



Report to the Meeting of States Parties to the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict:

Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict

Your Excellencies,

Distinguished representatives of the member states,

Dear colleagues,

1. According to Article 27(1)(d) of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter “the Second Protocol”), the Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter “the Committee”) must prepare a report on the implementation of the Second Protocol for the Meeting of the Parties.¹
2. As a practice developed in accordance with Rule 38.2 of the Rules of Procedure of the Committee, the Chairperson presents on behalf of the Committee the report on the implementation of the Second Protocol to the Meeting of the Parties.²
3. According to Paragraph 107 of the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention (hereinafter “the Guidelines”), the report must take into account the following points:
 - Requests for the granting of enhanced protection;
 - Requests for international assistance;
 - International cooperation; and,

¹ “The Committee shall have the following functions: ... (d) to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties[...].” Article 27(1) (d), Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

² The Rules of Procedure were 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). Rule 38.2 covers Reports to the Meeting of the States Parties, and states that the Committee “may authorize its Chairperson to submit such reports on its behalf.”

- Use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter “the Fund”).
4. In addition to these items, the present report raises issues and contains information on some other issues regarding the implementation of the Second Protocol, and in particular: **(a)** the status of ratifications to the Second Protocol; **(b)** the establishment of a distinctive emblem to mark cultural property under enhanced protection; **(c)** the fundraising strategy for the Fund; and **(d)** Statements made by the Chairperson on behalf of the Committee on the recent deliberate attacks against cultural property in armed conflict areas.

I. Requests for the Granting of Enhanced Protection

5. Until 2012, only five cultural properties had been inscribed on the List of Cultural Property under Enhanced Protection (hereinafter “the List”):

Cyprus:

- Choirokoitia
- Painted Churches in the Troodos Region
- Paphos

Italy:

- Castel del Monte

Lithuania:

- Kernavé Archaeological Site

6. Since the Fifth Meeting of the Parties (16-17 December 2013), the Committee has considered the inscription of five more cultural properties, all of which had been previously inscribed on the World Heritage List. At its Eighth Meeting (18-19 December 2013), the Committee inscribed the following properties on the List:

Azerbaijan:

- Walled City of Baku with the Shirvanshah’s Palace and Maiden Tower
- Gobustan Archaeological Site

Belgium:

- House and Workshop of Victor Horta
- Neolithic Flint Mines at Spiennes, Mons
- Plantin-Moretus House-Workshops-Museum Complex and the Business Archives of the Officina Plantiniana

7. In February 2014, the **Czech Republic** submitted requests for the granting of enhanced protection to eleven World Heritage sites. The Secretariat conducted a preliminary evaluation and forwarded the requests to the Bureau of the Committee for consideration on May 2014. Following a working session between the Secretariat and the Czech authorities in June 2014, the Czech Republic decided to officially withdraw its requests and work closely with the Secretariat to ensure the completeness of the requests in the future.
8. On 26 February 2015, **Egypt** submitted a request for the granting of enhanced protection for Thebes and its Necropolis, a World Heritage site. Although the request

will not be considered by the Committee at its Tenth Meeting (10-11 December 2015), the Secretariat continues to work closely with the Egyptian authorities to ensure the completeness of the request, which will be considered by the Committee in the near future.

9. In accordance with Article 11(1) of the Second Protocol,³ in February 2015, **Mali** became the second State (Belgium was the first in 2012) to submit to the Committee a tentative list of three cultural properties for which it intended to request the granting of enhanced protection. On 2 March 2015, Mali submitted a request for the granting of enhanced protection of one of these cultural properties, the World Heritage site, “Tomb of Askia”. This request will be considered during the Eleventh Meeting of the Committee in 2016.
10. On 2 September 2015, **Bosnia and Herzegovina** submitted Enhanced Protection Request Forms for two cultural properties: (i) the natural and architectural ensemble of Blagaj; and (ii) the Mehmed Paša Sokolović Bridge in Višegrad, Srpska. This request will be considered during the Eleventh Meeting of the Committee, in 2016.
11. In accordance with its mission to promote the List, the Committee regularly updates this List on its webpage for the Second Protocol.⁴
12. To conclude, an increasing number of states have expressed their interest for the granting of enhanced protection or even their intention to submit requests for the granting of enhanced protection for some of their cultural properties. At present, the Secretariat is providing technical assistance to several Parties to ensure the completeness of their requests or to advise States on the advantages of enhanced protection. The List is expected to grow substantially in the years to come.

