of Askia** is not used for military purposes or to shield military sites, the **Tomb of Askia** complies with the condition according to which the Party having control over the cultural property declares that the cultural property will not be used for military purposes or to shield military sites;
- As Mali submitted a request for international assistance from the Fund for the Protection of Cultural Property in the Event of Armed Conflict on 18 May 2016, a request that, *inter alia*, aims to ensure the preparation, development and implementation of the laws, administrative measures and other necessary measures to ensure the highest level of protection for the **Tomb of Askia**, the Committee applies Article 11 (8) of the 1999 Second Protocol;
- The Committee shall re-examine the protection for the **Tomb of Askia** by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection at its Thirteenth Meeting, due to be held in December 2018.

## **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;
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 4 of the 1999 Second Protocol, and of the development and implementation of plans and programmes to train Malian armed forces in cultural property protection;
6. Also requests the Secretariat to report to it on the implementation of the international assistance at its Twelfth Meeting.

**DECISION 11.COM 6bis**

The Committee,

1. Having considered the request for financial assistance related to emergency measures from Libya,
2. Expressing its grave concern over the situation in Libya and its profound impact on Libyan cultural heritage,
3. Recalling Article 29(1)(b) of the 1999 Second Protocol, the Guidelines for the Implementation of the 1999 Second Protocol to the 1954 Hague Convention as well as the Guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict,
4. Approves the request for financial assistance related to emergency measures from Libya for activities that are in conformity with Article 29(1)(b) of the 1999 Second Protocol, in the amount of US\$ 50,000 from the Fund for the Protection of Cultural Property in the Event of Armed Conflict;
5. Strongly encourages the relevant Libyan authorities to submit a request for the granting of enhanced protection;
6. Requests Libya to submit a detailed report on the use of the financial assistance to the Secretariat by 1 October 2017 with a view to presenting its preliminary results to the Committee at its Twelfth Meeting.



## **DECISION 11.COM 7**

The Committee,

1. Having examined Document C54/16/11.COM/7,
2. Decides to create an Informal Working Group, composed of Committee members, wishing so, as well as of two experts per Electoral Group, with complementary expertise in order to propose recommendations to its Twelfth Meeting in particular on the implementation of Article 10 (a) of the 1999 Second Protocol;
3. Approves the integration of the table set out in the annex to the document C54/16/11.COM/7 into the Guidelines for the Implementation of the 1999 Second Protocol to the 1954 Hague Convention;
4. Requests the Seventh Meeting of the Parties to introduce the aforementioned table into the Guidelines for the implementation of the 1999 Second Protocol to the 1954 Hague Convention.

## **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.

**DECISION 11.COM 9**

The Committee,

1. Having examined Document C54/16/11.COM 9,
2. Recommends that the Meeting of the Parties, at its Seventh Meeting in 2017, examines the draft amendments to the Guidelines as proposed in Annex 2 with a view to approving them and amending the Guidelines accordingly.

## **DECISION 11.COM 10**

The Committee,

1. Having examined Document CLT-16/11.COM/INF.10,
2. Recalling its Decisions 9.COM 6 and 10.COM 3,
3. Thanks the Parties, the Secretariat, the ICRC and the International Committee of the Blue Shield (CCAAA, ICA, ICOM, ICOMOS and IFLA) for their comments during the consultation phase;
4. Notes that the explanations provided so far on the notions of “control” and “jurisdiction” as set forth in Articles 10 (c) and 11 (2) of the 1999 Second Protocol need to be further developed;
5. Invites the Secretariat to propose after electronic consultation with States Parties, as appropriate, amendments to the Guidelines for Implementation of the Second Protocol (1999), in particular of Section III. A, paragraph 42, in order to cover the maximum cases of requests for the granting of enhanced protection, including in case of occupation, and to report to it at its Twelfth Meeting;
6. Requests the Secretariat to take into account Article 11 (4) of the 1999 Second Protocol when elaborating the Document.

