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Organización
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منظمة الأمم المتحدة
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C54/18/13.COM/Decisions
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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

THIRTEENTH MEETING

UNESCO Headquarters

6-7 December 2018

Decisions

Item 3 of the agenda :
Adoption of the agenda

DECISION 13.COM 3

The Committee,

1. Having examined document C54/18/13.COM/3,
2. Adopts the Agenda contained in the above-mentioned document.

Item 4 of the agenda :

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

DECISION 13.COM 4

The Committee,

1. Having considered document CLT-18/13.COM/4,
2. Recalling its Decision 6.COM 5 (B) and Decision 10.COM 2,
3. Acknowledges the importance of harmonizing translation and interpretation requirements for all convention meetings as provided for in recommendation 1(d) of the Audit of the Working Methods of the Culture Conventions prepared by UNESCO's Internal Oversight Service;
4. Further acknowledges the critical situation of financial and human resources of the Secretariat;
5. Decides to further suspend the application of Rule 33 of its Rules of Procedure until 2021 and to use English and French as the languages for translation of its working documents and English, French and Spanish for interpretation of its deliberations.

Item 5 of the agenda:
Report of the Secretariat on its activities

DECISION 13.COM 5

The Committee,

1. Having considered document C54/18/13.COM/5;
2. Welcomes the Secretariat's report on its activities;
3. Thanks H.E. Ambassador Mr Sophann Ket for all of his work as Chair of the Committee;
4. Thanks the Governments of Cambodia, Czech Republic, the Netherlands, Qatar, Sweden and Switzerland for the continued support in the reinforcement of the implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols (1954 and 1999) through extra-budgetary resources and provision of personnel and calls on other States to consider providing assistance;
5. Welcomes the Government of Switzerland's generous proposal to host a commemorative international conference on the 20th anniversary of the adoption of the 1999 Second Protocol and encourages States Parties to support it;
6. Requests the Secretariat to submit to it, at its 14th meeting, a report on its activities.

Item 6 of the agenda:

Report of the Blue Shield on the situations where cultural property is at risk in the context of an armed conflict, including occupation – follow up to the Decision 12.COM 6

DECISION 13.COM 6

The Committee,

1. Having examined document C54/18/13.COM/6,
2. Takes note of the information on prioritized activities, means to implement, cost estimates, modalities of financing, and possible experts and financial partnerships presented in the Annex to document C54/18/13.COM/6;
3. Further takes note of the Secretariat's proposal to streamline the operational Action Plan developed by ICOM on behalf of Blue Shield International with the priority actions of the Governing Bodies of the 1954 Hague Convention and its Second Protocol, and with UNESCO's quadrennial Programme for 2018-2021;
4. Requests the Secretariat to prepare a proposal for a coherent operational plan complementary to and in conformity with UNESCO's Action Plan for the implementation of the Strategy for the Reinforcement of UNESCO's Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict, detailing for each means of implementation listed in the third column of the annex to document C54/18/13COM/6, concrete and precise actions, and the budget relating thereto to be examined by the next meeting of the Committee in 2019;
5. Decides to convene an additional Bureau meeting in June 2019 which would be dedicated solely to the analysis of a first draft of this operational action plan proposal. This meeting would be held without the support of interpretation given the financial constraints of the Secretariat.

Item 7 of the agenda:

Report on the implementation of the financial assistance granted to Mali and Libya under the Fund for the Protection of Cultural Property in the Event of Armed Conflict

DECISION 13.COM 7.1

The Committee,

1. Recalling its decisions, 11.COM 5.2, 11.COM 6 and 12.COM 7.1,
2. Takes note that Mali has begun procedures to reread the legislative texts, but that an additional delay will be necessary;
3. Requests Mali to submit to the Committee, before its 15th session in 2020, information regarding the appropriate national legal and administrative measures recognizing the exceptional cultural and historical value of the Tomb of Askia, and ensuring the highest level of protection.

DECISION 13.COM 7.2

The Committee,

1. Having examined document C54/18/13.COM/7,
2. Recalling its Decision 12.COM 7.2,
3. Takes note of the final report submitted by Libya on the full implementation of activities in favour of the cultural property of the Al-Gaghbub oasis, the Al-Gaygab museum, the Gasr Libya museum and the Al-Koffra oasis;
4. Congratulates Libya on the efforts it has made to strengthen the protection of the four properties, and encourages it to continue these efforts.

