1954 HAGUE CONVENTION
FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT

THIRTEENTH MEETING OF THE HIGH CONTRACTING PARTIES

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(presented by Switzerland)

This document presents a brief overview of the main highlights and key outcomes of the International conference dedicated to the 20th anniversary of the 1999 Second Protocol, held in Geneva from 25-26 April 2019.
Background


2. The objectives of the Geneva Conference were the following:
   - To bring together key stakeholders, including representatives of States Parties to the Second Protocol, and international experts to reflect on successes and challenges of the 1999 Second Protocol in past 20 years;
   - To create a platform to share positive experiences from different regions of the world regarding the implementation of the 1999 Second Protocol, the effectiveness of its tools and mechanisms for applying measures for the protection of cultural property in the event of armed conflict as well as in peacetime;
   - To encourage States, which haven’t done it yet, to consider ratifying the 1954 Hague Convention and its two (1954 and 1999) Protocols;
   - To encourage States Parties to express their commitment and willingness to participate in the promotion, visibility and awareness-raising efforts of the 1999 Second Protocol;
   - To improve the implementation of the safeguarding measures stipulated under the 1999 Second Protocol in peacetime by formulating “operational recommendations”.

3. Over 270 participants from governments, intergovernmental organizations, INGOs and NGOs, academic institutions and individual experts in the field of cultural heritage attended the Geneva Conference. In addition, the Ministers of Culture of Azerbaijan and Lebanon, the Minister of Education and Training of Vanuatu participated at the ministerial panel, whilst the Minister of Culture of Iraq and the Minister of Culture of Somalia sent their messages.

4. In the course of the two days, the participants unanimously and repeatedly acknowledged the relevance of the 1999 Second Protocol in the context of the modern armed conflicts, calling upon all stakeholders to harness international, national and local cooperation to increase its ratification and effective implementation.

Outcome of the Geneva Conference

5. A Chair’s Summary 1 concluded the Conference, from which an elaborated Conference recommendations (Annex) were based on, taking into account recommendations made by the panelists and deliberations from the participants.

6. The Conference recommendations reflect the importance in supporting States in their efforts to promote ratification of the 1999 Second Protocol, broaden the scope of cooperation with key partners and outline practical measures (institutional, administrative and legislative) in the implementation of the Protocol in their territory from the foreseeable effects of conflict or other emergencies.

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ANNEX

Conference recommendations
PROTECTING CULTURAL PROPERTY
International Conference on the 20th anniversary of the 1999 Second Protocol
25 and 26 April 2019
Geneva, Switzerland

The Conference recommendations are based on the recapitulation of the Chairs Summary of the Conference, recommendations made by the panelists and deliberations from the participants. These recommendations provide an insight and conception to elaborate on a road map and a transversal strategy to support States in their efforts to promote ratification of the 1999 Second Protocol, broaden the scope of cooperation with key partners and outline practical measures (institutional, administrative and legislative) in the implementation of the Protocol in their territory from the foreseeable effects of conflict or other emergencies.

PANEL 1: Historical perspectives

In the face of emerging new challenges, the 1999 Second Protocol of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict remain just as relevant today as at the time if its adoption twenty years ago.

The main recommendations identified were:

- To encourage Member States not yet party to the 1954 Hague Convention and in particular the 1999 Second Protocol to ratify them.
- To increase the general public’s awareness, understanding, knowledge and respect on the importance and relevance of the 1999 Second Protocol on protection of cultural property in times of conflict.

To initiate deliberations on strengthening aspects of the Protocol’s provisions, to render them more effective and responsive to the ever-changing international landscape and armed conflicts and to better compliment other international instruments on International Humanitarian Law and cultural property protection. More specifically:

- To consider strengthening institutional provisions of the Protocol, with regular meetings of States and sharing of reports and best-practices on its implementation and application at the national level.
- To consider strengthening the enforcement provisions and penalties under national military law in relation to what can be termed “cultural war crimes”, with the addition of the possibilities of international jurisdiction where necessary action was not taken at the national level.
- To consider strengthening provisions on broadening the scope of co-operation and involve partners from different sectors.

To support empirical research that provide elaboration on the actual effects of destruction of cultural property in times of conflicts on communities and post conflict security and peace-building efforts with the view to influence policy makers to prioritize the implementation of the provisions of 1999 Second Protocol.

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**PANEL 2: Exchange of practices regarding the implementation at the national level**

The main recommendations identified were:

- To define a **transversal strategy** to support States Parties in their efforts to effectively implement the provisions of the Protocol. More specifically:

  - To adopt and put in place safeguarding and preventative measures (institutional, administrative, legislative) in times of peace to protect cultural property in their territory from the effects of conflict or disasters, such as developing and regularly updating of inventories of cultural properties at the national level, designation of competent authorities responsible for the safeguarding of cultural property etc.

  - To strengthen and broaden the scope interstate cooperation (states to states cooperation), cooperation among traditional partners (notably national entities such and international organization) and explore new forms of interdisciplinary cooperation, as such between government agencies and the private sector and civil society organizations and between military and law enforcement agencies (“green-blue cooperation) by means of sharing
expertise, best practices and increasing the exchange of information, building capacity etc.