## **DECISION 11.COM 11**

The Committee,

1. Having examined Document C54/16/11.COM/11,
2. Welcomes the development of synergies and coordinating reporting mechanisms between the World Heritage Convention and the 1999 Second Protocol to the 1954 Hague Convention and requests that the work on the Periodic Reporting Format be pursued;
3. Welcomes the development of synergies with the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and requests that the relevant activities be pursued;
4. Calls for the strengthening and further development of synergies with other UNESCO standard-setting instruments, in particular the 2003 Convention for the Safeguarding of Intangible Cultural Heritage, other relevant international humanitarian law instruments, as well as programmes, in particular the Memory of the World and the strengthening of partnerships with relevant stakeholders as mentioned in Article 27 (3) of the 1999 Second Protocol;
5. Notes with appreciation the organization of the Second Meeting of the Chairpersons of UNESCO's Culture Conventions on 26 September 2016 and recommends the organization of the Third Meeting of the Chairpersons in November 2017;
6. Requests the Chairperson to hold a meeting with the International Platform for the protection of cultural property;
7. Invites the Secretariat to inform the Committee at its Twelfth Meeting of progress achieved;
8. Recalls its decisions 7.COM 3, 7.COM 6 (2012), 8.COM 3 (2013), 9. COM 7 and 9.COM 13 (2014), 10. COM 3 and 10.COM 4 (2015), supports the project of synergies between the 1999 Second Protocol and the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage as presented by Belgium and also requests the Secretariat of the World Heritage Convention to inform the World Heritage Committee thereof.

## **DECISION 11.COM 12**

The Committee,

1. Having examined Document C54/16/11.COM/12,
2. Recalling its Decisions 7.COM 4, 8.COM 10, 9.COM 8, 10.COM 5 and 10.COM 9,
3. Expresses its gratitude to the Netherlands, the Czech Republic and Greece for their generous contributions to the Fund;
4. Strongly encourages other Parties to contribute to the Fund to ensure its long-term viability;
5. Further encourages Parties to support the development of a user-friendly online platform for the Fund;
6. Invites the Parties to submit requests for international or other assistance from the Fund;
7. Takes note of the recommendations on the effective use of the Fund, and requests the Secretariat to propose to its Twelfth Meeting draft amendments to the Guidelines related to facilitating the use of the Fund to provide Parties in armed conflict with emergency assistance and draft amendments to the guidelines concerning the use of the Fund related to the establishment of the transparent mechanisms for the evaluation and monitoring of projects financed through the Fund;
8. Recommends that the Seventh Meeting of the Parties approves the proposed amendments to the Guidelines related to procedural aspects of the submission of requests for international or other categories of assistance from the Fund contained in the Annex I of document C54/16/11.COM/12;
9. Also requests the Secretariat to present to the Committee at its Twelfth Meeting an update on the fundraising strategy for the Secretariat.

**DECISION 11.COM 13**

The Committee,

1. Having considered Document C54/16/11.COM/13 and its Annex,
2. Thanks the Secretariat for its work;
3. Takes note of the document and its Annex;
4. Requests the Secretariat to provide updated information on the follow-up of the implementation of the recommendations contained in the IOS audit at its Twelfth Meeting on any outstanding matters.

## **DECISION 11.COM 14**

The Committee,

1. Having examined Document C54/16/11.COM/14, and taking into account the General Conference Resolution 38 C /101,
2. Recalling the Audit of the Working Methods for the Cultural Conventions and Evaluation of UNESCO's standard-setting work of the Culture Sector conducted by the Internal Oversight Service,
3. Takes note of the inventory of the follow-up of the recommendations of the governance audit of UNESCO and its activities, funds and programmes;
4. Decides to forward the Document CLT-16/11.COM/CONF.203/10 as well as the relevant decision on this subject adopted at its Eleventh Meeting to the President of the Working Group with an unrestricted composition for the governance, procedures and working methods of the Governing Bodies;
5. Requests its Chairperson to include in his report at the Seventh Meeting of the Parties a point reflecting the content of the discussions concerning the monitoring of resolution 38 C/101 of the General Conference.



**DECISION 11.COM 15**

The Committee,

1. Having examined Document C54/16/11.COM/15,
2. Welcomes the Secretariat's proposals to ensure the linguistic concordance between the French and English versions of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the envisaged follow-up.