Item 8 of the agenda:

Request for international assistance from the Fund for the Protection of Cultural Property in the Event of Armed Conflict

DECISION 13.COM 8

The Committee,

1. Having examined Document C54/18/13.COM/8,
2. Recalling Article 29(1)(a) of the 1999 Second Protocol, the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict,
3. Approves the following International Assistance requests:
 - financial assistance to Afghanistan, in the amount of US\$ 45,000, in support of preparatory measures for activities that are in conformity with Articles 5 and 30 of the 1999 Second Protocol;
 - financial assistance to Mali, in the amount of US\$ 15,000, in support of preparatory measures for activities that are in conformity with the 1999 Second Protocol;
4. Requests the Secretariat to submit a progress report on the use of the financial assistance to the Committee at its 14th meeting in 2019.

Item 9 of the agenda:

Review of the protection of the Tomb of Askia (Mali) in the context of its inscription on the List of Cultural Property under Enhanced Protection

DECISION 13.COM 9

The Committee,

1. Having examined Document C54/18/13.COM/9,
2. Recalling that the Committee granted Mali enhanced protection for the cultural property of the Tomb of Askia in 2015, requesting that Mali adopt preparatory measures within 18 months of Decision 11.COM 5.2 adopted in December 2016, informing it of the progress of these measures through the Secretariat;
3. Also recalling that the Committee decided to review the protection of the Tomb of Askia through appropriate internal legal and administrative measures, recognizing the exceptional cultural and historic value and ensuring the highest level of protection;
4. Takes note of the progress made to ensure the highest level of protection for the cultural property of the Tomb of Askia;
5. Decides to grant a new deadline of 24 months as of this decision to enable the Malian authorities to adopt appropriate internal legal and administrative measures, recognizing the exceptional cultural and historic value and ensuring the highest level of protection pursuant to Decision 11.COM 5.2;
6. Requests that the Malian authorities prepare a report on the adoption of internal legal and administrative measures and present them to the Committee through the Secretariat at its 15th meeting in 2020.

Item 10 of the agenda:

Procedure for the granting of enhanced protection: Introduction of the checklist into the Guidelines for the Implementation of the Second Protocol

DECISION 13.COM 10

The Committee,

1. Having examined document C54/18/13.COM/10,
2. Recalling Decision 7.SP 10 adopted at the 7th Meeting of the Parties (Paris, 27-28 November 2017);
3. Recommends to the 8th Meeting of the Parties to approve the insertion of the checklist into the Guidelines.

Item 11 of the agenda:

Application and Interpretation of Article 10 (a) of the 1999 Second Protocol

DECISION 13. COM 11

The Committee,

1. Having examined document C54/18/13.COM/11,
2. Endorses the proposed inclusive interpretation of Article 10 (a) of the Second Protocol and will take this interpretation into account when considering the requests of cultural property for the granting of enhanced protection;
3. Requests the Secretariat to revise the Enhanced Protection Request Form and to present it at the 14th meeting of the Committee based on consultations through electronic means;
4. Further requests the Secretariat to prepare draft guidelines for requesting advisory services from the relevant organizations specified in Article 27(3) of the Second Protocol with regard to the evaluation of requests for the granting of enhanced protection and submit them to the 14th meeting of the Committee;
5. Further takes note of the proposed amendments to the Guidelines for the Implementation of the 1999 Second Protocol and requests the Secretariat to consult Members of the Committee by electronic means in order to submit a revised version for its 14th meeting;
6. Further requests the Secretariat, in preparing the above-mentioned documents, to integrate the discussion on other types of cultural property as defined in Article 1 of the Convention.

