

Committee for the Protection of Cultural Property in the Event of Armed Conflict

RULES OF PROCEDURE¹

I. MEMBERSHIP

Rule 1 - The Committee

The Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as the “Committee”) is composed of twelve States Parties to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as the “Second Protocol”) elected in accordance with Article 24 of the Second Protocol.

II. SESSIONS

Rule 2 – Ordinary and Extraordinary Sessions

- 2.1 The Committee shall meet once a year in ordinary session.
- 2.2 The Committee shall meet in extraordinary session whenever it deems necessary in accordance with the procedure defined below in this Rule.
- 2.3 Requests for an extraordinary session of the Committee may be submitted to the Secretariat of the Committee in writing at any time by: (1) any member of the Committee, (2) any State Party to the Second Protocol not represented on the

¹ Adopted at the first session of the first meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (Paris, 26 October 2006) and amended at the seventh meeting the Committee (14-15 December 2011).

- Committee and (3) the Director-General of UNESCO (hereinafter referred to as “the Director-General”).
- 2.4 Requests for extraordinary sessions shall give details on the proposed urgent matters relevant to the Committee’s responsibilities to be considered, and shall be communicated by the Secretariat to the members of the Committee in writing.
 - 2.5 The requested extraordinary session shall be convened if the proposal is approved in writing by a two-thirds majority of the members of the Committee.

Rule 3 – Convocation

- 3.1 The first session of the Committee shall be convened by the Director-General.
- 3.2 Subsequent sessions shall be convened by the Chairperson of the Committee in consultation with the Director-General.
- 3.3 The Director-General shall notify the States members of the Committee, the date, place and provisional agenda of each session, not less than sixty days in advance in the case of an ordinary session and, so far as possible, not less than thirty days in advance in the case of an extraordinary session. However, in cases of special urgency, such as an armed conflict involving the territory of one or more States Parties to the Second Protocol or the imminent threat of such a conflict, the Committee may agree by a two-thirds majority to meet in extraordinary session with a shorter notice.
- 3.4 The Director-General shall, at the same time, notify to the States, organizations and individuals mentioned in Rules 6, 7 and 8 below, the date, place and provisional agenda of each session.

Rule 4 – Date and Place

- 4.1 The Committee shall determine at each session, in consultation with the Director-General, the date and the place of the next session. The date and/or place may be modified, if necessary, by the Chairperson/the Bureau, in consultation with the members of the Committee and the Director-General.
- 4.2 Any State member of the Committee may invite the Committee to hold a session on its territory.

III. PARTICIPANTS

Rule 5 – Delegations

- 5.1 Each State member of the Committee shall be represented by one delegate, who may be assisted by alternates, advisers or experts. It shall bear the expense of participation of its representatives in the sessions of the Committee and of any subsidiary bodies or subcommittees created by the Committee.
- 5.2 States members of the Committee shall choose as their representatives persons qualified in the fields of cultural heritage (which term for the purposes of the Second Protocol includes archives, libraries, monuments and sites, and museums), defence or international law, and they shall endeavour, in consultation with one another, to ensure that the Committee as a whole contains adequate expertise in all these three fields.

Rule 6 – Organizations attending in an advisory capacity

- 6.1 To assist in the implementation of its functions, in accordance with Article 27, paragraph 3, of the Second Protocol, the Committee may invite to its meetings, in an advisory capacity, eminent professional organizations such as those which have formal relations with UNESCO, including the International Committee of the Blue Shield (ICBS) and its constituent bodies such as the International Council on Archives (ICA), the International Federation of Library Associations and Institutions (IFLA), the International Council of Monuments and Sites (ICOMOS), and the International Council of Museums (ICOM). Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity. They shall not have the right to vote.
- 6.2 The above-mentioned organizations shall bear the expense of participation of their representatives in the sessions of the Committee and participation in any subsidiary body or subcommittee created by the Committee.

Rule 7 – Invitations for consultation

The Committee may at any time invite public or private organizations or qualified individuals to participate in its sessions for consultation on particular problems.

Rule 8 – Observers

- 8.1 States Parties to the Second Protocol which are not members of the Committee, States non-Parties to the Second Protocol which are Parties to the 1954 Hague Convention, and other States which are Member States of UNESCO or of the United Nations may attend the sessions of the Committee as observers. They shall bear the expense of participation of their representatives in the sessions of the Committee and of any subcommittee created by the Committee. Those States shall not have the right to vote.
- 8.2 The United Nations and organizations of the United Nations system, may attend the sessions of the Committee as observers. They shall bear the expense of their participation in the sessions of the Committee and of any subsidiary body or subcommittee created by the Committee. They shall not have the right to vote.
- 8.3 The Director-General may provisionally invite any organization referred to in Rule 6.1 subject to subsequent confirmation by the Committee.