II. Requests for International Assistance

13. In light of the increasing threats to cultural properties around the world, the Committee expects a high demand of requests for international assistance, particularly for training and raising-awareness activities, as well as emergency measures. Since January 2014, however, there have been no requests for international assistance or financial assistance.
14. As financial resources are available through the Fund, Parties to the Second Protocol should seize the opportunity to submit requests for international assistance in order to implement dissemination programs or adopt preparatory measures for the safeguarding of their cultural properties. As of 1 December 2015, the assets of the Fund totaled US\$ 387,718.91. The Secretariat is currently working with several Parties to raise additional funds. In this respect, the Committee expressly invited Parties, by its Decisions 8.COM 10 and 9.COM 8, to submit requests for international assistance. This call for submitting requests for international assistance was reiterated on 21 May 2015, when, under my capacity, I made a Statement on behalf of the Committee, which, among others, invited “States Parties to the Second Protocol which are party to an armed conflict, as well as States parties to a conflict which are not Parties to the Second”

³ Article 11(1) of the Second Protocol states that each Party should “submit to the Committee a list of cultural property for which it intends to request the granting of enhanced protection”.

⁴ Please find the list of properties under enhanced protection at: <http://www.unesco.org/new/fr/culture/themes/armed-conflict-and-heritage/protection-of-cultural-property/enhanced-protection/>.

Protocol to request international assistance, under Article 32 of the Second Protocol, at their earliest convenience”.⁵

15. The Libyan authorities have submitted an informal request for international assistance from the Fund for the amount of around 50,000 USD in late October. The Secretariat provided its Libyan counterparts with comments concerning the request but has not received a response yet.

III. Implementation of the Second Protocol

16. Aside from the required items upon which the Committee must, in accordance with the Second Protocol, report, four additional important issues, both substantial and informative, deserve particular attention:

- The status of ratification of the Second Protocol;
- The proposal made by the Committee to establish a new Distinctive Emblem for Cultural Property under Enhanced Protection; and,
- The fundraising strategy for the Fund.
- Statements made by the Chairperson on behalf of the Committee on the recent deliberate attacks against cultural property in armed conflict areas.

a) Status of Ratifications of the Second Protocol

17. As reflected in the “Report on the implementation of the strategy for encouraging ratifications of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict”, the current status of ratifications is less than satisfactory. Since January 2014, only one State has deposited its instrument of accession to the Second Protocol. As it currently stands, only 68 States are parties to this standard-setting instrument.
18. In the last two years, the world has witnessed an unprecedented number of cases of intentional destruction of cultural heritage, and the international community has unanimously condemned those acts. Nevertheless, in that time period, only one new State has become party to the Second Protocol (South Africa acceded to the Second Protocol on 11 February 2015). Therefore, for the sake of consistency with Statements made occasionally by States and, as a first step, States that have not yet ratified the Second Protocol should seriously consider doing so. In that respect, the Meeting of the Parties called upon “States not yet party to the Second Protocol to become party to it as soon as possible, and to adopt relevant implementing legislation and effectively apply it”.⁶

b) Proposal to Establish a Distinctive Emblem for Cultural Property under Enhanced Protection

19. At its Eight Meeting in December 2013, the Committee decided (Dec. 8.COM 12) that there is a need to create a distinctive emblem, based on the Blue Shield, to mark properties under enhanced protection. At its Ninth Meeting, in December 2014, the

⁵ Please find the Statement of the Chairperson on behalf of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, 21 May 2015 at: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Statement_FINAL_ENG.pdf.

⁶ CLT-13/5.SP/CONF.202/Recommendations. Adopted Recommendations, Fifth Meeting of the Parties to the Second Protocol, December 2013. Please find this document at: <http://unesdoc.unesco.org/images/0023/002304/230489E.pdf>.

Committee examined document CLT-14/9.COM/CONF.203/4/REV2 prepared by the Secretariat on the “Creation of a distinctive emblem for cultural property under enhanced protection **and** of the modalities for its use”, developed appropriate draft amendments to the Guidelines for the implementation of the Second Protocol and recommended that the Meeting of the Parties endorses proposals for the modification of the Guidelines, contained in Annex I to aforementioned document, including its graphic charter and the modalities for its use with a view, if appropriate, to approving them and amending the Guidelines accordingly.

