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**FOURTH MEETING OF THE PARTIES TO THE SECOND PROTOCOL
TO THE HAGUE CONVENTION OF 1954 FOR THE PROTECTION OF
CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT
(UNESCO Headquarters, 12 December 2011)**

FINAL REPORT

I. Opening of the Meeting

1. The fourth Meeting of the Parties to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (the "Second Protocol") took place at UNESCO Headquarters on 12 December 2011, immediately after the ninth Meeting of the High Contracting Parties to the Hague Convention which was held that morning. The representatives of the following 36 out of 60 Parties took part in this Meeting: Argentina, Austria, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, Cote d'Ivoire, Croatia, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, the former Yugoslav Republic of Macedonia, Germany, Greece, the Islamic Republic of Iran, Italy, Japan, Lithuania, Luxembourg, Mexico, the Netherlands, Panama, Saudi Arabia, Serbia, Slovakia, Slovenia, Spain, and Switzerland. The following seven States not party to the Second Protocol participated as observers: Afghanistan, Madagascar, Monaco, Norway, the Russian Federation, the United Republic of Tanzania and the United States of America. In addition, two intergovernmental organizations, the International Committee of the Red Cross (ICRC) and the International Center for the Study of the Preservation and Restoration of Cultural Property (ICCROM) and two non-governmental organizations, the International Council of Museums (ICOM) and the International Committee of the Blue Shield (ICBS), attended as observers. The list of participants and the Meeting documents are available on-line on the website of the Second Protocol at <http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/armed-conflict-and-heritage/meetings-and-conferences/>.
2. Mr Francesco Bandarin, Assistant Director-General for Culture, opened the Meeting. In his opening statement, he underscored the continuing relevance of the Second Protocol in a world marked by a number of ongoing armed conflicts. He recognized the hard work of the outgoing Committee Members, and in particular that of its Chairperson, Mr Nout Van Woudenberg, and highlighted the importance of the Meeting's election of six new members. Finally, he drew the attention of the Parties to the proposed amendments to the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention.

II. Election of the Chairperson

3. Mr Bandarin then turned to item 2 of the provisional agenda, the election of the Chairperson.
4. The Netherlands proposed Mr Karim Peltonen (Finland) as Chairperson. This proposal was seconded by Canada, Egypt and El Salvador. Mr Peltonen was then elected by consensus as Chairperson.

III. Adoption of the agenda (Document CLT-11/CONF/210/1)

5. Mr Peltonen then turned to item 3 of the provisional agenda, the adoption of the agenda.
6. He proposed to move item 7 (Election of six members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict) after item 4 (Election of four Vice-Chairpersons and the Rapporteur). This amendment was adopted by consensus, and the agenda was adopted as amended.

IV. Election of the four Vice-Chairpersons and Rapporteur

7. The Chairperson opened the floor for nominations of the four Vice-Chairpersons and the Rapporteur. The Islamic Republic of Iran proposed Japan as a Vice-Chairperson. Honduras nominated Argentina as a Vice-Chairperson. El Salvador seconded this proposal. As to the last two Vice-Chairpersons, the Meeting later elected Niger and Qatar.
8. The Meeting went on to elect Professor Maja Seršić (Croatia) as Rapporteur.

V. Election of six members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

9. Mr Peltonen brought the discussion to item 5 of the adopted agenda, “Election of six members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict”. He reminded the Parties of the procedures for election and candidacy as established by Articles 24 and 25 of the Second Protocol. He then stressed that, of the then current twelve members of the Committee, the four-year mandate of Cyprus, Finland, Greece, Japan, Lithuania and the Netherlands had expired in 2011 and pointed out that, of those States, only Japan and the Netherlands were eligible for immediate re-election. Mr Peltonen concluded by informing the Parties that six candidatures had been submitted for the six available seats on the Committee, a “clean slate” situation: Azerbaijan, Belgium, Croatia, El Salvador, Japan, and the Netherlands. The six candidates were elected for a four-year term to expire in 2015.