IV. FUNCTIONS

Rule 9 – Functions of the Committee

- 9.1 In accordance with Article 27 of the Second Protocol, the Committee shall have the following functions:
 - (a) to develop Guidelines for the implementation of the Second Protocol;
 - (b) to grant, suspend or cancel enhanced protection for cultural property and to establish, maintain and promote the List of Cultural Property under Enhanced Protection;
 - (c) to monitor and supervise the implementation of the Second Protocol and promote the identification of cultural property under enhanced protection;
 - (d) to consider and comment on reports of the States Parties, to seek clarifications as required, and prepare its own report on the implementation of the Second Protocol for the Meeting of the Parties;
 - (e) to receive and consider requests for international assistance under Article 32 of the Second Protocol;

- (f) to determine the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict to be established in accordance with Article 29 of the Second Protocol;
 - (g) to perform any other function which may be assigned to it by the Meeting of the Parties to the Protocol.
- 9.2 Pursuant to Article 27, paragraph 2, of the Second Protocol, the functions of the Committee shall be performed in co-operation with the Director-General.

V. SUBSIDIARY BODIES AND *AD HOC* SUBCOMMITTEES

Rule 10 – Subsidiary bodies

- 10.1 The Committee may establish such subsidiary bodies as it deems necessary for the conduct of its work, within the limits of the technical facilities available.
- 10.2 The composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies shall be defined by the Committee at the time of their creation. These bodies can only be constituted from amongst States members of the Committee.
- 10.3. These Rules shall be applicable *mutatis mutandis* to the subsidiary bodies, unless otherwise decided by the Committee.
- 10.4 Each subsidiary body shall itself elect its Chairperson and, if necessary, its Rapporteur.
- 10.5 In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions and cultures of the world.

Rule 11 – Subcommittees

- 11.1 The Committee may set up *ad hoc* subcommittees for the study of specific problems related to its activities, as described in Chapter IV of the present Rules of Procedure. Membership of such subcommittees may also be open to States Parties to the Second Protocol which are not represented in the Committee without the right to vote.
- 11.2 The composition and terms of reference (including mandate and duration of the office) of the *ad hoc* subcommittees shall be defined by the Committee at the time of their creation.

- 11.3 The *ad hoc* subcommittees shall meet in accordance with the decision of the Committee and shall elect their Chairperson, Vice-Chairperson and, if necessary, Rapporteur.

VI. AGENDA

Rule 12 – Provisional Agenda

- 12.1 The provisional agenda of the sessions of the Committee shall be prepared by the Director-General.
- 12.2 The provisional agenda of an ordinary session of the Committee shall include:
- all questions, the inclusion of which has been decided by the Committee at previous sessions;
 - all questions proposed by members of the Committee;
 - all questions proposed by the Bureau of the Committee;
 - all questions proposed by States Parties to the Second Protocol not members of the Committee;
 - all recommendations made under Article 11, paragraph 3, of the Second Protocol by the International Committee of the Blue Shield (ICBS), and other international nongovernmental organizations with relevant expertise, for the inclusion of specific cultural property in the List of Cultural Property under Enhanced Protection;
 - all questions proposed by the Director-General.
- 12.3 The questions to be proposed for the provisional agenda of an ordinary session of the Committee by members of the Committee, the Bureau of the Committee, States Parties to the Second Protocol not members of the Committee, and the Director-General must be received by the Secretariat in writing, eight weeks before the beginning of the Meeting, with an explanatory note on the issue and the purpose of the proposal.
- 12.4 The provisional agenda of an extraordinary session shall include only those questions for the consideration of which the session has been convened.

Rule 13 – Adoption of the Agenda

The Committee shall adopt its agenda at the beginning of each session.

Rule 14 – Amendments, deletions and new items

The Committee may amend, delete or add items to the agenda so adopted if so decided by a two-thirds majority of the members present and voting.

VII. BUREAU

Rule 15 – Bureau

- 15.1 The Bureau of the Committee shall consist of the Chairperson, the four Vice-Chairpersons and the Rapporteur. The Bureau shall co-ordinate the work of the Committee and fix the dates, hours and order of business of meetings. The Vice-Chairpersons and the Rapporteur shall assist the Chairperson in carrying out his/her duties.
- 15.2 The Bureau shall meet during the sessions of the Committee as frequently as deemed necessary. It may meet also in-between sessions of the Committee at the request of more than half of its Members.

Rule 16 – Elections

- 16.1 The Committee, at the beginning of each ordinary session, shall elect, from amongst those members whose term continues until the election of the Bureau at the next ordinary session, a Chairperson, four Vice-Chairpersons and a Rapporteur.
- 16.2 The Chairperson, the Vice-Chairpersons and the Rapporteur shall be eligible for immediate re-election for one additional term of office.
- 16.3 In electing the Bureau, due regard shall be given to the need to ensure an equitable representation of the different regions and cultures of the world.