- To recognize the military as one of the primary actors in the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols. In this regard, disseminate the Military Manual on the Protection of Cultural Property among the members of armed forces.
- To encourage exchange and sharing of information and best-practices between national authorities at regional and international fora.
- To increase the awareness of military personnel and other actors on protecting cultural property by developing needs-based, comprehensive, and holistic capacity building and training initiatives on provisions and principles of protecting cultural property.

### PANEL 3: Role of non-governmental actors in supporting the implementation of the 1999 Second Protocol

The main recommendations on how to improve effective cooperation at international and national levels were:

- To support non-governmental organizations in their efforts to encourage and provide technical assistance to States on ratification of the 1954 Hague Convention and its two (1954 and 1999) Protocols.
- To use the extensive national and local networks to raise-awareness of the relevance and importance of the 1999 Second Protocol on the protection of cultural property in times of armed conflicts by means of effective advocacy.
- To support efforts on non-governmental organizations in assisting States to put in place safeguarding and preparatory measures at national level.
- To prioritize information, expertise and knowledge sharing between non-governmental organizations and national authorities, as well as international organizations to harness the effective implementation of the 1999 Second Protocol.
- To engage grassroot and local actors, especially in war-affected regions, to address the multi-faceted challenges that the protection of cultural property entails and more specifically to reach out to communities whose cultural heritage has suffered greatly.
To encourage and support the active participation of relevant non-governmental organizations in the statutory meetings of the 1954 Hague Convention and its Second Protocol.

**PANEL 4: Emergency response mechanisms in modern armed conflicts**

The main recommendations identified were:


- To strengthen the coordination and synergies between international treaties aiming to protect cultural heritage through emergency response mechanisms and more specifically during armed conflict.

- To raise awareness on emergency response mechanisms.

- To establish a clear understanding of the roles and relationships of different heritage organizations in addressing emergency response situations, to prevent replication of initiatives and increase harmonization of efforts.

- To promote the use of the distinctive emblem ("Blue Shield"), established under Article 6 of the 1954 Hague Convention, facilitate the recognition of cultural property.

**PANEL 5: Protection of cultural property under international criminal law**

The main recommendation identified were:

- To support States in their efforts to implement Chapter 4 – criminal responsibility and jurisdiction – of the 1999 Second Protocol.

- To build capacity of law enforcement agencies to with their obligations under the 1999 Second Protocol, in particular the ones related to the criminalization of destruction of cultural property.

- To encourage exchange of best-practices between States, on different aspects pertaining to individual criminal responsibility and jurisdiction under the 1999 Second Protocol.
PANEL 6: Practice and future perspective of the institutional framework of the 1999 Second Protocol

Strengthening the effectiveness of the work of the Committee, in particular its function to monitor and supervise the implementation of the 1999 Second Protocol, as stipulated under Article 27 of this treaty, is important to better address new and complex multi-faced challenges.

The main recommendations identified were:

**Strengthen co-operation and synergies with other culture conventions and key partners**
- Encourage the Committee to consult and establish co-operation, as appropriate, among the different Conventions, both at the level of the Secretariats and the Chairpersons for the better fulfillment of their complementary goals and effective application of their responsibilities.
- Encourage the Committee to strengthen interaction and co-operation with key partners, in particular those listed in its statutes for greater complementarity and coherence in the actions of each of the partners, with concrete gains in efficiency and serious economies of scale to be achieved.
  - Specific Working Group composed of representatives of the Committee, UNESCO, ICRC and the Blue Shield International be established to steer the work on civil-military co-operation.

**Strengthen the Committee's commitment and efforts on the provisions of the 1999 Second Protocol**
- The Committee for the Protection of Cultural Property in the Event of Armed Conflict (“the Committee”) should continue to work towards the universalization of the 1999 Second Protocol.
- Encourage the Committee to support the implementation of future UNESCO strategic actions and activities related to the protection of cultural in times of armed conflict.
- Encourage the Committee to continue to work towards the transformation of the list of cultural property under enhanced protection into a comprehensive international inventory.
- Encourage the Committee to adopt inclusive interpretation of paragraph (a) of Article 10 (the greatest importance for humanity) of the 1999 Second Protocol.
Strengthen the Members of the Committee’s efforts

- Encourage the members of the Committee to integrate into their diplomatic efforts the necessary universalization of the 1954 Hague Convention and its two (1954 and 1999), and particularly within their regional group.
- Encourage members of the Committee make effort of the presence of national experts from the ministries of culture, military and legal affairs in their delegations at statutory meetings.
- Encourage members of the Committee to pursue regular dialogue and internal co-ordination among their experts on the various Conventions and more specifically on the 1954 Hague Convention and the its two (1954 and 1999) Protocols.

Conclusion

In conclusion, huge efforts and major strides have been made regarding the protection objectives underlying the 1999 Second Protocol since its adoption twenty years ago. Measures and actions taken in favor of the protection of cultural heritage were highlighted.

However – much remains to be achieved for effective and adequate protection of cultural property during armed conflicts worldwide. States are therefore invited and encouraged:

- To consider ratifying of or accessing to the 1954 Hague Convention and/or its two (1954 and 1999) Protocols without delay, if they have not yet done so.
- To adequately implement the 1999 Second Protocol at the national level.
- And to encourage cooperation and collaboration at all levels and involve all relevant stakeholders