United Nations
Educational, Scientific and
Cultural Organization

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols

Basic Texts

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Basic Texts

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Introduction by Irina Bokova, Director-General of UNESCO to Basic Texts for the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols

The protection of the cultural heritage, in its diverse forms, constitutes one of the principal activities of UNESCO. For this reason, UNESCO has elaborated a series of standard-setting instruments, both legally binding and non-binding, that aim to ensure the safeguarding of the planet's cultural diversity through heritage preservation.

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was adopted in 1954 in the wake of large-scale destruction of cultural heritage carried out during the Second World War. The Hague Convention, as this instrument is often referred to, is the first multilateral treaty to focus exclusively on the protection of cultural heritage during hostilities.

As eloquently stated in its preamble, "being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world," the Hague Convention specifically highlights UNESCO's fundamental belief that the cultural heritage of each nation belongs to all of humankind.

Several conflicts that erupted in the 1990s, particularly those in former Yugoslavia, revealed certain gaps in the implementation of the Hague Convention. For this reason, the Secretariat, along with several interested States, initiated the review of this agreement in 1991. The result of this collaboration was the elaboration and subsequent adoption of the Second Protocol to the Hague Convention at the March 1999 Hague Diplomatic Conference.

The Second Protocol advances a number of essential legal, military and technical aspects of cultural heritage protection. In particular, the Second Protocol introduces a new system of enhanced protection for cultural property of "the greatest importance for humanity" which must also be protected by adequate national legislation and not used for military purposes or to shield military sites. It also creates the Fund for the Protection of Cultural Property in the Event of Armed Conflict, whose use is determined by the Committee for the Protection of Cultural Property in the Event of Armed Conflict ("Committee"). This intergovernmental committee is composed of twelve members elected for a term of four years.

The Second Protocol also provides for the possibility of granting different forms of assistance. The essential work of the Committee to date has been the elaboration of two sets of guidelines: the Guidelines for the Implementation of the Second Protocol (known as the “Guidelines”) and those concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict. These documents were endorsed and approved by the third Meeting of the Parties to the Second Protocol held at UNESCO Headquarters, on 23 and 24 November 2009.

The Guidelines aim primarily to provide a concise and practical tool to facilitate the implementation of the Second Protocol, and to provide guidance to the Committee, to Parties to the Protocol, and to the Secretariat of UNESCO in the fulfilment of their functions as established by the Second Protocol. The Guidelines lay out, inter alia, the key actors of the Second Protocol and their relationships; general provisions regarding safeguarding of cultural property; the criteria to be considered and the manner in which the Committee may grant enhanced protection to cultural property; the dissemination of the Second Protocol, and international and technical assistance to strengthen the protection of cultural property. Although fully operational, these Guidelines are intended to be a document in progress subject to change as Parties continue to implement the Second Protocol. The evolving aspect of these Guidelines will allow Parties to respond to practical challenges in the implementation of the Second Protocol.

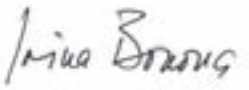
Similarly, the guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict allow the Committee to determine the disbursement of Fund resources. The purpose of the Fund is to provide financial and other assistance in support of preparatory or other measures to be taken in peacetime, as well as other measures aimed at protecting cultural property during periods of armed conflict or of immediate recovery after the end of hostilities. The Committee reports on the use of the Fund to the Meeting of the Parties to the Second Protocol, and may also modify these guidelines over time as the Second Protocol becomes fully implemented.

Now that the Second Protocol has become fully operational, States that are party to it may request enhanced protection as well as international and other forms of assistance to safeguard their cultural property.

The present publication comprises basic texts related to the implementation of the Second Protocol, such as the Second Protocol itself, the Guidelines for the Implementation of the Second Protocol and the guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict, the Rules of Procedure of the Committee and those of the Meeting of the Parties.

It is my sincere hope that this publication will contribute to improved implementation of the Second Protocol at a national level, encourage other High Contracting Parties to

the Convention that are not yet party to the Second Protocol to ratify it, and, last but not least, to promote the granting of enhanced protection so that the list of cultural property under enhanced protection will grow over time. If these objectives are attained, this publication will have served its intended purpose.



Irina Bokova

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

The Hague, 14 May 1954

The High Contracting Parties,

Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April, 1935;

Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace;

Being determined to take all possible steps to protect cultural property;

Have agreed upon the following provisions:

CHAPTER I
GENERAL PROVISIONS REGARDING PROTECTION

ARTICLE 1 – DEFINITION OF CULTURAL PROPERTY

For the purposes of the present Convention, the term “cultural property” shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole,

are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph *(a)* such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph *(a)*;

(c) centres containing a large amount of cultural property as defined in sub-paragraphs *(a)* and *(b)*, to be known as "centres containing monuments".

ARTICLE 2 – PROTECTION OF CULTURAL PROPERTY

For the purposes of the present Convention, the protection of cultural property shall comprise the safeguarding of and respect for such property.

ARTICLE 3 – SAFEGUARDING OF CULTURAL PROPERTY

The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

ARTICLE 4 – RESPECT FOR CULTURAL PROPERTY

1. The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility, directed against such property.

2. The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver.

3. The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party.

4. They shall refrain from any act directed by way of reprisals against cultural property.

5. No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by reason of the fact that the latter has not applied the measures of safeguard referred to in Article 3.

ARTICLE 5 – OCCUPATION

1. Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.

2. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.

3. Any High Contracting Party whose government is considered their legitimate government by members of a resistance movement, shall, if possible, draw their attention to the obligation to comply with those provisions of the Convention dealing with respect for cultural property.

ARTICLE 6 – DISTINCTIVE MARKING OF CULTURAL PROPERTY

In accordance with the provisions of Article 16, cultural property may bear a distinctive emblem so as to facilitate its recognition.

ARTICLE 7 – MILITARY MEASURES

1. The High Contracting Parties undertake to introduce in time of peace into their military regulations or instructions such provisions as may ensure observance of the present Convention, and to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples.

2. The High Contracting Parties undertake to plan or establish in peace-time, within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it.

CHAPTER II
SPECIAL PROTECTION

ARTICLE 8 – GRANTING OF SPECIAL PROTECTION

1. There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance, provided that they:

   (a) are situated at an adequate distance from any large industrial centre or from any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defense, a port or railway station of relative importance or a main line of communication;

   (b) are not used for military purposes.

2. A refuge for movable cultural property may also be placed under special protection, whatever its location, if it is so constructed that, in all probability, it will not be damaged by bombs.

3. A centre containing monuments shall be deemed to be used for military purposes whenever it is used for the movement of military personnel or material, even in transit. The same shall apply whenever activities directly connected with military operations, the stationing of military personnel, or the production of war material are carried on within the centre.

4. The guarding of cultural property mentioned in paragraph 1 above by armed custodians specially empowered to do so, or the presence, in the vicinity of such cultural property, of police forces normally responsible for the maintenance of public order shall not be deemed to be used for military purposes.

5. If any cultural property mentioned in paragraph 1 of the present Article is situated near an important military objective as defined in the said paragraph, it may nevertheless be placed under special protection if the High Contracting Party asking for that protection undertakes, in the event of armed conflict, to make no use of the objective and particularly, in the case of a port, railway station or aerodrome, to divert all traffic therefrom. In that event, such diversion shall be prepared in time of peace.

6. Special protection is granted to cultural property by its entry in the “International Register of Cultural Property under Special Protection”. This entry shall only

be made, in accordance with the provisions of the present Convention and under the conditions provided for in the Regulations for the execution of the Convention.

ARTICLE 9 – IMMUNITY OF CULTURAL PROPERTY UNDER SPECIAL PROTECTION

The High Contracting Parties undertake to ensure the immunity of cultural property under special protection by refraining, from the time of entry in the International Register, from any act of hostility directed against such property and, except for the cases provided for in paragraph 5 of Article 8, from any use of such property or its surroundings for military purposes.

ARTICLE 10 – IDENTIFICATION AND CONTROL

During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in Article 16, and shall be open to international control as provided for in the Regulations for the execution of the Convention.

ARTICLE 11 – WITHDRAWAL OF IMMUNITY

1. If one of the High Contracting Parties commits, in respect of any item of cultural property under special protection, a violation of the obligations under Article 9, the opposing Party shall, so long as this violation persists, be released from the obligation to ensure the immunity of the property concerned. Nevertheless, whenever possible, the latter Party shall first request the cessation of such violation within a reasonable time.

2. Apart from the case provided for in paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.

3. The Party withdrawing immunity shall, as soon as possible, so inform the Commissioner-General for cultural property provided for in the Regulations for the execution of the Convention, in writing, stating the reasons.

CHAPTER III
TRANSPORT OF CULTURAL PROPERTY

ARTICLE 12 – TRANSPORT UNDER SPECIAL PROTECTION

1. Transport exclusively engaged in the transfer of cultural property, whether within a territory or to another territory, may, at the request of the High Contracting Party concerned, take place under special protection in accordance with the conditions specified in the Regulations for the execution of the Convention.

2. Transport under special protection shall take place under the international supervision provided for in the aforesaid Regulations and shall display the distinctive emblem described in Article 16.

3. The High Contracting Parties shall refrain from any act of hostility directed against transport under special protection.

ARTICLE 13 – TRANSPORT IN URGENT CASES

1. If a High Contracting Party considers that the safety of certain cultural property requires its transfer and that the matter is of such urgency that the procedure laid down in Article 12 cannot be followed, especially at the beginning of an armed conflict, the transport may display the distinctive emblem described in Article 16, provided that an application for immunity referred to in Article 12 has not already been made and refused. As far as possible, notification of transfer should be made to the opposing Parties. Nevertheless, transport conveying cultural property to the territory of another country may not display the distinctive emblem unless immunity has been expressly granted to it.

2. The High Contracting Parties shall take, so far as possible, the necessary precautions to avoid acts of hostility directed against the transport described in paragraph 1 of the present Article and displaying the distinctive emblem.

ARTICLE 14 – IMMUNITY FROM SEIZURE, CAPTURE AND PRIZE

1. Immunity from seizure, placing in prize, or capture shall be granted to:

   (a) cultural property enjoying the protection provided for in Article 12 or that provided for in Article 13;

(b) the means of transport exclusively engaged in the transfer of such cultural property.

2. Nothing in the present Article shall limit the right of visit and search.

CHAPTER IV
PERSONNEL

ARTICLE 15 – PERSONNEL

As far as is consistent with the interests of security, personnel engaged in the protection of cultural property shall, in the interests of such property, be respected and, if they fall into the hands of the opposing Party, shall be allowed to continue to carry out their duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing Party.

CHAPTER V
THE DISTINCTIVE EMBLEM

ARTICLE 16 – EMBLEM OF THE CONVENTION

1. The distinctive emblem of the Convention shall take the form of a shield, pointed below, persaltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle).

2. The emblem shall be used alone, or repeated three times in a triangular formation (one shield below), under the conditions provided for in Article 17.

ARTICLE 17 – USE OF THE EMBLEM

1. The distinctive emblem repeated three times may be used only as a means of identification of:

   (a) immovable cultural property under special protection;

   (b) the transport of cultural property under the conditions provided for in Articles 12 and 13;

(c) improvised refuges, under the conditions provided for in the Regulations for the execution of the Convention.

2. The distinctive emblem may be used alone only as a means of identification of:

(a) cultural property not under special protection;

(b) the persons responsible for the duties of control in accordance with the Regulations for the execution of the Convention;

(c) the personnel engaged in the protection of cultural property;

(d) the identity cards mentioned in the Regulations for the execution of the Convention.

3. During an armed conflict, the use of the distinctive emblem in any other cases than those mentioned in the preceding paragraphs of the present Article, and the use for any purpose whatever of a sign resembling the distinctive emblem, shall be forbidden.

4. The distinctive emblem may not be placed on any immovable cultural property unless at the same time there is displayed an authorization duly dated and signed by the competent authority of the High Contracting Party.

CHAPTER VI
SCOPE OF APPLICATION OF THE CONVENTION

ARTICLE 18 – APPLICATION OF THE CONVENTION

1. Apart from the provisions which shall take effect in time of peace, the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by, one or more of them.

2. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

3. If one of the Powers in conflict is not a Party to the present Convention, the Powers which are Parties thereto shall nevertheless remain bound by it in their mutual relations. They shall furthermore be bound by the Convention, in relation

to the said Power, if the latter has declared that it accepts the provisions thereof and so long as it applies them.

ARTICLE 19 – CONFLICTS NOT OF AN INTERNATIONAL CHARACTER

1. In the event of an armed conflict not of an international character occurring within the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as, a minimum, the provisions of the present Convention which relate to respect for cultural property.

2. The parties to the conflict shall endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

3. The United Nations Educational, Scientific and Cultural Organization may offer its services to the parties to the conflict.

4. The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

CHAPTER VII
EXECUTION OF THE CONVENTION

ARTICLE 20 – REGULATIONS FOR THE EXECUTION OF THE CONVENTION

The procedure by which the present Convention is to be applied is defined in the Regulations for its execution, which constitute an integral part thereof.