Rule 17 – Duties of the Chairperson

- 17.1 In addition to exercising the powers which are conferred upon him/her elsewhere by the present Rules, the Chairperson shall open and close each plenary meeting of the Committee. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to the present Rules, shall control the proceedings and the maintenance of order. He/she shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf. He/she shall exercise all other functions given to him by the Committee.

- 17.2 A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule 18 – Replacement of the Chairperson

- 18.1 If the Chairperson is unable to act at any session of the Committee or Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson, in the English alphabetical order of States members of the Committee commencing with the country of the Chairperson.
- 18.2 If the Chairperson ceases to represent a State member of the Committee or is for any reason unable to complete his term of office, he/she is replaced by a Vice-Chairperson, in the English alphabetical order of States members of the Committee commencing with the country of the Chairperson, for the remainder of the term of office.
- 18.3 The Chairperson shall abstain from exercising his/her functions for all issues relating to a property situated on the territory of the State Party of which he/she is a national.

Rule 19 – Replacement of the Rapporteur

- 19.1 If the Rapporteur is unable to act at any session of the Committee or the Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson in the English alphabetical order of States members of the Bureau commencing with the country of the Rapporteur.
- 19.2 If the Rapporteur ceases to represent a State member of the Committee or if he/she is for any reason unable to complete his/her term of office, he/she is replaced by a Vice-Chairperson, in the English alphabetical order of States members of the Bureau, for the remainder of the term of office.

VIII. CONDUCT OF BUSINESS

Rule 20 – Quorum

- 20.1 A quorum shall consist of a majority of the States members of the Committee.
- 20.2 The Committee shall not decide on any matter unless a quorum is present.

Rule 21 – Public meetings

Meetings shall be held in public unless decided otherwise by the Committee or by the subcommittee concerned.

Rule 22 – Private meetings

- 22.1 When, in exceptional circumstances, the Committee decides to hold a private meeting, it shall determine the persons who, in addition to the representatives of States members, shall be present.
- 22.2 Any decision taken by the Committee at a private meeting shall be presented in written form at a subsequent public meeting.
- 22.3 At each private meeting, the Committee shall decide whether the working documents of that meeting shall be published. Documents resulting from private meetings shall be made public after a period of twenty years.

Rule 23 – Order and time-limit of speeches

- 23.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.
- 23.2 The Chairperson may limit the time allowed to each speaker if the circumstances make this desirable.
- 23.3 The representatives of the Director-General, of organizations, individuals and observers referred to in Rules 6, 7 and 8, may address the meeting with the prior consent of the Chairperson.

Rule 24 – Voting on amendments

- 24.1 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment deemed by the presiding officer to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to the vote.
- 24.2 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.
- 24.3 A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 25 – Voting on proposals

If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 26 – Withdrawal of proposals

A proposal may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal has not been amended. A proposal withdrawn may be reintroduced by any State member of the Committee.

Rule 27 – Points of order

- 27.1 During a discussion, any State member may raise a point of order concerning procedural matters; such point of order shall be immediately decided upon by the Chairperson.
- 27.2 An appeal may be made against the ruling of the Chairperson. Such appeal shall be put to the vote immediately and the Chairperson's ruling shall stand unless overruled.

Rule 28 – Procedural motions

During the discussion on any matter, a member of the Committee may propose a procedural motion: suspension or adjournment of the meeting, adjournment of the debate or closure of the debate.

Rule 29 – Suspension or adjournment of the meeting

During the discussion of any matter, any State member of the Committee may move the suspension or adjournment of the meeting. Such motions shall not be debated but shall be immediately put to the vote.

Rule 30 – Adjournment of debate

During the discussion of any matter, any State member of the Committee may move the adjournment of the debate on the item under discussion. On moving the adjournment, the State member shall indicate whether he moves the adjournment sine die or to a particular time which he shall specify. In addition to the proposer of the motion, one speaker may speak in favour of, and one against, the motion.

Rule 31 – Closure of debate

A State member of the Committee may at any time move the closure of the debate whether or not any other speaker has signified his/her wish to take part in the discussion. If application is made for permission to speak against the closure, it may be accorded to not more than two speakers. The Chairperson shall then put to the vote the motion for closure and, if the Committee is in favour of the motion, he/she shall declare the closure of the debate.

Rule 32 – Order of procedural motions

Subject to Rule 27 the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- suspension of the meeting;
- adjournment of the meeting;
- adjournment of the debate on the question under discussion;
- closure of the debate on the question under discussion.