Item 12 of the agenda:

Requests for the granting of enhanced protection

DECISION 13.COM 12.1

The Committee,

1. Having examined Document C54/18/13.COM/12,
2. Recalling that Armenia submitted a request for the granting of enhanced protection for the Monastery of Geghard and the Upper Azat Valley in 2018,
3. Considers that the request submitted is complete and meets the three conditions of Article 10 of the 1999 Second Protocol;
4. Decides to grant enhanced protection to the **Monastery of Geghard and the Upper Azat Valley (Armenia)**;
5. Adopts the following Statement of Inclusion of the **Monastery of Geghard and the Upper Azat Valley (Armenia)** in the International List of Cultural Property under Enhanced Protection:

By virtue of its inscription on the World Heritage List, and in light of paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention, the **Monastery of Geghard and the Upper Azat Valley** complies 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 the Republic of Armenia, (ii) the Criminal Code of the Republic of Armenia, (iii) the Code on Administrative Offences of the Republic of Armenia, (iv) the Land Code of the Republic of Armenia, (v) the Law on Fundamentals of Cultural Legislation of the Republic of Armenia, (vi) the Law on Export and Import of Cultural Property of the Republic of Armenia. Furthermore, the Combat Manual of the Armed Forces of the Republic of Armenia and the International Humanitarian Law Manual provides due consideration of the protection of the cultural property in military planning and military training programs. Consequently, the **Monastery of Geghard and the Upper Azat Valley** complies 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 28 February 2018 stating that the **Monastery of Geghard and the Upper Azat Valley** will not be used for military purposes or to shield military sites. Consequently, the **Monastery of Geghard and the Upper Azat Valley** 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 site.

DECISION 13.COM 12.2

The Committee,

1. Having examined Document C54/18/13.COM/12,
2. Recalling that the Czech Republic submitted a request for the granting of enhanced protection to the Tugendhat Villa in Brno in 2017,
3. Considers that the request submitted is complete meets the three conditions of Article 10 of the 1999 Second Protocol;
4. Decides to grant enhanced protection to the **Tugendhat Villa in Brno (Czech Republic)**;
5. Adopts the following Statement of Inclusion of the **Tugendhat Villa in Brno (Czech Republic)** in the International List of Cultural Property under Enhanced Protection:

By virtue of its inscription on the World Heritage List, and in light of paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention, the **Tugendhat Villa in Brno** complies 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 National Heritage Act No. 20/1987, on the State Heritage Preservation; (ii) Constitutional Act No. 1/1993 Coll., (iii) Constitutional Act No. 2/1993 Coll., (iv) Constitutional Act No. 110/1998., (v) the Criminal Code of the Czech Republic. Furthermore, due consideration of the protection of the cultural property in military planning and military training programs is ensured by the Czech Republic. Consequently, the **Tugendhat Villa in Brno** complies 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 10 October 2013 stating that the **Tugendhat Villa in Brno** will not be used for military purposes or to shield military sites. Consequently, the **Tugendhat Villa in Brno** 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 site.

DECISION 13.COM 12.3

The Committee,

1. Having examined Document C54/18/13.COM/12,
2. Recalling that Italy submitted a request for the granting of enhanced protection for the Villa Adriana in 2018,
3. Considers that the request submitted is complete and meets the three conditions of Article 10 of the 1999 Second Protocol;
4. Decides to grant enhanced protection to the **Villa Adriana (Italy)**;
5. Adopts the following Statement of Inclusion of the **Villa Adriana (Italy)** in the International List of Cultural Property under Enhanced Protection:

By virtue of its inscription on the World Heritage List, and in light of paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention, the **Villa Adriana (Italy)** complies 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 the Republic of Italy, (ii) the Code of Cultural Heritage and Landscape of the Republic of Italy, (iii) the Law on Ratification and Execution of the Second Protocol of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, (iv) the Military Criminal Law of War, (v) the Directive on the Protection of Cultural Property in the Event of Armed Conflict, issued by the Italian Defence General Staff. Furthermore, due consideration of the protection of the cultural property in military planning and military training programs is ensured by the Republic of Italy. Consequently, the **Villa Adriana** complies 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 Chief of Defence General Staff of the Republic of Italy on 23 February 2018 stating that the **Villa Adriana** will not be used for military purposes or to shield military sites. Consequently, the **Villa Adriana** 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 site.