ARTICLE 21 – PROTECTING POWERS

The present Convention and the Regulations for its execution shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

ARTICLE 22 – CONCILIATION PROCEDURE

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or

interpretation of the provisions of the present Convention or the Regulations for its execution.

2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General of the United Nations Educational, Scientific and Cultural Organization, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate on suitably chosen neutral territory. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a neutral Power or a person presented by the Director General of the United Nations Educational, Scientific and Cultural Organization, which person shall be invited to take part in such a meeting in the capacity of Chairman.

ARTICLE 23 – ASSISTANCE OF UNESCO

1. The High Contracting Parties may call upon the United Nations Educational, Scientific and Cultural Organization for technical assistance in organizing the protection of their cultural property, or in connexion with any other problem arising out of the application of the present Convention or the Regulations for its execution. The Organization shall accord such assistance within the limits fixed by its programme and by its resources.

2. The Organization is authorized to make, on its own initiative, proposals on this matter to the High Contracting Parties.

ARTICLE 24 – SPECIAL AGREEMENTS

1. The High Contracting Parties may conclude special agreements for all matters concerning which they deem it suitable to make separate provision.

2. No special agreement may be concluded which would diminish the protection afforded by the present Convention to cultural property and to the personnel engaged in its protection.

ARTICLE 25 – DISSEMINATION OF THE CONVENTION

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake, in particular, to include

the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

ARTICLE 26 – TRANSLATIONS REPORTS

1. The High Contracting Parties shall communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution.

2. Furthermore, at least once every four years, they shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfillment of the present Convention and of the Regulations for its execution.

ARTICLE 27 – MEETINGS

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization may, with the approval of the Executive Board, convene meetings of representatives of the High Contracting Parties. He must convene such a meeting if at least one-fifth of the High Contracting Parties so request.

2. Without prejudice to any other functions which have been conferred on it by the present Convention or the Regulations for its execution, the purpose of the meeting will be to study problems concerning the application of the Convention and of the Regulations for its execution, and to formulate recommendations in respect thereof.

3. The meeting may further undertake a revision of the Convention or the Regulations for its execution if the majority of the High Contracting Parties are represented, and in accordance with the provisions of Article 39.

ARTICLE 28 – SANCTIONS

The High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.

FINAL PROVISIONS

ARTICLE 29 – LANGUAGES

1. The present Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

2. The United Nations Educational, Scientific and Cultural Organization shall arrange for translations of the Convention into the other official languages of its General Conference.

ARTICLE 30 – SIGNATURE

The present Convention shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April, 1954 to 14 May, 1954.

ARTICLE 31 – RATIFICATION

1. The present Convention shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. The instruments of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 32 – ACCESSION

From the date of its entry into force, the present Convention shall be open for accession by all States mentioned in Article 30 which have not signed it, as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 33 – ENTRY INTO FORCE

1. The present Convention shall enter into force three months after five instruments of ratification have been deposited.

2. Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.

3. The situations referred to in Articles 18 and 19 shall give immediate effect to ratifications or accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in Article 38 by the speediest method.

ARTICLE 34 – EFFECTIVE APPLICATION

1. Each State Party to the Convention on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.

2. This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Convention.

ARTICLE 35 – TERRITORIAL EXTENSION OF THE CONVENTION

Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

ARTICLE 36 – RELATION TO PREVIOUS CONVENTIONS

1. In the relations between Powers which are bound by the Conventions of The Hague concerning the Laws and Customs of War on Land (IV) and concerning Naval Bombardment in Time of War (IX), whether those of 29 July, 1899 or those of 18 October, 1907, and which are Parties to the present Convention, this last Convention shall be supplementary to the aforementioned Convention (IX) and to the Regulations annexed to the aforementioned Convention (IV) and shall substitute for the emblem described in Article 5 of the aforementioned Convention (IX) the emblem described in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

2. In the relations between Powers which are bound by the Washington Pact of 15 April, 1935 for the Protection of Artistic and Scientific Institutions and of Historic Monuments (Roerich Pact) and which are Parties to the present Convention, the latter Convention shall be supplementary to the Roerich Pact and shall substitute for the distinguishing flag described in Article III of the Pact the emblem defined in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

ARTICLE 37 – DENUNCIATION

1. Each High Contracting Party may denounce the present Convention, on its own behalf, or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

ARTICLE 38 – NOTIFICATIONS

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in Articles 30 and 32, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in Articles 31, 32 and 39 and of the notifications and denunciations provided for respectively in Articles 35, 37 and 39.

ARTICLE 39 – REVISION OF THE CONVENTION AND OF THE REGULATIONS FOR ITS EXECUTION

1. Any High Contracting Party may propose amendments to the present Convention or the Regulations for its execution. The text of any proposed amendment shall be communicated to the Director-General of the United Nations Educational, Scientific and Cultural Organization who shall transmit it to each High Contracting

Party with the request that such Party reply within four months stating whether it:

(a) desires that a Conference be convened to consider the proposed amendment;

(b) favours the acceptance of the proposed amendment without a Conference; or

(c) favours the rejection of the proposed amendment without a Conference.

2. The Director-General shall transmit the replies, received under paragraph 1 of the present Article, to all High Contracting Parties.

3. If all the High Contracting Parties which have, within the prescribed time-limit, stated their views to the Director-General of the United Nations Educational, Scientific and Cultural Organization, pursuant to paragraph 1*(b)* of this Article, inform him that they favour acceptance of the amendment without a Conference, notification of their decision shall be made by the Director-General in accordance with Article 38. The amendment shall become effective for all the High Contracting Parties on the expiry of ninety days from the date of such notification.

4. The Director-General shall convene a Conference of the High Contracting Parties to consider the proposed amendment if requested to do so by more than one-third of the High Contracting Parties.

5. Amendments to the Convention or to the Regulations for its execution, dealt with under the provisions of the preceding paragraph, shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.

6. Acceptance by the High Contracting Parties of amendments to the Convention or to the Regulations for its execution, which have been adopted by the Conference mentioned in paragraphs 4 and 5, shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

7. After the entry into force of amendments to the present Convention or to the Regulations for its execution, only the text of the Convention or of the Regulations for its execution thus amended shall remain open for ratification or accession.

ARTICLE 40 – REGISTRATION

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof the undersigned, duly authorized, have signed the present Convention.
Done at The Hague, this fourteenth day of May, 1954, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 30 and 32 as well as to the United Nations.

REGULATIONS FOR THE EXECUTION OF THE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

CHAPTER I
CONTROL

ARTICLE 1 – INTERNATIONAL LIST OF PERSONS

On the entry into force of the Convention, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall compile an international list consisting of all persons nominated by the High Contracting Parties as qualified to carry out the functions of Commissioner-General for Cultural Property. On the initiative of the Director-General of the United Nations Educational, Scientific and Cultural Organization, this list shall be periodically revised on the basis of requests formulated by the High Contracting Parties.

ARTICLE 2 – ORGANIZATION OF CONTROL

As soon as any High Contracting Party is engaged in an armed conflict to which Article 18 of the Convention applies:

(a) It shall appoint a representative for cultural property situated in its territory; if it is in occupation of another territory, it shall appoint a special representative for cultural property situated in that territory;

(b) The Protecting Power acting for each of the Parties in conflict with such High Contracting Party shall appoint delegates accredited to the latter in conformity with Article 3 below;

(c) A Commissioner-General for Cultural Property shall be appointed to such High Contracting Party in accordance with Article 4.

ARTICLE 3 – APPOINTMENT OF DELEGATES OF PROTECTING POWERS

The Protecting Power shall appoint its delegates from among the members of its diplomatic or consular staff or, with the approval of the Party to which they will be accredited, from among other persons.

ARTICLE 4 – APPOINTMENT OF COMMISSIONER-GENERAL

1. The Commissioner-General for Cultural Property shall be chosen from the international list of persons by joint agreement between the Party to which he will be accredited and the Protecting Powers acting on behalf of the opposing Parties.

2. Should the Parties fail to reach agreement within three weeks from the beginning of their discussions on this point, they shall request the President of the International Court of Justice to appoint the Commissioner-General, who shall not take up his duties until the Party to which he is accredited has approved his appointment.

ARTICLE 5 – FUNCTIONS OF DELEGATES

The delegates of the Protecting Powers shall take note of violations of the Convention, investigate, with the approval of the Party to which they are accredited, the circumstances in which they have occurred, make representations locally to secure their cessation and, if necessary, notify the Commissioner-General of such violations. They shall keep him informed of their activities.

ARTICLE 6 – FUNCTIONS OF THE COMMISSIONER-GENERAL

1. The Commissioner-General for Cultural Property shall deal with all matters referred to him in connexion with the application of the Convention, in conjunction with the representative of the Party to which he is accredited and with the delegates concerned.

2. He shall have powers of decision and appointment in the cases specified in the present Regulations.

3. With the agreement of the Party to which he is accredited, he shall have the right to order an investigation or to conduct it himself.

4. He shall make any representations to the Parties to the conflict or to their Protecting Powers which he deems useful for the application of the Convention.

5. He shall draw up such reports as may be necessary on the application of the Convention and communicate them to the Parties concerned and to their Protecting Powers. He shall send copies to the Director-General of the United

Nations Educational, Scientific and Cultural Organization, who may make use only of their technical contents.

6. If there is no Protecting Power, the Commissioner-General shall exercise the functions of the Protecting Power as laid down in Articles 21 and 22 of the Convention.

ARTICLE 7 – INSPECTORS AND EXPERTS

1. Whenever the Commissioner-General for Cultural Property considers it necessary, either at the request of the delegates concerned or after consultation with them, he shall propose, for the approval of the Party to which he is accredited, an inspector of cultural property to be charged with a specific mission. An inspector shall be responsible only to the Commissioner-General.

2. The Commissioner-General, delegates and inspectors may have recourse to the services of experts, who will also be proposed for the approval of the Party mentioned in the preceding paragraph.

ARTICLE 8 – DISCHARGE OF THE MISSION OF CONTROL

The Commissioners-General for Cultural Property, delegates of the Protecting Powers, inspectors and experts shall in no case exceed their mandates. In particular, they shall take account of the security needs of the High Contracting Party to which they are accredited and shall in all circumstances act in accordance with the requirements of the military situation as communicated to them by that High Contracting Party.

ARTICLE 9 – SUBSTITUTES FOR PROTECTING POWERS

If a Party to the conflict does not benefit or ceases to benefit from the activities of a Protecting Power, a neutral State may be asked to undertake those functions of a Protecting Power which concern the appointment of a Commissioner-General for Cultural Property in accordance with the procedure laid down in Article 4 above. The Commissioner-General thus appointed shall, if need be, entrust to inspectors the functions of delegates of Protecting Powers as specified in the present Regulations.

ARTICLE 10 – EXPENSES

The remuneration and expenses of the Commissioner-General for Cultural Property, inspectors and experts shall be met by the Party to which they are accredited.

Remuneration and expenses of delegates of the Protecting Powers shall be subject to agreement between those Powers and the States whose interests they are safeguarding.

CHAPTER II
SPECIAL PROTECTION

ARTICLE 11 – IMPROVISED REFUGES

1. If, during an armed conflict, any High Contracting Party is induced by unforeseen circumstances to set up an improvised refuge and desires that it should be placed under special protection, it shall communicate this fact forthwith to the Commissioner-General accredited to that Party.

2. If the Commissioner-General considers that such a measure is justified by the circumstances and by the importance of the cultural property sheltered in this improvised refuge, he may authorize the High Contracting Party to display on such refuge the distinctive emblem defined in Article 16 of the Convention. He shall communicate his decision without delay to the delegates of the Protecting Powers who are concerned, each of whom may, within a time-limit of 30 days, order the immediate withdrawal of the emblem.

3. As soon as such delegates have signified their agreement or if the time-limit of 30 days has passed without any of the delegates concerned having made an objection, and if, in the view of the Commissioner-General, the refuge fulfils the conditions laid down in Article 8 of the Convention, the Commissioner-General shall request the Director-General of the United Nations Educational, Scientific and Cultural Organization to enter the refuge in the Register of Cultural Property under Special Protection.

ARTICLE 12 – INTERNATIONAL REGISTER OF CULTURAL PROPERTY UNDER SPECIAL PROTECTION

1. An “International Register of Cultural Property under Special Protection” shall be prepared.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall maintain this Register. He shall furnish copies to the Secretary-General of the United Nations and to the High Contracting Parties.

3. The Register shall be divided into sections, each in the name of a High Contracting Party. Each section shall be sub-divided into three paragraphs, headed: Refuges, Centres containing Monuments, Other Immovable Cultural Property. The Director-General shall determine what details each section shall contain.

ARTICLE 13 – REQUESTS FOR REGISTRATION

1. Any High Contracting Party may submit to the Director-General of the United Nations Educational, Scientific and Cultural Organization an application for the entry in the Register of certain refuges, centres containing monuments or other immovable cultural property situated within its territory. Such application shall contain a description of the location of such property and shall certify that the property complies with the provisions of Article 8 of the Convention.