VI. Update on the implementation and status of the Second Protocol to the Hague Convention

10. The Secretary of the Meeting provided the Secretariat’s report on the implementation and status of the Second Protocol. As he had given a similar update at the ninth Meeting of the High Contracting Parties that morning, he focused the update on the

Secretariat's activities following up on the recommendations of the third Meeting of the Parties in 2009.

11. In particular, he dwelt upon the following issues:

- a. The increase in the number of Parties to the Second Protocol since the last (third) Meeting of the Parties;
- b. The Secretariat's efforts to promote ratification of the Second Protocol by High Contracting Parties to the Hague Convention, in particular with a view to achieving a more balanced geographical representation;
- c. The encouragement of Parties and other potential donors to consider contributing to the Fund for the Protection of Cultural Property in the Event of Armed Conflict;
- d. Cooperation between the Committee for the Protection of Cultural Property in the Event of Armed Conflict and the World Heritage Committee;
- e. The establishment by the Secretariat of the Second Protocol of synergies with the relevant UNESCO instruments and programmes; and
- f. An invitation to Parties to submit to the Committee requests for the granting of enhanced protection.

12. Mr Peltonen thanked the Secretariat for its update and opened the floor to any questions or comments from the participants. There were none.

VII. Report by the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict on the Implementation of the Second Protocol to the Hague Convention

13. Mr Nout van Woudenberg, Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, presented the report on the activities of the Committee. He addressed the following issues: (a) Parties' requests for inclusion of cultural property in the Enhanced Protection List, (b) Parties' requests for international assistance; (c) the implementation of the Guidelines for the Implementation of the Second Protocol to the Hague Convention and the guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict; and (d) the results of the round table held in April of 2011 with select intergovernmental and non-governmental organizations.

14. Mr Peltonen thanked the Chairperson for his report, and opened the floor for questions and comments from the participants.

15. Canada expressed its appreciation for the work of the Committee, and requested clarification of the predictable assessment practice related to the compliance of movable cultural property with the condition of Article 10(a) of the Second Protocol, as discussed at the Committee's round table, in April 2011.

16. Mr van Woudenberg replied that following the assessment by the Committee of the compliance of the cultural property submitted for enhanced protection with Article 10(a) of the Second Protocol, the Committee would then decide on the desirability of consulting a suitable organization if the need arose.

VIII. Endorsement of the amendments to the Guidelines for the Implementation of the Second Protocol to the Hague Convention (document CLT-11/CONF/210/2)

17. The Secretary of the Meeting introduced item 8 of the agenda: “Endorsement of amendments to the Guidelines for the Implementation of the Second Protocol to the Hague Convention”. He gave an overview of the four paragraphs amended (paragraphs 45, 46, 55 and 59 of the Guidelines), noting that the overarching goal of these amendments is to facilitate the process for submitting requests for enhanced protection. Specifically, these amendments specify the timeline for submission of the request and its *prima facie* file, and also identify the proper authority to submit such information.
18. Following this presentation, the Chairperson opened the floor for comments. Belgium suggested that paragraph 59 include “are not” as well as “will not” to indicate that the prohibition of military use of cultural property applies at the present time as well as in the future.
19. Italy noted that it had suggestions to make the submission form more functional, but that it could discuss these proposals at a later stage with the Secretariat.
20. Austria agreed with Belgium’s suggestion that paragraph 59 should use both present and future tenses. Given the support for Belgium’s suggestion, the Chairperson decided to break for fifteen minutes to confer with the Secretariat.
21. After the break, the Chairperson again opened the floor to debate. The Netherlands intervened, directing the participants to Article 10(c) of the Second Protocol, which provides legal parameters for paragraph 59 of the Guidelines. In order to avoid overstepping the legal mandate of the Second Protocol, the Netherlands suggested that the Parties leave paragraph 59 as it had been amended, without Belgium’s suggestion.
22. Belgium intervened, pointing out that the legal parameters of the Second Protocol go beyond Article 10(c) to include the entirety of Chapter 3, which is devoted to enhanced protection, and also paragraph 42 of the Guidelines, which addresses the non-military use of cultural property. Belgium stated that paragraph 42 should also be in compliance with the language of the Second Protocol.
23. Germany took the floor, stating that paragraph 59, as it was amended and submitted to the Parties, may confuse Parties if only the future tense is used.
24. Ecuador expressed its support of the addition of present tense into paragraph 59, stating that such an addition would clarify the requirements of the Guidelines.
25. The Chairperson sought clarification from Germany as to whether its previous statement meant that the German Delegation seconded Belgium’s proposal. Germany reiterated that the present tense would clarify the text. The Chairperson then asked Ecuador if it seconded Belgium’s request. Ecuador confirmed that, yes, it seconded Belgium’s request, asserting that without this addition, paragraph 59 as amended may confuse Parties in the same way that it had confused the Parties at this very Meeting.