DECISION 13.COM 12.4

The Committee,

1. Having examined Document C54/18/13.COM/12,
2. Recalling that Italy submitted a request for the granting of enhanced protection for the National Central Library of Florence in 2017,
3. Having favourably considered the information provided in written form by Italy regarding the criterion of Article 10 (a) of the Second Protocol;
4. Taking note of the positive comments expressed by members of the Bureau as well as other members of the Committee attending the Bureau meeting;
5. Considers that the request submitted is complete and meets the three conditions of Article 10 of the 1999 Second Protocol;
6. Decides to grant enhanced protection to the **National Central Library of Florence (Italy)**;
7. Adopts the following Statement of Inclusion of the **National Central Library of Florence (Italy)** in the International List of Cultural Property under Enhanced Protection:

In light of paragraph 33 of the Guidelines for the Implementation of the Second Protocol to the 1954 Hague Convention, the **National Central Library of Florence (Italy)** complies 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 the Republic of Italy, (ii) the Code of Cultural Heritage and Landscape of the Republic of Italy, (iii) the Law on Ratification and Execution of the Second Protocol of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, (iv) the Military Criminal Law of War, (v) the Directive on the Protection of Cultural Property in the Event of Armed Conflict, issued by the Italian Defence General Staff. Furthermore, due consideration of the protection of the cultural property in military planning and military training programs is ensured by the Republic of Italy. Consequently, the **Central National Library of Florence** complies 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 Chief of Defence General Staff of the Republic of Italy on 23 March 2017 stating that the **National Central Library of Florence** will not be used for military purposes or to shield military sites. Consequently, the **National Central Library of Florence** 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 site.

Item 13 of the agenda:

Mobilization of resources for the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols

DECISION 13.COM 13

The Committee,

1. Having examined document C54/18/13.COM/13,
2. Recalling Decisions 7.COM 4, 8.COM 10, 9.COM 8, 10.COM 5, 10.COM 9, 11.COM 12 and 12.COM 12,
3. Expresses its gratitude to Cambodia, the Czech Republic, the Netherlands, Qatar, Sweden and Switzerland their extrabudgetary contributions;
4. Expresses its concern with regard to the narrow donor base of the Fund, underlines the need to diversify it and encourages all Parties to contribute to the Fund to ensure its long-term viability and sustainability;
5. Invites the Parties to submit requests for international or other assistance from the Fund;
6. Requests the Secretariat to present to the Committee at its 14th meeting a progress report on the mobilization of resources for the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols.

Item 14 of the agenda:

Financial Regulations of the Fund for the Protection of Cultural Property in the Event of Armed Conflict

DECISION 13.COM 14

The Committee,

1. Having examined document C54/18/13.COM/14,
2. Takes note of the discussions of the Executive Board at its 201st session;
3. Further takes notes of the amendments to the Financial Regulations of the Fund for the Protection of Cultural Property in the Event of Armed Conflict;
4. Recommends to the Meeting of the Parties to approve the proposed amendments to the Financial Regulations of the Special Account of the Fund for the Protection of Cultural Property in the Event of Armed Conflict at its 8th Meeting in 2019.

Item 15 of the agenda:

Evaluation of UNESCO's standard-setting work of the Culture Sector – Part V – 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention) and its two Protocols (1954 and 1999)

DECISION 13.COM 15

The Committee,

1. Having examined document C54/18/13.COM/15, as well as the “Evaluation of UNESCO's standard-setting work of the Culture Sector – Part V – 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention) and its two Protocols (1954 and 1999)”,
2. Emphasizing that the present evaluation constitutes the first such evaluation of the relevance, impact and effectiveness of the 1954 Hague Convention and its two Protocols (1954 and 1999);
3. Takes note of the findings of the evaluation and the recommendations provided therein;
4. Also takes note of the management response by the Secretariat;
5. Decides to reflect on its working methods with a view to informing implementation mechanisms in the spirit of Recommendation 5 by:
 - establishing priorities with the Secretariat based on a theory of change for the Convention and its Protocols;
 - engaging more frequently with other UNESCO Conventions' Governing Bodies to draw on synergies between the various instruments;

and requests the Secretariat to produce a study on the implementation of Recommendation 5, taking into consideration the discussions held during the 13th meeting of the Committee, and to present it to the 15th meeting;

6. Encourages the development of synergies within the UNESCO Conventions for Culture, notably those of 1970, 1972, 2001 and 2003 ;
7. Requests the Secretariat to present to the 13th meeting of the High Contracting Parties, scheduled to take place in 2019, the evaluation together with its management response, and the views expressed by the Committee at this meeting.

Item 16 of the agenda:

**Protection of cultural property of national, ethnic and religious minorities
(Armenia)**

DECISION 13.COM 16

The Committee,

1. Takes note of the document C54/18/13.COM/16.Rev2.