2. In the event of occupation, the Occupying Power shall be competent to make such application.

3. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall, without delay, send copies of applications for registration to each of the High Contracting Parties.

ARTICLE 14 – OBJECTIONS

1. Any High Contracting Party may, by letter addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, lodge an objection to the registration of cultural property. This letter must be received by him within four months of the day on which he sent a copy of the application for registration.

2. Such objection shall state the reasons giving rise to it, the only, valid grounds being that:

   (a) the property is not cultural property;

   (b) the property does not comply with the conditions mentioned in Article 8 of the Convention.

3. The Director-General shall send a copy of the letter of objection to the High Contracting Parties without delay. He shall, if necessary, seek the advice of the International Committee on Monuments, Artistic and Historical Sites and

Archaeological Excavations and also, if he thinks fit, of any other competent organization or person.

4. The Director-General, or the High Contracting Party requesting registration, may make whatever representations they deem necessary to the High Contracting Parties which lodged the objection, with a view to causing the objection to be withdrawn.

5. If a High Contracting Party which has made an application for registration in time of peace becomes involved in an armed conflict before the entry has been made, the cultural property concerned shall at once be provisionally entered in the Register, by the Director-General, pending the confirmation, withdrawal or cancellation of any objection that may be, or may have been, made.

6. If, within a period of six months from the date of receipt of the letter of objection, the Director-General has not received from the High Contracting Party lodging the objection a communication stating that it has been withdrawn, the High Contracting Party applying for registration may request arbitration in accordance with the procedure in the following paragraph.

7. The request for arbitration shall not be made more than one year after the date of receipt by the Director-General of the letter of objection. Each of the two Parties to the dispute shall appoint an arbitrator. When more than one objection has been lodged against an application for registration, the High Contracting Parties which have lodged the objections shall, by common consent, appoint a single arbitrator. These two arbitrators shall select a chief arbitrator from the international list mentioned in Article 1 of the present Regulations. If such arbitrators cannot agree upon their choice, they shall ask the President of the International Court of Justice to appoint a chief arbitrator who need not necessarily be chosen from the international list. The arbitral tribunal thus constituted shall fix its own procedure. There shall be no appeal from its decisions.

8. Each of the High Contracting Parties may declare, whenever a dispute to which it is a Party arises, that it does not wish to apply the arbitration procedure provided for in the preceding paragraph. In such cases, the objection to an application for registration shall be submitted by the Director-General to the High Contracting Parties. The objection will be confirmed only if the High Contracting Parties so decide by a two-third majority of the High Contracting Parties voting. The vote shall be taken by correspondence, unless the Director-General of the United Nations Educational, Scientific and Cultural Organization deems it essential to convene a meeting under the powers conferred upon him by Article 27 of the Convention. If the Director-General decides to proceed with the vote by correspondence, he shall invite the High Contracting Parties

to transmit their votes by sealed letter within six months from the day on which they were invited to do so.

ARTICLE 15 – REGISTRATION

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause to be entered in the Register, under a serial number, each item of property for which application for registration is made, provided that he has not received an objection within the time-limit prescribed in paragraph 1 of Article 14.

2. If an objection has been lodged, and without prejudice to the provision of paragraph 5 of Article 14, the Director-General shall enter property in the Register only if the objection has been withdrawn or has failed to be confirmed following the procedures laid down in either paragraph 7 or paragraph 8 of Article 14.

3. Whenever paragraph 3 of Article 11 applies, the Director-General shall enter property in the Register if so requested by the Commissioner-General for Cultural Property.

4. The Director-General shall send without delay to the Secretary-General of the United Nations, to the High Contracting Parties, and, at the request of the Party applying for registration, to all other States referred to in Articles 30 and 32 of the Convention, a certified copy of each entry in the Register. Entries shall become effective thirty days after despatch of such copies.

ARTICLE 16 – CANCELLATION

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause the registration of any property to be cancelled:

   (a) at the request of the High Contracting Party within whose territory the cultural property is situated;

   (b) if the High Contracting Party which requested registration has denounced the Convention, and when that denunciation has taken effect;

   (c) in the special case provided for in Article 14, paragraph 5, when an objection has been confirmed following the procedures mentioned either in paragraph 7 or in paragraph 8 or Article 14.

2. The Director-General shall send without delay, to the Secretary-General of the United Nations and to all States which received a copy of the entry in the Register, a certified copy of its cancellation. Cancellation shall take effect thirty days after the despatch of such copies.

CHAPTER III
TRANSPORT OF CULTURAL PROPERTY

ARTICLE 17 – PROCEDURE TO OBTAIN IMMUNITY

1. The request mentioned in paragraph 1 of Article 12 of the Convention shall be addressed to the Commissioner-General for Cultural Property. It shall mention the reasons on which it is based and specify the approximate number and the importance of the objects to be transferred, their present location, the location now envisaged, the means of transport to be used, the route to be followed, the date proposed for the transfer, and any other relevant information.

2. If the Commissioner-General, after taking such opinions as he deems fit, considers that such transfer is justified, he shall consult those delegates of the Protecting Powers who are concerned, on the measures proposed for carrying it out. Following such consultation, he shall notify the Parties to the conflict concerned of the transfer, including in such notification all useful information.

3. The Commissioner-General shall appoint one or more inspectors, who shall satisfy themselves that only the property stated in the request is to be transferred and that the transport is to be by the approved methods and bears the distinctive emblem. The inspector or inspectors shall accompany the property to its destination.

ARTICLE 18 – TRANSPORT ABROAD

Where the transfer under special protection is to the territory of another country, it shall be governed not only by Article 12 of the Convention and by Article 17 of the present Regulations, but by the following further provisions:

(a) while the cultural property remains on the territory of another State, that State shall be its depositary and shall extend to it as great a measure of care as that which it bestows upon its own cultural property of comparable importance;

(b) the depositary State shall return the property only on the cessation of the conflict; such return shall be effected within six months from the date on which it was requested;

(c) during the various transfer operations, and while it remains on the territory of another State, the cultural property shall be exempt from confiscation and may not be disposed of either by the depositor or by the depositary. Nevertheless, when the safety of the property requires it, the depositary may, with the assent of the depositor, have the property transported to the territory of a third country, under the conditions laid down in the present article;

(d) the request for special protection shall indicate that the State to whose territory the property is to be transferred accepts the provisions of the present Article.

ARTICLE 19 – OCCUPIED TERRITORY

Whenever a High Contracting Party occupying territory of another High Contracting Party transfers cultural property to a refuge situated elsewhere in that territory, without being able to follow the procedure provided for in Article 17 of the Regulations, the transfer in question shall not be regarded as misappropriation within the meaning of Article 4 of the Convention, provided that the Commissioner-General for Cultural Property certifies in writing, after having consulted the usual custodians, that such transfer was rendered necessary by circumstances.

CHAPTER IV
THE DISTINCTIVE EMBLEM

ARTICLE 20 – AFFIXING OF THE EMBLEM

1. The placing of the distinctive emblem and its degree of visibility shall be left to the discretion of the competent authorities of each High Contracting Party. It may be displayed on flags or armlets; it may be painted on an object or represented in any other appropriate form.

2. However, without prejudice to any possible fuller markings, the emblem shall, in the event of armed conflict and in the cases mentioned in Articles 12 and 13 of the Convention, be placed on the vehicles of transport so as to be clearly visible in daylight from the air as well as from the ground. The emblem shall be visible from the ground:

(a) at regular intervals sufficient to indicate clearly the perimeter of a centre containing monuments under special protection;

(b) at the entrance to other immovable cultural property under special protection.

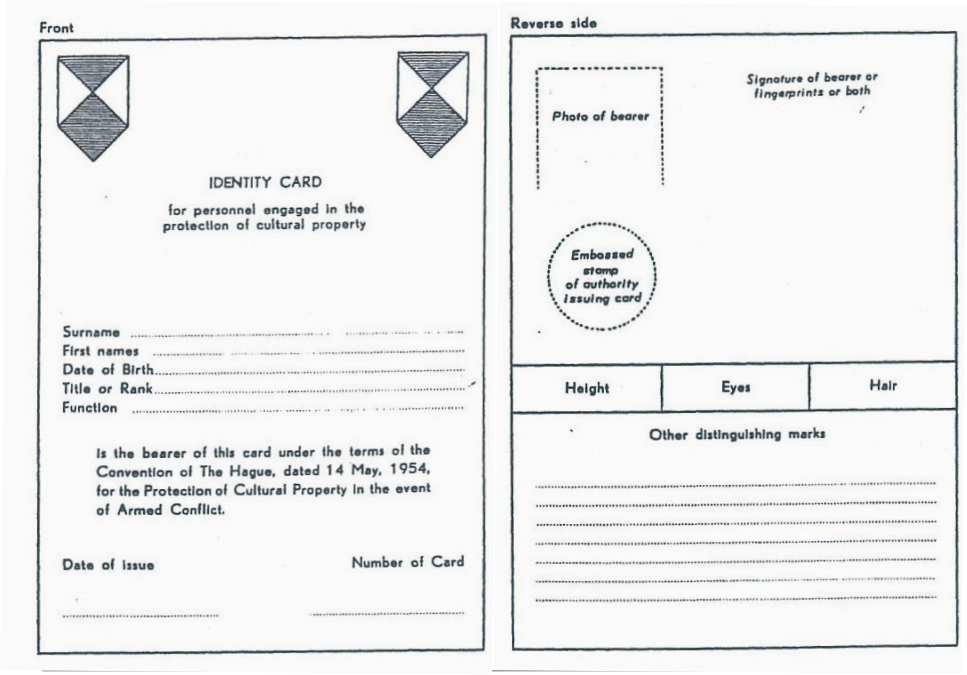
ARTICLE 21 – IDENTIFICATION OF PERSONS

1. The persons mentioned in Article 17, paragraph 2 *(b)* and *(c)* of the Convention may wear an armlet bearing the distinctive emblem, issued and stamped by the competent authorities.

2. Such persons shall carry a special identity card bearing the distinctive emblem. This card shall mention at least the surname and first names, the date of birth, the title or rank, and the function of the holder. The card shall bear the photograph of the holder as well as his signature or his fingerprints, or both. It shall bear the embossed stamp of the competent authorities.

3. Each High Contracting Party shall make out its own type of identity card, guided by the model annexed, by way of example, to the present Regulations. The High Contracting Parties shall transmit to each other a specimen of the model they are using. Identity cards shall be made out, if possible, at least in duplicate, one copy being kept by the issuing Power.

4. The said persons may not, without legitimate reason, be deprived of their identity card or of the right to wear the armlet.



MEETING OF THE HIGH CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT (THE HAGUE, 1954)

RULES OF PROCEDURE[1]

I. COMPOSITION OF THE MEETING

Rule 1 – High Contracting Parties

The representatives of States which are Parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted in The Hague on 14 May 1954, may participate in the work of the Meeting, with the right to vote.

Rule 2 – States non Parties to the Convention

2.1 The representatives of Member States of UNESCO not parties to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "The Hague Convention") and permanent observer missions to UNESCO may participate in the work of the Meeting as observers, without the right to vote, and subject to Rule 8.3.

2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations which have concluded mutual representation agreements with UNESCO, as well as observers of intergovernmental and international nongovernmental organizations invited by the Director-General, may participate in the work of the Meeting, without the right to vote, and subject to Rule 8.3.

II. ORGANIZATION OF THE MEETING

Rule 3 – Election

The Meeting shall elect its Chairperson, four Vice-Chairpersons and a Rapporteur.

1 Adopted at the sixth meeting of the High Contracting Parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (Paris, 26 October 2005).

Rule 4 – Subsidiary bodies

The Meeting may establish such working groups as are necessary for the conduct of its work. Each of these bodies shall elect its Chairperson and its Rapporteur.

Rule 5 – Bureau

The Bureau shall consist of: the Chairperson, the four Vice-Chairpersons and the Rapporteur. Its function is to co-ordinate the work of the Meeting and of its subsidiary bodies and to fix the date, hour and order of business of its sessions.

Rule 6 – Duties of the Chairperson

6.1 The Chairperson shall open and close each plenary session. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak to the representatives, put questions to vote and announce decisions. He/she shall rule on points of order and, subject to the present Rules, shall control the proceedings of each session and the maintenance of order.

6.2 If the Chairperson finds it necessary to be absent during a session or any part thereof, a Vice-Chairperson designated by him/her shall replace him/her. A Vice-Chairperson sitting as Chairperson shall share the same power and responsibilities as the Chairperson.

6.3 The Chairpersons and Vice-Chairpersons of the working groups have the same duties as far as the bodies which they are chairing are concerned.

III. CONDUCT OF BUSINESS

Rule 7 – Publicity of the sessions

All plenary sessions shall, unless the Meeting decides otherwise, be held in public.

Rule 8 – Order and time-limit of speakers

8.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

8.2 To facilitate the conduct of business, the Chairperson may limit the time to be allowed to each speaker.

8.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Meeting.