20. The adoption of a new emblem represents undoubtedly an important challenge, because it will encourage wider recognition of cultural properties that benefit from this special status under international humanitarian law. In addition, the new emblem will contribute to the effectiveness of Article 12 of the Second Protocol, which foresees the “Immunity of Cultural Property under Enhanced Protection”, awareness-raising of the military and better protection of cultural property under enhanced protection in peacetime and in times of armed conflict.
21. Finally, based on the practice developed by other committees of UNESCO culture Conventions, such as the 1972, the 2003 and the 2005 Conventions, the Committee has decided to propose the establishment of the new emblem through a relevant amendment of the Operational Guidelines, instead of drafting an additional protocol. This proposal has three main advantages:
 - 1) Once the Meeting of the Parties has endorsed the amendments to the Guidelines, the new paragraphs on the marking of cultural property under enhanced protection will enter immediately into force, thus providing for legal stability;
 - 2) This process is less expensive and less time-consuming than convening a Diplomatic Conference for the drafting of an additional protocol; and
 - 3) In case of drafting an additional Protocol or amending the 2nd Protocol, the creation for a significant period of time of two parallel legal regimes, namely the one of the 2nd Protocol and the other of the amending Protocol, will be avoided.

c) Fundraising Strategy for the Fund

22. At its Fifth Meeting, the Parties adopted Decision 5.SP 3, by which they requested the Committee to report on the implementation of an effective fundraising strategy for the Fund. The Committee highlighted that financial contributions are crucial to ensure the long-term viability of the Fund. Within this framework, the Committee also invites the Parties to submit requests for international or other assistance from the Fund for greater visibility and impact. At its Ninth Meeting, the Committee considered the working document CLT-14/9.COM/CONF.203/8 prepared by the Secretariat on this issue.
23. It should be noted that the Czech Republic contributed 7,235.08 euros, Slovakia contributed 15,000 euros, Switzerland contributed 20,000 Swiss francs and the Netherlands contributed 25,000 EUR to the Fund.
24. Finally, several Parties have expressed their intention to contribute to the Fund in the future.
25. The Committee continues its work in this field and will consider the issue at its Tenth Meeting (10-11 December 2015).

d) STATEMENTS made by the Committee and its Chairperson on behalf of the Committee on the recent deliberate attacks against cultural property in armed conflict areas

Distinguished representatives,

26. The protection of cultural property in the event of armed conflict seems to be more relevant than ever, in the light of the recent disturbing trends, such as the proliferation of hate crimes against cultural heritage, and its intentional targeting and destruction, as well as its pillaging under terrorist threats. As you are well aware of, the attacks against cultural heritage and cultural diversity are increasingly evolving over the last few years into a key element of the armed conflicts in Syria, Iraq, Libya, Yemen, and earlier in Mali and Afghanistan, as well as in other regions.
27. Having determined that the parties to these armed conflicts, in principle not of an international character, are identified in relation to their specific identity, whether national, religious or linguistic, we have witnessed an unprecedented **cultural cleansing**, a cleansing which **targets** mainly **archaeological sites** of the greatest importance for humanity, **cultural property** of significant importance and value, as well as **places of worship** belonging to religious minorities, with the aim to dismantle the foundation of local communities, by directing them into a ruthless confrontation, which often involves communities belonging even to the same religion.
28. In December 2014, **the Committee adopted**, for the first time in its history, a **STATEMENT** which strongly condemned the repeated deliberate attacks against cultural property throughout the world, in particular in the Syrian Arab Republic and Iraq and called upon these two States to ratify the Second Protocol at their earliest convenience and to submit their requests to the Committee for the granting of enhanced protection to their cultural properties inscribed on the World Heritage List, on an emergency basis.
29. Furthermore, in accordance with the mandate given to me consensually by the Committee, by its Decision 9.COM 3, I issued, in **March 2015**, a **STATEMENT** with an even stronger content. Among other things, this Statement focuses, on the **Security Council Resolution 2199** of February 2015, which represents a landmark in the recognition of the direct linkage between the destruction and pillage of cultural heritage, particularly by ISIL and ANF, with the financing of terrorism. The Statement strongly condemns the systematic destruction of cultural heritage and property in Iraq and Syria, including religious sites and objects, while emphasizing the side consequences of this destruction, namely the looting of antiquities and their illicit trafficking and trade in the illegal market, including sales through internet.