26. The Netherlands intervened, requesting again for the Parties to provide the legal basis for their proposed addition to paragraph 59 as amended.
27. Austria intervened, highlighting the fact that there was large support for clarifying the text of paragraph 59. The Austrian Delegation then proposed amended language, an additional sentence following the first sentence, with an updated beginning for the third sentence. These amendments were adopted. The document, including its draft decision endorsing the amendments, was then adopted as amended by consensus.

IX. Adoption of the resolution

28. The Chairperson then opened the floor to the participants for discussion on the resolution of the Meeting.
29. Mexico intervened, suggesting the addition of another paragraph. In light of the recommendations of the ninth Meeting of the High Contracting Parties, Mexico proposed that this paragraph mention the fundraising strategy suggested by the ninth Meeting, and that it call upon the Director-General to report on this strategy to the Parties at their fifth Meeting in two years' time.
30. Switzerland also recalled the recommendations of the ninth Meeting of the High Contracting Parties to the Hague Convention, suggesting that the Parties add a sentence regarding the encouragement of ratification during bilateral contacts.
31. Belgium sought clarification from the Secretariat regarding operative paragraph 3, which addressed the ratification strategy. Belgium asked whether this document had been presented to the Parties. The Secretariat replied that the document had been addressed in the Secretariat's briefing, and that it had been circulated via email prior to the Meeting.
32. The Chairperson began the adoption of the resolution. The preambulatory paragraphs and the first two operative paragraphs were adopted. Operative paragraph 3 was modified according to Switzerland's suggestion, and adopted as so amended. Operative paragraphs 4 through 7 were adopted. Mexico provided the Secretariat with a proposed additional sentence to operative paragraph 8, which was included in the text. Austria capitalized the "F" in Fund, and operative paragraph 8 was adopted as amended.
33. Operative paragraphs 9 through 11 were adopted. Switzerland then requested that the Parties revisit its amendments to paragraph 3, suggesting that the amended text be added to operative paragraph 2, not operative paragraph 3. The text was so moved, and the newly amended operative paragraph 2 was adopted.
34. Austria requested clarification from the Secretariat as to why the resolution of the Meeting did not mention the endorsement of the amendments to the Guidelines. The Secretariat explained that the draft decision, endorsing the amendments to the Guidelines and adopted by the Parties, would be appended to the resolution.

X. Other business

35. The Chairperson opened the floor to any other business that the Parties may have. The Netherlands took the opportunity to discuss the sixth Meeting of the Committee, to be held in two days. It reminded the Parties that the new composition of the Committee would imply the election of new members of the Bureau. He suggested that the Committee meet informally to decide on the composition of the new Bureau on, Wednesday, 14 December 2011.

XI. Closure of the Meeting

36. As there was no other business, the Chairperson thanked the participants for the success of the Meeting and thanked the Secretariat for its hard work, and declared the Meeting closed.