Rule 9 – Points of order

During a discussion, any delegation may raise a point of order. Such point of order shall be immediately decided by the Chairperson. An appeal may be made against the ruling of the Chairperson. Such appeal shall be put to the vote immediately.

Rule 10 – Adjournment and closure

Any of the delegates may move the adjournment or closure of the debate or the session. Such motions shall be immediately put to the vote.

Rule 11 – Resolutions and amendments

Draft resolutions and amendments, if any, shall be transmitted in writing to the Secretariat which shall circulate copies to the delegations. As a general rule, no resolution or amendment shall be discussed or put to the vote unless it has been circulated sufficiently in advance to all delegations in both working languages.

Rule 12 – Working languages

English and French are the working languages of the Meeting. Speakers are free, however, to speak in any other language, provided that they make their own arrangements for the interpretation of their speeches into one of the working languages.

Rule 13 – Voting

13.1 Each High Contracting Party shall have one vote. Voting shall normally be by a show of hands but any delegate may request vote by roll-call. The decisions shall be taken by a simple majority of the delegations present and voting.

13.2 For the purpose of the present Rules, the expression “delegations present and voting” shall mean States casting an affirmative or negative vote. States abstaining from voting shall be regarded as not voting.

13.3 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are made, the Meeting shall first vote on the amendment judged by the Chairperson to be furthest removed on substance from the original proposal, it shall then vote on the amendment next furthest removed therefrom and so on, until all the amendments have been put to the vote. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

IV. SECRETARIAT OF THE MEETING

Rule 14 – Secretariat

The Secretariat of the Meeting and of its bodies shall be provided by the UNESCO staff designated for this purpose by the Director General.

Rule 15 – Duties of the Secretariat

15.1 It shall be the duty of the Secretariat to receive, translate and distribute documents, reports and resolutions, to provide for the interpretation of speeches made at the Meeting in one of the working languages and to perform all other work necessary for the smooth functioning of the Meeting.

15.2 The Secretariat may, at any time, upon the Chairperson's approval, make statements, either written or oral, at the Meeting or at its bodies, concerning any matter under consideration by the Meeting.

V. AMENDMENT TO THE RULES OF PROCEDURE

Rule 16 – Amendment

The present Rules may be amended by a decision of the Meeting taken in plenary session.

1954 (FIRST) PROTOCOL

The Hague, 14 May 1954

The High Contracting Parties are agreed as follows :

I

1. Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954.

2. Each High Contracting Party undertakes to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be effected automatically upon the importation of the property or, failing this, at the request of the authorities of that territory.

3. Each High Contracting Party undertakes to return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which is in its territory, if such property has been exported in contravention of the principle laid down in the first paragraph. Such property shall never be retained as war reparations.

4. The High Contracting Party whose obligation it was to prevent the exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned in accordance with the preceding paragraph.

II

5. Cultural property coming from the territory of a High Contracting Party and deposited by it in the territory of another High Contracting Party for the purpose of protecting such property against the dangers of an armed conflict, shall be returned by the latter, at the end of hostilities, to the competent authorities of the territory from which it came.

III

6. The present Protocol shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April, 1954 to 14 May, 1954.

7. *(a)* The present Protocol shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

(b) The instruments of ratification shall be deposited with the Director General of the United Nations Educational, Scientific and Cultural Organization.

8. From the date of its entry into force, the present Protocol shall be open for accession by all States mentioned in paragraph 6 which have not signed it as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

9. The States referred to in paragraphs 6 and 8 may declare, at the time of signature, ratification or accession, that they will not be bound by the provisions of Section I or by those of Section II of the present Protocol.

10. *(a)* The present Protocol shall enter into force three months after five instruments of ratification have been deposited.

(b) Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.

(c) The situations referred to in Articles 18 and 19 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954, shall give immediate effect to ratifications and accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in paragraph 14 by the speediest method.

11. *(a)* Each State Party to the Protocol on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.

(b) This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Protocol.

12. Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director General of the United Nations Educational, Scientific and Cultural Organization, that the present Protocol shall extend to all or any of the territories for whose international

relations it is responsible. The said notification shall take effect three months after the date of its receipt.

13. *(a)* Each High Contracting Party may denounce the present Protocol, on its own behalf, or on behalf of any territory for whose international relations it is responsible.

(b) The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(c) The denunciation shall take effect one year after receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

14. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in paragraphs 6 and 8, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in paragraphs 7, 8 and 15 and the notifications and denunciations provided for respectively in paragraphs 12 and 13.

15. *(a)* The present Protocol may be revised if revision is requested by more than one-third of the High Contracting Parties.

(b) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall convene a Conference for this purpose.

(c) Amendments to the present Protocol shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.

(d) Acceptance by the High Contracting Parties of amendments to the present Protocol, which have been adopted by the Conference mentioned in sub-paragraphs *(b)* and *(c)*, shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(e) After the entry into force of amendments to the present Protocol, only the text of the said Protocol thus amended shall remain open for ratification or accession.

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof the undersigned, duly authorized, have signed the present Protocol.
Done at The Hague, this fourteenth day of May, 1954, in English, French, Russian and Spanish, the four texts being equally authoritative, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in paragraphs 6 and 8 as well as to the United Nations.

RESOLUTIONS OF THE 1954 HAGUE CONFERENCE

RESOLUTION I

The Conference expresses the hope that the competent organs of the United Nations should decide, in the event of military action being taken in implementation of the Charter, to ensure application of the provisions of the Convention by the armed forces taking part in such action.

RESOLUTION II

The Conference expresses the hope that each of the High Contracting Parties, on acceding to the Convention, should set up, within the framework of its constitutional and administrative system, a national advisory committee consisting of a small number of distinguished persons: for example, senior officials of archaeological services, museums, etc., a representative of the military general staff, a representative of the Ministry of Foreign Affairs, a specialist in international law and two or three other members whose official duties or specialized knowledge are related to the fields covered by the Convention.

The Committee should be under the authority of the minister of State or senior official responsible for the national service chiefly concerned with the care of cultural property. Its chief functions would be:

a) to advise the government concerning the measures required for the implementation of the Convention in its legislative, technical or military aspects, both in time of peace and during an armed conflict;

b) to approach its government in the event of an armed conflict or when such a conflict appears imminent, with a view to ensuring that cultural property situated within its own territory or within that of other countries is known to, and respected and protected by the armed forces of the country, in accordance with the provisions of the Convention;

c) to arrange, in agreement with its government, for liaison and co-operation with other similar national committees and with any competent international authority.

RESOLUTION III

The Conference expresses the hope that the Director-General of the United Nations Educational, Scientific and Cultural Organization should convene, as soon as possible after the entry into force of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, a meeting of the High Contracting Parties.

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

The Hague, 26 March 1999

The Parties,

Conscious of the need to improve the protection of cultural property in the event of armed conflict and to establish an enhanced system of protection for specifically designated cultural property;

Reaffirming the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954, and emphasizing the necessity to supplement these provisions through measures to reinforce their implementation;

Desiring to provide the High Contracting Parties to the Convention with a means of being more closely involved in the protection of cultural property in the event of armed conflict by establishing appropriate procedures therefor;

Considering that the rules governing the protection of cultural property in the event of armed conflict should reflect developments in international law;

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of this Protocol;

Have agreed as follows:

Chapter 1
Introduction

Article 1 – Definitions

For the purposes of this Protocol:

(a) "Party" means a State Party to this Protocol;

(b) "cultural property" means cultural property as defined in Article 1 of the Convention;

(c) "Convention" means the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954;

(d) "High Contracting Party" means a State Party to the Convention;

(e) "enhanced protection" means the system of enhanced protection established by Articles 10 and 11;

(f) "military objective" means an object which by its nature, location, purpose, or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage;

(g) "illicit" means under compulsion or otherwise in violation of the applicable rules of the domestic law of the occupied territory or of international law;

(h) "List" means the International List of Cultural Property under Enhanced Protection established in accordance with Article 27, sub-paragraph 1(b);

(i) "Director-General" means the Director-General of UNESCO;

(j) "UNESCO" means the United Nations Educational, Scientific and Cultural Organization;

(k) "First Protocol" means the Protocol for the Protection of Cultural Property in the Event of Armed Conflict done at The Hague on 14 May 1954.

Article 2 – Relation to the Convention

This Protocol supplements the Convention in relations between the Parties.

Article 3 – Scope of application

1. In addition to the provisions which shall apply in time of peace, this Protocol shall apply in situations referred to in Article 18 paragraphs 1 and 2 of the Convention and in Article 22 paragraph 1.

2. When one of the parties to an armed conflict is not bound by this Protocol, the Parties to this Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to a State party to the conflict which is not bound by it, if the latter accepts the provisions of this Protocol and so long as it applies them.

Article 4 – Relationship between Chapter 3 and other provisions of the Convention and this Protocol

The application of the provisions of Chapter 3 of this Protocol is without prejudice to:

(a) the application of the provisions of Chapter I of the Convention and of Chapter 2 of this Protocol;

(b) the application of the provisions of Chapter II of the Convention save that, as between Parties to this Protocol or as between a Party and a State which accepts and applies this Protocol in accordance with Article 3 paragraph 2, where cultural property has been granted both special protection and enhanced protection, only the provisions of enhanced protection shall apply.

Chapter 2
General provisions regarding protection

Article 5 – Safeguarding of cultural property

Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate *in situ* protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.

Article 6 – Respect for cultural property

With the goal of ensuring respect for cultural property in accordance with Article 4 of the Convention:

(a) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to direct an act of hostility against cultural property when and for as long as:

  (i) that cultural property has, by its function, been made into a military objective; and

(ii) there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against that objective;

(b) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to use cultural property for purposes which are likely to expose it to destruction or damage when and for as long as no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage;

(c) the decision to invoke imperative military necessity shall only be taken by an officer commanding a force the equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise;

(d) in case of an attack based on a decision taken in accordance with sub-paragraph (a), an effective advance warning shall be given whenever circumstances permit.

Article 7 – Precautions in attack

Without prejudice to other precautions required by international humanitarian law in the conduct of military operations, each Party to the conflict shall:

(a) do everything feasible to verify that the objectives to be attacked are not cultural property protected under Article 4 of the Convention;

(b) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental damage to cultural property protected under Article 4 of the Convention;

(c) refrain from deciding to launch any attack which may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated; and

(d) cancel or suspend an attack if it becomes apparent:

(i) that the objective is cultural property protected under Article 4 of the Convention;

(ii) that the attack may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated.

Article 8 – Precautions against the effects of hostilities

The Parties to the conflict shall, to the maximum extent feasible:

(a) remove movable cultural property from the vicinity of military objectives or provide for adequate *in situ* protection;

(b) avoid locating military objectives near cultural property.

Article 9 – Protection of cultural property in occupied territory

1. Without prejudice to the provisions of Articles 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory:

   (a) any illicit export, other removal or transfer of ownership of cultural property;

   (b) any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property;

   (c) any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

2. Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be carried out in close co-operation with the competent national authorities of the occupied territory.

Chapter 3
Enhanced Protection

Article 10 – Enhanced protection

Cultural property may be placed under enhanced protection provided that it meets the following three conditions:

(a) it is cultural heritage of the greatest importance for humanity;

(b) it is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection;

(c) it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

Article 11 – The granting of enhanced protection

1. Each Party should submit to the Committee a list of cultural property for which it intends to request the granting of enhanced protection.

2. The Party which has jurisdiction or control over the cultural property may request that it be included in the List to be established in accordance with Article 27 sub-paragraph 1(b). This request shall include all necessary information related to the criteria mentioned in Article 10. The Committee may invite a Party to request that cultural property be included in the List.

3. Other Parties, the International Committee of the Blue Shield and other non-governmental organisations with relevant expertise may recommend specific cultural property to the Committee. In such cases, the Committee may decide to invite a Party to request inclusion of that cultural property in the List.

4. Neither the request for inclusion of cultural property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, nor its inclusion, shall in any way prejudice the rights of the parties to the dispute.

5. Upon receipt of a request for inclusion in the List, the Committee shall inform all Parties of the request. Parties may submit representations regarding such a request to the Committee within sixty days. These representations shall be made only on the basis of the criteria mentioned in Article 10. They shall be specific and related to facts. The Committee shall consider the representations, providing the Party requesting inclusion with a reasonable opportunity to respond before taking the decision. When such representations are before the Committee, decisions for inclusion in the List shall be taken, notwithstanding Article 26, by a majority of four-fifths of its members present and voting.

6. In deciding upon a request, the Committee should ask the advice of governmental and non-governmental organisations, as well as of individual experts.

7. A decision to grant or deny enhanced protection may only be made on the basis of the criteria mentioned in Article 10.

8. In exceptional cases, when the Committee has concluded that the Party requesting inclusion of cultural property in the List cannot fulfil the criteria of Article 10 sub-paragraph (b), the Committee may decide to grant enhanced

protection, provided that the requesting Party submits a request for international assistance under Article 32.