Rule 33 – Working languages

- 33.1 The working languages of the Committee shall be Arabic, Chinese, English, French, Russian and Spanish.
- 33.2 Speeches made at a meeting of the Committee in one of the working languages shall be interpreted into the other working languages.
- 33.3 Speakers may, however, speak in any other language, provided they make their own arrangements for interpretation of their speeches into one of the working languages.
- 33.4 The documents of the Committee shall be issued in Arabic, Chinese, English, French, Russian and Spanish.

Rule 34 – Deadline for distribution of documents

The documents relating to the items on the provisional agenda of each session of the Committee shall be distributed in electronic format at the latest six weeks before the beginning of the session in the working languages to the members of the Committee and to the organizations attending the meetings in an advisory capacity, as well as to States Parties not members of the Committee and to all other observers.

Rule 35 – Voting

- 35.1 Each State member of the Committee shall have one vote in the Committee.
- 35.2 All decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting, with the exception of the election of the Bureau of the Committee under Rule 15 and of procedural motions under Rule 28 above, which shall require a majority of the States members present and voting, and issues related to enhanced protection covered by Article 11, paragraph 9, of the Second Protocol, which shall require a four-fifths majority. The States members shall not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.
- 35.3 For the purpose of the present Rules, the expression “States members present and voting” shall mean States members casting an affirmative or negative vote. States members abstaining from voting shall be regarded as not voting.
- 35.4 Voting shall normally be by a show of hands.
- 35.5 When the result of a vote by a show of hands is in doubt, the presiding officer may take a second vote by a roll-call. A vote by a roll-call shall also be taken if it is requested by not less than two States members before the voting takes place.
- 35.6 A decision shall be voted on by secret ballot whenever two or more States members shall so request or if the Chairperson so decides.

Rule 36 – Decisions and Recommendations

- 36.1 The Committee shall adopt such decisions and recommendations as it may deem appropriate.
- 36.2 The Committee shall maintain and publish in any way that is considered appropriate, including electronic publication, the List of Cultural Property under Enhanced Protection in accordance with Articles 10 and 11 of the Second Protocol.
- 36.3 In accordance with Article 11, paragraph 11, of the Second Protocol, the Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties notification of any decision of the Committee to include cultural property on the List of Cultural Property under Enhanced Protection, or to suspend or cancel the enhanced protection of cultural property.

IX. SECRETARIAT OF THE COMMITTEE

Rule 37 – The Secretariat

- 37.1 The Committee shall be assisted by a Secretariat appointed by the Director-General.
- 37.2 The Director-General, after any appropriate consultation with the International Committee of the Blue Shield (ICBS) and of its constituent bodies, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) and the International Committee of the Red Cross (ICRC) in their respective specialized areas of competence and expertise, shall prepare the Committee's documentation and shall have the responsibility for the implementation of its decisions.
- 37.3 The Director-General or his/her representative shall participate in the work of the Committee, its subsidiary bodies and subcommittees without the right to vote. He/She may at any time make either oral or written statements on any question under consideration.
- 37.4 The Director-General shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Committee, and other officials who shall together constitute the Secretariat of the Committee.
- 37.5 The Secretariat shall receive, translate and distribute all official documents of the Committee and shall arrange for the interpretation of the discussions as provided under Rule 33.2.
- 37.6 The Secretariat shall perform all other duties necessary for the proper conduct of the work of the Committee.

X. REPORTS

Rule 38 – Reports to the Meeting of the States Parties

- 38.1 The Committee shall submit a report on its activities at each ordinary session of the Meeting of the States Parties to the Second Protocol, and may also offer to report to each periodic meeting of the High Contracting Parties to the 1954 Hague Convention.
- 38.2 The Committee may authorize its Chairperson to submit such reports on its behalf.
- 38.3 Copies of this report shall be sent to all States Parties to the Second Protocol.

XI. ADOPTION, AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Rule 39 – Adoption

The Committee shall adopt its Rules of Procedure by a decision taken in a plenary meeting by a two-thirds majority of the States members present and voting. These Rules shall be communicated to all States Parties to the Second Protocol, and reported to the next ordinary session of the Meeting of the States Parties.

Rule 40 – Amendment

The Committee may amend these Rules of Procedure except when they reproduce provisions of the Second Protocol by a decision taken in plenary meeting by a two-thirds majority of the States members present and voting, provided the proposal has been included in the agenda of the session in accordance with Rules 12 and 13. Amendments shall be communicated to all States Parties, and reported to the next ordinary session of the Meeting of the States Parties.

Rule 41 – Suspension

The Committee may suspend during one of its sessions the application of any of these Rules, except when they reproduce provisions of the Protocol, by a decision taken in plenary meeting by a two-thirds majority of the States members present and voting.