Dear colleagues,

30. In **May 2015**, and in accordance with a new mandate given to me consensually by the Committee's Bureau, I issued a new **Statement**, which, among other things, "Invites States Parties to the Second Protocol which are parties to an armed conflict, as well as States parties to a conflict which are not Parties to the Second Protocol, to request international assistance under Article 32 of the Second Protocol, at their earliest convenience".
31. On this specific issue, allow me, at this point, to emphatically underline that, in accordance with paragraph 2 of article 32 of the 2nd Protocol, "**A party to the conflict, which is not a Party to this Protocol**, but which accepts and applies its provisions in accordance with Article 3, paragraph 2, of the 2nd Protocol, may request appropriate

international assistance from the Committee”. This is the case, for example, with regard to **Syria** and **Iraq** which, although not being contracting Parties to the Second Protocol, have the possibility to request international assistance by the Committee at any time.

32. Finally, following the targeted destruction by the Islamic State of the ancient temples of Baal-Shamin and Bel, iconic parts of the Syrian site of Palmyra, a UNESCO World Heritage site, I issued, in **5 September 2015**, on behalf of the Committee, a new **Statement** condemning, in the strongest possible terms, the deliberate destruction of the above ancient temples.
33. Another important development is the Joint Meeting of the Bureau of the Committee for the Protection of Cultural Property in the Event of Armed Conflict and the Bureau of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention, that took place on 7 December 2015, at UNESCO Headquarters, in accordance with Decision 3.SC/4.3, adopted at the Third Session of the Subsidiary Committee to the Meeting of States Parties to the 1970 Convention. During the Joint Bureaus meeting, the participating states exchanged information on the destruction of cultural heritage in armed conflict areas and the subsequent illicit trafficking of cultural property, specifically in Iraq and Syria. The second half of the meeting was devoted to a productive exchange of views on the organization of awareness-raising and training of the military, police forces and customs officials in the light of the recent disturbing trends in armed conflict areas, such as Iraq, Syria and Yemen. The concluding document of the Joint Bureaus Meeting was a Recommendation which, among others, encourages the Director-General of UNESCO to organize a meeting with the six Chairpersons of the UNESCO Culture Conventions during the fourth session of the Subsidiary Committee to the Meeting of States Parties to the 1970 Convention, provisionally scheduled for September 2016, at UNESCO Headquarters.
34. **Dear colleagues**, over the last years, we have seen steady achievements of the Committee for the Protection of Cultural Property in the Event of Armed Conflict in monitoring the implementation of the Second Protocol. 2015 was another year of progress in that journey. At the same time, the situation remains critically challenging and, from a global perspective, there still is an obvious need to strengthen the protection of cultural properties worldwide, both in peacetime and wartime.
35. In the light of the above, it is equally obvious that the role of the Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict is constantly increasing, since it is called to face new challenges, extremely difficult and apparently insoluble, by using the mechanisms of the Second Protocol to the Hague Convention, mechanisms which are legally powerful.
36. I highly, therefore, encourage the relevant authorities of all UNESCO Member States to respond accordingly to the requirements mentioned above. In particular, States from all the geographical regions, which have not yet done so, should consider on a priority basis to become party to the 1999 Second Protocol to the Hague Convention and, thus, contribute to an improved protection of cultural property, both in peace and wartime. Let me also take the opportunity to appeal to you to reinforce the human resources of the Secretariat of the 1954 Hague Convention and its two Protocols, because , under its current situation, it is not able to cope with the immense workload!
37. In concluding, let me express my sincere thanks and appreciation to the members of the Bureau, the Committee, the Observers, as well as, of course to the Secretariat for their strong commitment and fruitful cooperation.

38. Looking ahead, I am confident that we have a forward-looking approach, as well as the commitment and constructive spirit to continue to fulfil the Committee's mission, thus protecting one of the most precious assets of humanity: its cultural property.

Thank you

Artemis A. Papathanassiou

Chairperson of the Committee