9. Upon the outbreak of hostilities, a Party to the conflict may request, on an emergency basis, enhanced protection of cultural property under its jurisdiction or control by communicating this request to the Committee. The Committee shall transmit this request immediately to all Parties to the conflict. In such cases the Committee will consider representations from the Parties concerned on an expedited basis. The decision to grant provisional enhanced protection shall be taken as soon as possible and, notwithstanding Article 26, by a majority of four-fifths of its members present and voting. Provisional enhanced protection may be granted by the Committee pending the outcome of the regular procedure for the granting of enhanced protection, provided that the provisions of Article 10 sub-paragraphs (a) and (c) are met.

10. Enhanced protection shall be granted to cultural property by the Committee from the moment of its entry in the List.

11. 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.

Article 12 – Immunity of cultural property under enhanced protection

The Parties to a conflict shall ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack or from any use of the property or its immediate surroundings in support of military action.

Article 13 – Loss of enhanced protection

1. Cultural property under enhanced protection shall only lose such protection:

   (a) if such protection is suspended or cancelled in accordance with Article 14; or

   (b) if, and for as long as, the property has, by its use, become a military objective.

2. In the circumstances of sub-paragraph 1(b), such property may only be the object of attack if:

(a) the attack is the only feasible means of terminating the use of the property referred to in sub-paragraph 1(b);

(b) all feasible precautions are taken in the choice of means and methods of attack, with a view to terminating such use and avoiding, or in any event minimising, damage to the cultural property;

(c) unless circumstances do not permit, due to requirements of immediate self-defence:

(i) the attack is ordered at the highest operational level of command;

(ii) effective advance warning is issued to the opposing forces requiring the termination of the use referred to in sub-paragraph 1(b); and

(iii) reasonable time is given to the opposing forces to redress the situation.

Article 14 – Suspension and cancellation of enhanced protection

1. Where cultural property no longer meets any one of the criteria in Article 10 of this Protocol, the Committee may suspend its enhanced protection status or cancel that status by removing that cultural property from the List.

2. In the case of a serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action, the Committee may suspend its enhanced protection status. Where such violations are continuous, the Committee may exceptionally cancel the enhanced protection status by removing the cultural property from the List.

3. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties to this Protocol notification of any decision of the Committee to suspend or cancel the enhanced protection of cultural property.

4. Before taking such a decision, the Committee shall afford an opportunity to the Parties to make their views known.

Chapter 4
Criminal responsibility and jurisdiction

Article 15 – Serious violations of this Protocol

1. Any person commits an offence within the meaning of this Protocol if that person intentionally and in violation of the Convention or this Protocol commits any of the following acts:

   (a) making cultural property under enhanced protection the object of attack;

   (b) using cultural property under enhanced protection or its immediate surroundings in support of military action;

   (c) extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;

   (d) making cultural property protected under the Convention and this Protocol the object of attack;

   (e) theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.

2. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. When doing so, Parties shall comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act.

Article 16 – Jurisdiction

1. Without prejudice to paragraph 2, each Party shall take the necessary legislative measures to establish its jurisdiction over offences set forth in Article 15 in the following cases:

   (a) when such an offence is committed in the territory of that State;

   (b) when the alleged offender is a national of that State;

   (c) in the case of offences set forth in Article 15 sub-paragraphs (a) to (c), when the alleged offender is present in its territory.

2. With respect to the exercise of jurisdiction and without prejudice to Article 28 of the Convention:

   (a) this Protocol does not preclude the incurring of individual criminal responsibility or the exercise of jurisdiction under national and international law that may be applicable, or affect the exercise of jurisdiction under customary international law;

   (b) except in so far as a State which is not Party to this Protocol may accept and apply its provisions in accordance with Article 3 paragraph 2, members of the armed forces and nationals of a State which is not Party to this Protocol, except for those nationals serving in the armed forces of a State which is a Party to this Protocol, do not incur individual criminal responsibility by virtue of this Protocol, nor does this Protocol impose an obligation to establish jurisdiction over such persons or to extradite them.

Article 17 – Prosecution

1. The Party in whose territory the alleged offender of an offence set forth in Article 15 sub-paragraphs 1 (a) to (c) is found to be present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities, for the purpose of prosecution, through proceedings in accordance with its domestic law or with, if applicable, the relevant rules of international law.

2. Without prejudice to, if applicable, the relevant rules of international law, any person regarding whom proceedings are being carried out in connection with the Convention or this Protocol shall be guaranteed fair treatment and a fair trial in accordance with domestic law and international law at all stages of the proceedings, and in no cases shall be provided guarantees less favorable to such person than those provided by international law.

Article 18 – Extradition

1. The offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Protocol. Parties undertake to include such offences in every extradition treaty to be subsequently concluded between them.

2. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no

extradition treaty, the requested Party may, at its option, consider the present Protocol as the legal basis for extradition in respect of offences as set forth in Article 15 sub-paragraphs 1 (a) to (c).

3. Parties which do not make extradition conditional on the existence of a treaty shall recognise the offences set forth in Article 15 sub-paragraphs 1 (a) to (c) as extraditable offences between them, subject to the conditions provided by the law of the requested Party.

4. If necessary, offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be treated, for the purposes of extradition between Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the Parties that have established jurisdiction in accordance with Article 16 paragraph 1.

Article 19 – Mutual legal assistance

1. Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article 15, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, Parties shall afford one another assistance in accordance with their domestic law.

Article 20 – Grounds for refusal

1. For the purpose of extradition, offences set forth in Article 15 sub-paragraphs 1 (a) to (c), and for the purpose of mutual legal assistance, offences set forth in Article 15 shall not be regarded as political offences nor as offences connected with political offences nor as offences inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such offences may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

2. Nothing in this Protocol shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested Party has substantial grounds for believing that the request for extradition for offences set forth in Article 15 sub-paragraphs 1 (a) to (c) or for mutual legal assistance with respect

to offences set forth in Article 15 has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 21 – Measures regarding other violations

Without prejudice to Article 28 of the Convention, each Party shall adopt such legislative, administrative or disciplinary measures as may be necessary to suppress the following acts when committed intentionally:

(a) any use of cultural property in violation of the Convention or this Protocol;

(b) any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the Convention or this Protocol.

Chapter 5
The protection of cultural property in armed conflicts not of an international character

Article 22 – Armed conflicts not of an international character

1. This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.

3. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

4. Nothing in this Protocol shall prejudice the primary jurisdiction of a Party in whose territory an armed conflict not of an international character occurs over the violations set forth in Article 15.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs.

6. The application of this Protocol to the situation referred to in paragraph 1 shall not affect the legal status of the parties to the conflict.

7. UNESCO may offer its services to the parties to the conflict.

Chapter 6
Institutional Issues

Article 23 – Meeting of the Parties

1. The Meeting of the Parties shall be convened at the same time as the General Conference of UNESCO, and in co-ordination with the Meeting of the High Contracting Parties, if such a meeting has been called by the Director-General.

2. The Meeting of the Parties shall adopt its Rules of Procedure.

3. The Meeting of the Parties shall have the following functions:

   (a) to elect the Members of the Committee, in accordance with Article 24 paragraph 1;

   (b) to endorse the Guidelines developed by the Committee in accordance with Article 27 sub-paragraph 1(a);

   (c) to provide guidelines for, and to supervise the use of the Fund by the Committee;

   (d) to consider the report submitted by the Committee in accordance with Article 27 sub-paragraph 1(d);

   (e) to discuss any problem related to the application of this Protocol, and to make recommendations, as appropriate.

4. At the request of at least one-fifth of the Parties, the Director-General shall convene an Extraordinary Meeting of the Parties.

Article 24 – Committee for the Protection of Cultural Property in the Event of Armed Conflict

1. The Committee for the Protection of Cultural Property in the Event of Armed Conflict is hereby established. It shall be composed of twelve Parties which shall be elected by the Meeting of the Parties.

2. The Committee shall meet once a year in ordinary session and in extra-ordinary sessions whenever it deems necessary.

3. In determining membership of the Committee, Parties shall seek to ensure an equitable representation of the different regions and cultures of the world.

4. Parties members of the Committee shall choose as their representatives persons qualified in the fields of cultural heritage, 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 fields.

Article 25 – Term of office

1. A Party shall be elected to the Committee for four years and shall be eligible for immediate re-election only once.

2. Notwithstanding the provisions of paragraph 1, the term of office of half of the members chosen at the time of the first election shall cease at the end of the first ordinary session of the Meeting of the Parties following that at which they were elected. These members shall be chosen by lot by the President of this Meeting after the first election.

Article 26 – Rules of procedure

1. The Committee shall adopt its Rules of Procedure.

2. A majority of the members shall constitute a quorum. Decisions of the Committee shall be taken by a majority of two-thirds of its members voting.

3. Members shall not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.

Article 27 – Functions

1. The Committee shall have the following functions:

   (a) to develop Guidelines for the implementation of this 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 this Protocol and promote the identification of cultural property under enhanced protection;

   (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;

   (e) to receive and consider requests for international assistance under Article 32;

   (f) to determine the use of the Fund;

   (g) to perform any other function which may be assigned to it by the Meeting of the Parties.

2. The functions of the Committee shall be performed in co-operation with the Director-General.

3. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of the Convention, its First Protocol and this Protocol. To assist in the implementation of its functions, 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. Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

Article 28 – Secretariat

The Committee shall be assisted by the Secretariat of UNESCO which shall prepare the Committee's documentation and the agenda for its meetings and shall have the responsibility for the implementation of its decisions.

Article 29 – The Fund for the Protection of Cultural Property in the Event of Armed Conflict

1. A Fund is hereby established for the following purposes:

   (a) to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, *inter alia*, Article 5, Article 10 sub-paragraph (b) and Article 30; and

   (b) to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, inter alia, Article 8 sub-paragraph (a).

2. The Fund shall constitute a trust fund, in conformity with the provisions of the financial regulations of UNESCO.

3. Disbursements from the Fund shall be used only for such purposes as the Committee shall decide in accordance with the guidelines as defined in Article 23 sub-paragraph 3(c). The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.

4. The resources of the Fund shall consist of:

   (a) voluntary contributions made by the Parties;

   (b) contributions, gifts or bequests made by:

      (i) other States;

      (ii) UNESCO or other organizations of the United Nations system;

      (iii) other intergovernmental or non-governmental organizations; and

      (iv) public or private bodies or individuals;

(c) any interest accruing on the Fund;

(d) funds raised by collections and receipts from events organized for the benefit of the Fund; and

(e) all other resources authorized by the guidelines applicable to the Fund.

Chapter 7
Dissemination of Information and International Assistance

Article 30 – Dissemination

1. The Parties shall endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population.

2. The Parties shall disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.

3. Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, shall be fully acquainted with the text thereof. To this end the Parties shall, as appropriate:

(a) incorporate guidelines and instructions on the protection of cultural property in their military regulations;

(b) develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes;

(c) communicate to one another, through the Director-General, information on the laws, administrative provisions and measures taken under sub-paragraphs (a) and (b);

(d) communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they may adopt to ensure the application of this Protocol.

Article 31 – International cooperation

In situations of serious violations of this Protocol, the Parties undertake to act, jointly through the Committee, or individually, in cooperation with UNESCO and the United Nations and in conformity with the Charter of the United Nations.

Article 32 – International assistance

1. A Party may request from the Committee international assistance for cultural property under enhanced protection as well as assistance with respect to the preparation, development or implementation of the laws, administrative provisions and measures referred to in Article 10.

2. A party to the conflict, which is not a Party to this Protocol but which accepts and applies provisions in accordance with Article 3, paragraph 2, may request appropriate international assistance from the Committee.

3. The Committee shall adopt rules for the submission of requests for international assistance and shall define the forms the international assistance may take.

4. Parties are encouraged to give technical assistance of all kinds, through the Committee, to those Parties or parties to the conflict who request it.

Article 33 – Assistance of UNESCO

1. A Party may call upon UNESCO for technical assistance in organizing the protection of its cultural property, such as preparatory action to safeguard cultural property, preventive and organizational measures for emergency situations and compilation of national inventories of cultural property, or in connection with any other problem arising out of the application of this Protocol. UNESCO shall accord such assistance within the limits fixed by its programme and by its resources.

2. Parties are encouraged to provide technical assistance at bilateral or multilateral level.

3. UNESCO is authorized to make, on its own initiative, proposals on these matters to the Parties.

Chapter 8
Execution of this Protocol

Article 34 – Protecting Powers

This Protocol shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Article 35 – Conciliation procedure

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of this Protocol.

2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a State not party to the conflict or a person presented by the Director-General, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Article 36 – Conciliation in absence of Protecting Powers

1. In a conflict where no Protecting Powers are appointed the Director-General may lend good offices or act by any other form of conciliation or mediation, with a view to settling the disagreement.

2. At the invitation of one Party or of the Director-General, the Chairman of the Committee may propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict.

Article 37 – Translations and reports

1. The Parties shall translate this Protocol into their official languages and shall communicate these official translations to the Director-General.

2. The Parties shall submit to the Committee, every four years, a report on the implementation of this Protocol.

Article 38 – State responsibility

No provision in this Protocol relating to individual criminal responsibility shall affect the responsibility of States under international law, including the duty to provide reparation.

Chapter 9
Final Clauses

Article 39 – Languages

This Protocol is drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authentic.

Article 40 – Signature

This Protocol shall bear the date of 26 March 1999. It shall be opened for signature by all High Contracting Parties at The Hague from 17 May 1999 until 31 December 1999.

Article 41 – Ratification, acceptance or approval

1. This Protocol shall be subject to ratification, acceptance or approval by High Contracting Parties which have signed this Protocol, in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General.

Article 42 – Accession

1. This Protocol shall be open for accession by other High Contracting Parties from 1 January 2000.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General.

Article 43 – Entry into force

1. This Protocol shall enter into force three months after twenty instruments of ratification, acceptance, approval or accession have been deposited.

2. Thereafter, it shall enter into force, for each Party, three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 44 – Entry into force in situations of armed conflict

The situations referred to in Articles 18 and 19 of the Convention shall give immediate effect to ratifications, acceptances or approvals of or accessions to this Protocol deposited by the parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General shall transmit the communications referred to in Article 46 by the speediest method.

Article 45 – Denunciation

1. Each Party may denounce this Protocol.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General.

3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Article 46 – Notifications

The Director-General shall inform all High Contracting Parties as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 41 and 42 and of denunciations provided for Article 45.

Article 47 – Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol.
DONE at The Hague, this twenty-sixth day of March 1999, in a single copy which shall be deposited in the archives of the UNESCO, and certified true copies of which shall be delivered to all the High Contracting Parties.

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

Endorsed by the third 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, 24 November 2009)

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I. INTRODUCTION

I.A 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

1. The main purpose of the present document (hereinafter "the Guidelines") is to provide a concise and practical tool to facilitate the implementation of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "the Second Protocol") by its Parties and to provide guidance to the Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "the Committee") and the Secretariat of UNESCO (hereinafter "the Secretariat") for the fulfilment of their functions as established by the Second Protocol.

2. The Guidelines attempt to embody the best practices in the implementation of the Second Protocol.

3. In accordance with Article 27(1)(a) of the Second Protocol, the Guidelines are developed by the Committee. Following Article 23(3)(b) of the Second Protocol, they are subsequently endorsed by the Meeting of the Parties. The Guidelines may be revised to reflect the decisions and recommendations adopted by the Meeting of the Parties and the Committee.

Article 27(1)(a) of the Second Protocol
Article 23(3)(b) of the Second Protocol

I.B Scope of application of the Second Protocol

4. The Second Protocol, which entered into force on 9 March 2004, is an international agreement supplementing the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "the Convention") in relations between the Parties. It aims to improve the protection of cultural property in the event of armed conflict as defined by the Convention. Thus, for the purposes of the Second Protocol, the term "cultural property" covers, irrespective of origin or ownership:

Article 2 of the Second Protocol

a. Movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

Article 1(b) of the Second Protocol and Article 1 of the Convention

b. Buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

c. Centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as "centres containing monuments".

5. In addition to the provisions which shall be implemented in time of peace, the Second Protocol applies:

Article 3(1) of the Second Protocol

a. In the event of declared war or of any other armed conflict which may arise between two or more of the Parties, even if the state of war is not recognized by one or more of them.

b. To all cases of partial or total occupation of the territory of a Party, even if the said occupation meets with no armed resistance.

c. In the event of an armed conflict not of an international character, occurring within the territory of one of the Parties.

6. The Second Protocol supplements the Convention by reinforcing the provisions related to the safeguarding of and respect for cultural property in the event of armed conflict.

Articles 5-9 of the Second Protocol

7. The Second Protocol introduces a regime of enhanced protection. It stipulates that cultural property of the greatest importance for humanity can be placed under enhanced protection. Enhanced protection is granted to the cultural property from the moment of its entry in the List of Cultural Property under Enhanced Protection (hereinafter "the List") as decided by the Committee.

Articles 10-14 of the Second Protocol

8. The Second Protocol defines serious violations and obliges Parties to adopt appropriate legislation to make these violations to the Second Protocol criminal offences under their national law, notwithstanding the responsibility of States under international law. It also covers other obligations of Parties related to criminal responsibility and jurisdiction.

Articles 15-21 of the Second Protocol

9. The Second Protocol establishes the Committee composed of twelve Parties which is essentially responsible for the management of enhanced protection, the monitoring and supervision of the implementation of the Second Protocol and the granting of international assistance. It also establishes the Fund for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "the Fund"). Finally, the Second Protocol provides for periodic meetings of the Parties.

Chapter 6 of the Second Protocol

I.C Relationship between the Convention and the Second Protocol

10. Only the High Contracting Parties to the Convention may become Parties to the Second Protocol. The Second Protocol supplements the Convention in mutual relations between the Parties. As an exception, however, if the cultural property has been granted both special protection as defined in the Convention and enhanced protection, the provisions of special protection will be replaced by the provisions of enhanced protection.

Articles 2 and 4(b) of the Second Protocol

11. The Second Protocol does not affect the rights and obligations of the High Contracting Parties to the Convention.[1] In mutual relations between the High Contracting Parties to the Convention, the Parties remain bound by the Convention alone. In mutual relations between States Parties to the Convention and the Second Protocol, they are bound by both instruments. In mutual relations between a State Party to the Convention and the Second Protocol and a High Contracting Party to the Convention, they are bound only by the provisions of the Convention.

Article 34 of the 1969 Vienna Convention on the Law of Treaties
Article 30(4) of the 1969 Vienna Convention on the Law of Treaties

I.D Key actors of the Second Protocol

12. The key actors of the Second Protocol are:

a. Parties;
b. the Meeting of the Parties;
c. the Committee; and,
d. UNESCO.

1 Final Act of the Diplomatic Conference on the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, Summary report, Annex 1, Hague 15-23. 3. 1999 para 11. http://unesdoc.unesco.org/images/0013/001332/133243eo.pdf

13. The key actors of the Second Protocol are encouraged to ensure the participation of a wide variety of stakeholders, including international and national governmental and non-governmental organizations having objectives similar to those of the Convention and its two Protocols. In particular, such participation may address, amongst other issues related to the Second Protocol, the national implementation, awareness-raising and dissemination of the Second Protocol both within target groups and the general public, offering technical advice related to safeguarding of cultural property or, in case of the constitutent bodies of the International Committee of the Blue Shield, on providing advice with regard to the granting of enhanced protection.

Parties

14. The High Contracting Parties to the Convention are encouraged to become Parties to the Second Protocol by depositing an instrument of ratification, acceptance, approval or accession with the Director-General of UNESCO (hereinafter "the Director-General"). Model instruments for that are provided by the Secretariat.

Articles 41 and 42 of the Second Protocol

15. The Second Protocol enters into force for each new Party three months after the deposit of its instrument of ratification, acceptance, approval or accession. As an exception to the three-month rule, situations of armed conflict, both of an international or non-international character, give immediate effect to ratifications, acceptances, approvals or accessions to the Second Protocol deposited by the parties to the conflict either before or after the beginning of hostilities or occupation.

Articles 43 and 44 of the Second Protocol

16. The list of Parties is available online at the following address: www.unesco.org.

Meeting of the Parties

Article 23 of the Second Protocol

17. The Meeting of the Parties is the highest body established by the Second Protocol in order to promote its implementation. Its functions are:

a. to elect the Members of the Committee;

b. to endorse the Guidelines developed by the Committee;

c. to provide guidelines for and supervise the use of the Fund by the Committee;

d. to consider the reports submitted by the Committee;

e. to discuss any problem related to the application of the Second Protocol, and make recommendations, as appropriate; and,

f. to assign to the Committee functions other than those mentioned in Article 27 (1) (a-f) of the Second Protocol.

18. The Meeting of the Parties is convened at the same time as the General Conference of UNESCO, and in co-ordination with the Meeting of the High Contracting Parties to the Convention, if such a meeting has been called by the Director-General. At the request of at least one-fifth of the Parties, the Director-General convenes an Extraordinary Meeting of the Parties.

The Committee

Articles 24 - 27 of the Second Protocol

19. The Committee is the intergovernmental executive body entitled by the Second Protocol to perform, in co-operation with the Director-General, 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;

c. to monitor and supervise the implementation of the Second Protocol and to promote the identification of cultural property under enhanced protection;

d. to consider and comment on reports of the Parties, to seek clarifications as required, and to 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 from Parties as provided by the Second Protocol;

f. to determine the use of the Fund; and,

g. to execute other functions assigned to it by the Meeting of the Parties.

20. In addition to its functions, the Committee adopts rules for the submission of requests for international assistance. It also defines the forms this international assistance may take. The Committee also conveys technical assistance provided by Parties or parties to a given conflict.

Article 32(3) of the Second Protocol
Article 32(4) of the Second Protocol

21. The Committee is composed of twelve Parties which, paying due regard to equitable geographical distribution, are elected by the Meeting of the Parties for four-year terms. Immediate re-election of a Party is possible only once. Parties that are members of the Committee choose as their representatives persons qualified in the fields of cultural heritage, defence or international law, and they endeavour, in consultation with one another, to ensure that the Committee as a whole contains adequate expertise in all these fields.

Article 24 of the Second Protocol

22. The Committee meets once a year in ordinary session and in extra-ordinary sessions whenever it deems necessary. The Committee conducts its business in accordance with its Rules of Procedure.

Article 24 of the Second Protocol

23. The Committee adopts and updates its own Rules of Procedure. The Committee may define its internal annual working schedule as well as provide other relevant guidance concerning the practical conduct of business under these Rules. Guidance provided by the Rules of Procedure and concerning Parties will be distributed through the Secretariat.

Article 26(1) of the Second Protocol

24. The Committee also co-operates with international and national governmental and non-governmental organizations having objectives similar to those of the Convention and its two Protocols. To assist in the implementation of its functions, the Committee may invite to its meetings, and consult within the framework of granting enhanced protection, 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 (the Co-ordinating Council of Audiovisual Archives Associations (CCAAA), the International Council on Archives (ICA), the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS) and the International Federation of Library Associations and Institutions (IFLA)). Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

Article 27(3) of the Second Protocol

UNESCO

25. The Committee is assisted by the Secretariat which prepares the Committee's documentation and the agenda for its meetings and has the responsibility for the implementation of its decisions. The Secretariat receives, translates and distributes all official documents of the Committee and arranges interpretation as needed. The Secretariat also performs other necessary functions so that the Committee may perform its work properly.

Article 28 of the Second Protocol
Rules of Procedure of the Committee

26. In addition, UNESCO provides technical assistance to the Parties in organizing the protection of their cultural property. The nature and terms of such assistance are described in detail in Chapter VI.

Article 33 of the Second Protocol

II. GENERAL PROVISIONS REGARDING PROTECTION

II.A Safeguarding of cultural property

27. Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention include, as appropriate:

Article 5 of the Second Protocol

- the preparation of inventories;
- the planning of emergency measures for protection against fire or structural collapse;
- the preparation for the removal of movable cultural property or the provision for adequate *in situ* protection of such property; and,
- the designation of competent authorities responsible for the safeguarding of cultural property.

As the above list of preparatory measures is not exhaustive, Parties are also encouraged to consider other appropriate preparatory measures consistent with the purposes of the Second Protocol.

28. The Committee encourages the Parties to cooperate both at international and national level with the competent non-governmental organisations as well as to exchange information on national safeguarding policies and practices.

29. In order to harmonise the documentation related to all cultural property protected under the Second Protocol, the Committee encourages the Parties to apply, as appropriate, the relevant provisions of the Guidelines regarding the nomination dossier for enhanced protection to document all cultural property protected under the Second Protocol.

II.B Precautions against the effects of hostilities

30. The Parties are obliged, to the maximum extent feasible: Article 8 of the Second Protocol

- to remove movable cultural property from the vicinity of military objectives or to provide adequate *in situ* protection; and,
- to avoid locating military objectives near cultural property.

III. ENHANCED PROTECTION

III.A The granting of enhanced protection

Criteria

31. The Committee may place cultural property under enhanced protection provided that it meets the three criteria laid down in the Second Protocol. Article 10 of the Second Protocol

Greatest importance for humanity

32. While considering whether cultural property is of greatest importance for humanity, the Committee will evaluate, case by case, its exceptional cultural significance, and/or its uniqueness, and/or if its destruction would lead to irretrievable loss for humanity. Article 10(a) of the Second Protocol

33. Cultural property of national, regional or universal value may have exceptional cultural significance. This significance may be deduced from the following indicative criteria:

- it is an exceptional cultural property bearing testimony to one or more periods of the development of humankind at the national, regional or global level;
- it represents a masterpiece of human creativity;
- it bears an exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
- it exhibits an important interchange of human achievements, over a span of time or within a cultural area of the world on developments in arts and sciences;
- it has a central significance to the cultural identity of societies concerned.

34. Cultural property is considered to be unique if there is no other comparable cultural property that is of the same cultural significance. The unique character may be deduced from a variety of indicative criteria including:

a. age;
b. history;
c. community;
d. representativity;
e. location;
f. size and dimension;
g. shape and design;
h. purity and authenticity in style;
i. integrity;
j. context;
k. artistic craftsmanship;
l. aesthetic value;
m. scientific value.

35. The criterion of irretrievable loss for humanity is met if the damage or destruction of the cultural property in question would result in the impoverishment of the cultural diversity or cultural heritage of humankind.

36. It is presumed that the Committee, subject to other relevant considerations, will consider that immovable cultural property inscribed on the World Heritage List satisfies the condition of greatest importance for humanity.

37. In the case of documentary heritage, the Committee will consider the fact that the cultural property is inscribed on UNESCO's Memory of the World Register.

Adequate domestic legal and administrative measures of protection

38. The cultural property is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection. The protection accorded to cultural property of exceptional value takes into account the obligations of the Parties under Article 12 of the Second Protocol.

Articles 10(b) and 12 of the Second Protocol

39. Such measures ensure that the cultural property is protected adequately against any kind of negligence, decay or destruction even in time of peace. In evaluating whether cultural property is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection, the Committee considers, in particular, national measures intended for:

- the identification and safeguarding of cultural property proposed for enhanced protection in accordance with Article 5 of the Second Protocol;
- due consideration of the protection of the cultural property proposed for enhanced protection in military planning and military training programs; and,
- appropriate criminal legislation providing for the repression of, and jurisdiction over, offenses committed against cultural property under enhanced protection within the meaning of, and in accordance with, Chapter 4 of the Second Protocol.

40. The domestic legal and administrative measures of protection are only adequate if they are effective in practice. The Committee therefore examines, *inter alia*, whether they are based on a coherent system of protection and achieve the expected results.

Article 32(1) of the Second Protocol

41. A Party may request international assistance from the Committee in the preparation, development or implementation of the laws, administrative provisions and other measures to be fulfilled.

No military use

42. The cultural property concerned must not be used for military purposes or to shield military sites. The Party which has control over the cultural property has to make a declaration confirming that the cultural property will not be used for military purposes or to shield military sites. In accordance with Article 3 of the Second Protocol, these provisions also apply in times of peace. Article 10(c) of the Second Protocol

43. The guarding of cultural property by armed custodians specially empowered to do so, or the presence, in the vicinity of such cultural property, of police forces normally responsible for the maintenance of public order, is not deemed "use for military purposes". Article 8(4) of the Convention

Procedure for granting enhanced protection

44. The Parties are entitled and encouraged to submit to the Committee requests for the granting of enhanced protection to cultural property under their jurisdiction or control. The Committee, which establishes and maintains the List, decides in each particular case whether the criteria set out above are met. To facilitate the granting of enhanced protection, the Secretariat prepared an enhanced protection request form (Annex I).

45. The request for the granting of enhanced protection is sent to the Committee through the Secretariat.

46. The Secretariat acknowledges the receipt, checks for completeness and registers the request. The Secretariat requests any additional information from the Party, as appropriate. The Secretariat forwards complete requests to the Bureau of the Committee (hereinafter "the Bureau").

47. The Bureau may consult organisations with relevant expertise for evaluation of the request. The Bureau will forward the request (including the evaluation) to the Committee and may propose a decision. Article 11(5) of the Second Protocol

48. Once the Committee has received a request, it informs all Parties of the request for inclusion in the List. Parties may submit a representation concerning the request to the Committee within 60 days. These representations may only be made on the basis of the criteria mentioned in Article 10 and will be specific and related to facts. Article 11(5) of the Second Protocol

49. The Committee considers the representations, providing the requesting Party with a reasonable opportunity to respond before making a decision.

50. In exceptional cases, if the cultural property does not meet the criteria laid down in Article 10(b), the Committee requires the Party which has control or jurisdiction over the cultural property to submit a request for international assistance under Article 32.

Articles 11(2) and (8) of the Second Protocol, Article 32(1) of the Second Protocol

51. The Committee may decide to invite a Party to request inclusion of cultural property in the List. Other Parties as well as ICBS and other NGO's with relevant expertise may recommend cultural property to the Committee for inclusion in the List. In such cases, the Committee may decide to invite the Party concerned to request inclusion of that property in the List.

Tentative lists

52. For the purposes of the Guidelines the term "tentative list" means a list of cultural property for which a Party intends to request the granting of enhanced protection. Parties are encouraged to submit tentative lists in order to facilitate the Committee's maintenance and update of the List as well as the management of requests for international assistance. Parties may amend their tentative lists as appropriate. However, the fact that cultural property has not been included in the tentative list does not prevent the Party from requesting the granting of enhanced protection for such cultural property.

Article 11(1) of the Second Protocol

53. The tentative list, which contains a brief description of the cultural property, is submitted by the Party to the Committee through the Secretariat.

Content of a request

54. A request submitted by a Party meets the following requirements in order to be considered by the Committee:

Article 11(2) of the Second Protocol

a. Identification of the cultural property

55. The boundaries of an immovable cultural property and its immediate surroundings are clearly defined. Maps are sufficiently detailed to determine precisely which area of land and/or building(s) are nominated. Movable cultural property is identified by its detailed descriptions and sufficient images.

56. The location of the cultural property (including shelters or other storage for movable cultural property) should be indicated by reference to its geographical location. At a minimum, the approximate central point of each cultural property should be indicated by a pair of coordinates in the Universal Transverse Mercator system. Boundaries of a wider property could be indicated by providing a list of coordinates indicating the course of the property boundary. In case of movable cultural property this information refers to the location where this cultural property is stored or intended to be stored.

b. Description of the cultural property

57. The Party provides the relevant information and documentation on the cultural property concerned, including those on the present state of conservation, the appearance of the cultural property, as well as its history and development. This includes a description on how the cultural property has reached its present form and the significant changes that it has undergone. The information provides the facts needed to support and substantiate the argument that the cultural property meets the criterion of being of greatest importance for humanity under Article 10(a).

c. Protection of the cultural property

58. The Party includes a list of the legal and administrative measures regarding the adequate protection and maintenance of the cultural property. It provides a detailed analysis with regard to the practical implementation of the protection measures and the safeguarding of the highest level of protection. Legislative, regulatory, and/or institutional texts, or an abstract of the texts, are attached to the request. The information provides the facts needed to support and substantiate the argument that the cultural property meets the criterion of being adequately protected under Article 10(b).

d. Use of the cultural property

59. The Party describes the use of the cultural property. The declaration confirming that the cultural property and its immediate surroundings are not and will not be used for military purposes or to shield military sites is attached to the request. The information provides the facts needed to support and substantiate the argument that the cultural property meets the criterion laid down in Article 10(c).

e. Information regarding responsible authorities

60. Detailed contact information of responsible authorities is provided in the request.

f. Signature on behalf of the Party

61. The request is duly signed by the Party's competent authorities.

g. Format of the request

62. Parties are invited to submit their requests both in paper and electronic format provided by the Secretariat. Requests may be submitted in one of the two working languages of the Secretariat.

Emergency request

63. If a Party submits a request upon the outbreak of hostilities the request is to be considered as an "emergency request" under Article 11 (9). The emergency request has to meet the requirements a., b., d., e., f. and g. as set forth in paragraphs 54 - 62.

Article 11(9) of the Second Protocol

Withdrawal of a request

64. A Party may withdraw in writing a request it has submitted at any time prior to the Committee's session at which it is scheduled to be examined. The Party can resubmit a request for the cultural property, which will be considered as a new request.

Information about a change of situation

65. The Party informs the Committee of any change affecting the cultural property concerned to meet the criteria set out in Article 10 in order to allow an update and, where appropriate, a reconsideration of the status of enhanced protection and/or a new decision by the Committee.

Decisions of the Committee on Enhanced Protection

66. The Committee decides by a majority of two-thirds of its members present and voting whether a cultural property shall be granted or denied enhanced protection or whether the request should be referred or deferred. In two exceptional cases, a majority of four-fifths of the members of the Committee present and voting is needed:

Article 26(2) of the Second Protocol, Rules of Procedure of the Committee Article 11(5) and 11(9) of the Second Protocol

i) when Parties make a representation to the Committee on the basis of another Party's request for inclusion in the List; and

ii) when a Party requests enhanced protection on an emergency basis.

67. Members of the Committee may not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.

Article 26(3) of the Second Protocol

68. When deciding to grant enhanced protection to a cultural property, the Committee adopts a "Statement of Inclusion of the Property on the List of Cultural Property under Enhanced Protection" (hereinafter "the Statement"). The Statement confirms that all criteria laid down in Article 10 are met. Therefore, a summary of the Committee's reasoning regarding the questions whether the cultural property is of greatest importance for humanity, including the assessments of its adequate domestic protection and its non-military use, are included. The Statement is the basis for the further protection of the cultural property. At the time of decision, the Committee may also make other recommendations concerning the protection of the cultural property. Enhanced protection is granted from the moment of the entry of the cultural property in the List.

69. The Committee immediately informs the Director-General of its decision to include cultural property in the List. The Director-General in turn notifies without delay the Secretary-General of the United Nations and all Parties to the Second Protocol of the decision of the Committee.

Article 11(11) of the Second Protocol

70. If the Committee decides to deny enhanced protection to a cultural property, it will generally not accept an identical request.

71. Requests which the Committee decides to refer back to the Party for additional information and/or documentation may be resubmitted to the Committee for examination. A referred request which is not presented to the Committee within three years following the original decision of the Committee will be considered as a new request when it is resubmitted for examination, following the regular procedure.

72. The Committee may decide to defer a request for more in-depth assessment, study or a substantial revision by the Party. If the Party decides to resubmit the revised request, this request will then be revaluated according to the regular procedure.

Decision on enhanced protection in exceptional cases

73. The Committee may grant enhanced protection in exceptional cases to a cultural property which does not meet the criteria laid down in Article 10(b) provided that the Party submits a request for international assistance under Article 32 of the Second Protocol. The Committee may advise the Party concerned with regard to the compliance with Article 10(b). To grant enhanced protection in such cases, the Committee follows the procedure outlined in paragraphs 66 - 72. However, the Statement points out that the criteria laid down in Article 10(a) and 10(c) are met and that the Party has already submitted a request.

Article 11(8) of the Second Protocol

74. If the criteria set forth in Article 10(b) are not met within a given period of time by the Party, the enhanced protection may be suspended by the Committee.

Decision on provisional enhanced protection

Article 11(9) of the Second Protocol

75. Upon the outbreak of hostilities, the decision on provisional enhanced protection on an emergency basis is taken by the Committee as soon as possible. Such a decision can only grant provisional enhanced protection pending the outcome of the regular procedure. The provisional enhanced protection will only be granted if the criteria laid down in Article 10(a) and 10(c) are met. When deciding to grant provisional enhanced protection to a cultural property, the Committee adopts a "Statement of Provisional Inclusion of the Property on the List of Cultural Property under Enhanced Protection". This statement summarizes the Committee's reasoning regarding the question whether the outbreak of hostilities does not allow for a regular procedure and whether the cultural property meets the criteria of Article 10(a) and 10(c). Provisional enhanced protection is granted from the moment of the entry of the cultural property in the List.

III.B The List

76. The Committee establishes, maintains and promotes the List. The List consists of two divisions:

Article 27(1)(b) of the Second Protocol

a. Division 1: Cultural property under enhanced protection; and

b. Division 2: Cultural property under provisional enhanced protection.

77. Each cultural property is inscribed in one of the two divisions. Information about the cultural property and the scope of its protection is provided as follows:

a. name and identification of the cultural property;

b. description of the cultural property;

c. location, boundaries and immediate surroundings of the cultural property;

d. other relevant information.

78. The information provided for in the above-mentioned paragraph (d) includes, *inter alia*, the date of entry in the List, descriptions of an exceptional or emergency situation, decisions and recommendations made by the Committee, and conditions set forth by the Committee such as time periods, as well as suspensions or cancellations.

79. The List is made available by the Secretariat through appropriate media.

III.C The loss of enhanced protection

80. Cultural property loses its enhanced protection under any of the three below-mentioned conditions:

Article 13(1)(a) and (1)(b) of the Second Protocol

a. the enhanced protection is suspended by the Committee;

b. the enhanced protection is cancelled by the Committee;

c. the cultural property has become, by its use, a military objective.

81. While the third condition does not need any further clarification, since the notion of "military objective" is defined in Article 1(f), the conditions of suspension and cancellation are to be set forth by the Committee.

Article 1(f) of the Second Protocol

Suspension

82. The suspension is a provisional measure which does not result in a permanent loss of the enhanced protection but in an interruption of the protection when the criteria for granting it are no longer met. When the criteria are met again, the Committee will decide whether to resume the enhanced protection.

Article 14 of the Second Protocol

83. The Committee may suspend the enhanced protection under two conditions: Article 14(1) and (2) of the Second Protocol

a. if the cultural property does no longer meet any of the criteria laid down in Article 10; or

b. if there is a serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action.

84. Since the suspension is a provisional measure, the Committee may only suspend the enhanced protection if the criteria laid down in Article 10, which are no longer met at the time of decision, may be fulfilled again at a later date. This applies to the criteria laid down in Articles 10(b) and (c), since the criteria of both adequate domestic protection and the non-military use may not be established for a certain period of time, but may be re-established at a later stage.

85. The Committee may suspend the enhanced protection if the cultural property or its immediate surroundings are used in support of military action.

Cancellation

86. Cancellation is a definitive measure. It leads to the permanent loss of the enhanced protection. The Committee may cancel enhanced protection under two conditions: Article 14(1) and (2) of the Second Protocol

a. the cultural property no longer meets any of the criteria laid down in Article 10; or,

b. there is a continuous and serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action.

87. Since cancellation is a definitive measure, the Committee may only cancel the enhanced protection if the criteria laid down in Article 10, which are no longer met, cannot be fulfilled at a later date. Article 14(1) of the Second Protocol

88. The Committee may exceptionally cancel the enhanced protection if the cultural property is continuously used in support of military action. The condition of “continuity” is met if the use exceeds the time period of six months and if there is no evidence that such use will end. Article 14(2) of the Second Protocol

III.D Procedure on suspension and cancellation

89. Before suspending or cancelling the enhanced protection, the Committee informs the Party of its intention to suspend or cancel the enhanced protection and provides its reasons. The Committee sets forth a time period for the reply of the Party. This period does not exceed three months.

90. The Committee immediately informs the Director-General on its decision to suspend or cancel the enhanced protection of cultural property. The Director-General informs, without any delay, the Secretary-General of the United Nations and all Parties to the Protocol of the Committee's decision to suspend or cancel the enhanced protection of cultural property.

Article 14(3) of the Second Protocol

Suspension

91. If the Committee suspends the enhanced protection, the cultural property is not removed from the List. However, the suspension is duly noted in the List.

92. The Committee will decide whether to re-establish the enhanced protection if the Party proves that the criteria laid down in Articles 10(b) or (c) are met again or that the cultural property is no longer used for military purposes or to shield military sites. The re-establishment of the enhanced protection is duly noted in the List.

Cancellation

93. If the Committee cancels the enhanced protection, the cultural property is deleted from the List. The Party may only submit a new request for enhanced protection following the regular procedure.

III.E Use of the emblem

94. The provisions of the Convention define the use of the emblem to mark cultural property under general and special protection. The Second Protocol does not include any provisions on how to mark cultural property under enhanced protection with the emblem.

Articles 6, 16 and 17 of the Convention and Article 20 of the Regulations for its Execution

95. As cultural property under enhanced protection is, by definition, cultural property, Parties are entitled to mark such cultural property in accordance with Article 6 of the Convention.

96. The Parties should make an effort to increase awareness and enhance respect for the emblem at national and international levels.

Article 16(1) of the Convention

IV. DISSEMINATION

97. The Second Protocol requires Parties to disseminate as widely as possible its provisions in time of peace and in time of armed conflict. Parties undertake by appropriate means to strengthen appreciation and respect for cultural property by their entire population. Particular attention should be paid to encouraging educational and informational programmes.

Article 30 of the Second Protocol

98. Any military or civilian authority which, in time of armed conflict, assumes responsibilities with respect to the application of the Second Protocol, has to be fully acquainted with the text thereof. To this end, the Parties are required to, as appropriate:

- incorporate guidelines and instructions on the protection of cultural property in their military regulations, doctrine and training materials,
- develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes,
- communicate to one another, through the Director-General, information on laws, administrative provisions and measures taken under the preceding paragraphs, and
- communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they have adopted to ensure the application of the Second Protocol.

V. MONITORING THE IMPLEMENTATION OF THE SECOND PROTOCOL

99. The Second Protocol strengthens the protection of cultural property by establishing a monitoring mechanism for its implementation. According to the Second Protocol, the Parties are required to report to the Committee on measures taken by them to implement the Protocol. The Committee will in turn consider and comment on these reports and prepare its own report to the Meeting of the Parties.

Article 27(1)(d) of the Second Protocol

V.A Periodic Reports of the Parties

100. As High Contracting Parties to the Convention and Parties to the Second Protocol are required to report every four years on the implementation of the named instruments, Parties to the Second Protocol are invited to follow the same four-year reporting period as for the Convention.[2] While reports concerning the implementation of the Convention are addressed to the Director-General, periodic reports on the Second Protocol are addressed to the Committee through the Secretariat.

Article 26(2) of the Convention; Article 37(2) of the Second Protocol

101. In order to facilitate the implementation of the provisions of the Second Protocol by the Parties, the Committee encourages Parties to submit their reports on the implementation of the Second Protocol together with their report on the implementation of the Convention. The periodic reports duly inform on the legal, administrative and practical implementation measures adopted by the Parties.

102. The Committee requests Parties to cover the following items in their periodic reports on the implementation of the Second Protocol:

- Implementation of general provisions regarding protection

  Chapter 2 of the Second Protocol

  – To inform on peacetime preparatory measures for the safeguarding of cultural property undertaken or envisaged to be undertaken.

  – Parties which are occupying powers, to inform how the provisions of the Protocol concerning the protection of cultural property in occupied territory are complied with.

2 The High Contracting Parties, which are Parties to the Second Protocol, were asked by the Director-General of UNESCO to forward their first reports on the implementation of the Second Protocol by 1 July 2008. The next report on the implementation of the Second Protocol will be due in 2012.

- Implementation of provisions regarding enhanced protection — Chapter 3 of the Second Protocol
  - To inform whether the Party intends to request the inclusion of cultural property in the List.
  - To inform on the use of the emblem, as stated in Chapter III.E of the Guidelines.
- Implementation of provisions regarding criminal responsibility — Chapter 4 of the Second Protocol; Article 15 and 21 of the Second Protocol
  - To inform on national legislation concerning criminal responsibility for serious violations within the meaning of the Second Protocol.
  - To inform on national legislative, administrative or disciplinary measures to suppress other violations.
- Implementation of provisions regarding dissemination — Chapter 7 of the Second Protocol
  - To inform on the measures taken concerning dissemination.
- Implementation of provisions regarding technical assistance
  - Any other activities relating to the Second Protocol, including activities at bi- or multilateral level, in order to share their experiences or best practices, as referred to in paragraph 132 of the Guidelines.

103. Parties to the Second Protocol should also provide the Secretariat with the name and address of a single national focal point for all official documents and correspondence related to the implementation of the Second Protocol by their relevant authorities. Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO. The Secretariat will make a list of these addresses available on its website.

104. The Parties are also invited to inform the Committee through the Secretariat, on a voluntary basis, of all legislative, judicial or other matters relevant to the Parties' implementation of the Second Protocol. The Secretariat will register this information in a database.

V.B Reports of the Committee to the Meeting of the Parties

105. An important function of the Committee is to monitor and supervise the implementation of the Second Protocol, and to promote the identification of cultural property under enhanced protection. The Committee is entitled to consider and comment on the reports of the Parties, to seek clarification as required, and to prepare its own report on the implementation of the Second Protocol to the Meeting of the Parties. In fulfilling its functions, the Committee makes recommendations, as appropriate.

Article 27(1)(c) of the Second Protocol
Article 27(1)(d) of the Second Protocol

106. The Committee will, with the assistance of the Secretariat, keep under review all aspects of the implementation of the Second Protocol. The Committee will make full use, to the extent possible, of the periodic reports, representations and other communications from Parties. The Committee may also make use of information and advice from stakeholders, as referred to in paragraph 13 of the Guidelines, as well as of the information and documentation services of UNESCO.

107. The Committee takes, at a minimum, the following issues into account in its report:

- Parties' requests for inclusion of cultural property in the List;
- Parties' requests for international assistance;
- International cooperation; and,
- The use of the Fund.

VI. INTERNATIONAL ASSISTANCE

108. In order to strengthen protection of cultural property, the Second Protocol distinguishes the following forms of assistance:

Articles 29, 32 and 33 of the Second Protocol

a. International assistance provided by the Committee (Article 32 of the Second Protocol), including financial and other assistance from the Fund (Article 29 of the Second Protocol);

b. Technical assistance provided by the Parties through the Committee (Article 32 of the Second Protocol);

c. Technical assistance provided by the Parties at bi- or multilateral level (Article 33 of the Second Protocol); and,

d. Technical assistance provided by UNESCO (Article 33 of the Second Protocol).

Examples of forms of assistance and a procedural matrix are listed in Table 1 of Annex III.

109. All Parties may request international assistance. The granting of international assistance is not, however, automatic and depends on compliance with the conditions set forth by the Second Protocol and the relevant parts of the Guidelines, as well as on available means.

VI.A International assistance provided by the Committee, including financial and other assistance from the Fund

Scope of international assistance provided by the Committee

110. International assistance provided by the Committee may be requested by: Articles 32 and 3(2) of the Second Protocol

- a Party at any time or
- a party to a conflict which is not a Party to the Second Protocol but which accepts and applies provisions in accordance with Article 3(2), of the Second Protocol, during the conflict.

111. International assistance provided by the Committee may be requested for: Articles 11(8), 29(1) and 32(1) of the Second Protocol

- cultural property under enhanced protection;
- cultural property submitted for inclusion in the List provided that the Committee has concluded that the criteria of Article 10(b) cannot be fulfilled; and,
- cultural property in support of measures referred to in Article 29(1).

112. International assistance provided by the Committee is in principle complementary to national measures taken by a Party for the protection of its cultural property.

113. The Committee may use the Fund for financing international assistance provided by the Committee. Articles 29(1) and (3) of the Second Protocol

Forms of international assistance provided by the Committee

114. The Committee assesses the requests for international assistance and, in case of approval, co-ordinates this assistance.

115. International assistance provided by the Committee may be of technical or consultative character, covering in particular legal, administrative, military and practical aspects of the protection of cultural property. Article 32 of the Second Protocol

116. International assistance provided by the Committee may, in accordance with the available means, be granted for the following purposes:

a. preparatory measures;

b. emergency measures; and,

c. recovery measures.

117. Preparatory measures are in principle taken in times of peace:

a. to support Parties' overall domestic sustainable efforts related to cultural property; Article 5 of the Second Protocol Article 10(b) of the Second Protocol

b. to contribute to the preparation and development of administrative or institutional measures, provisions and structures for the safeguarding of cultural property; and,

c. to contribute to the preparation, development or implementation of the laws, administrative provisions and measures recognizing the exceptional cultural and historic value and ensuring the highest level of protection of cultural property to be nominated for enhanced protection. Examples of possible measures are listed in Table 2 of Annex III.

118. Emergency measures are, in principle, taken during an armed conflict. Their essential purpose is to ensure the adequate protection of the cultural property concerned and to prevent its deterioration, destruction or looting. Examples of possible measures are listed in Table 2 of Annex III. Article 10(b) of the Second Protocol

119. Recovery measures are, in principle, taken after a conflict. Their essential purpose is to ensure the preservation and conservation of cultural property damaged in connection with the conflict as well as the return of the cultural property which has been removed. Examples of possible measures are listed in Table 2 of Annex III.

Article 5 of the Second Protocol

Priorities and principles for granting international assistance provided by the Committee

120. While considering requests for international assistance, and taking into account special needs of Parties that are developing countries, priority is given bearing in mind the emergency or the preventive nature of the request. Emergency measures are of the highest priority.

121. The Committee's decisions in granting international assistance may be, among others, guided by the following considerations:

a. the probability that the assistance will have a catalytic and multiplier effect ("seed money") and promote financial and technical contributions from other sources;

b. whether the legislative, administrative and, wherever possible, financial commitment of the recipient is available to the activity;

c. the exemplary value of the activity; and,

d. the cost efficiency of the activity.

122. Further guidance for requests concerning international assistance and description of the process of considering requests for international assistance provided by the Committee is provided in detail below in Chapter VI.E of the Guidelines.

VI.B Technical assistance provided by the Parties through the Committee

123. Parties are encouraged to provide all kinds of technical assistance through the Committee to those Parties or parties to the conflict who request it.

Article 32(4) of the Second Protocol

124. Assistance provided by the Parties through the Committee may concern all cultural property and it may be applied at any time. Forms of technical assistance are defined by the Parties offering assistance. The Meeting of the Parties and the Committee may also give recommendations concerning such technical assistance.

125. A party to an armed conflict which is not Party to the Second Protocol but which accepts and applies the provisions of the Second Protocol in accordance with its Article 3(2), may request technical assistance only during the conflict.

Article 32(2) of the Second Protocol

126. Parties providing technical assistance are responsible for its funding.

127. Requests concerning technical assistance are addressed to the Committee through the Secretariat, which will transfer the information to the national focal points of the Parties for their consideration.

128. Parties in a position to provide technical assistance are invited to inform the Committee of the possibilities of providing such assistance.

129. The Committee, through the Secretariat, informs the requesting Parties or parties to a conflict accordingly.

130. After giving such information, it is incumbent upon the providing Parties and the requesting Parties or parties to a conflict to proceed and convene directly the provision of such assistance.

VI.C Technical assistance provided by the Parties directly at bi- or multilateral level

131. Parties are encouraged to provide technical assistance at bi- or multilateral level. Such assistance is at their discretion. For this purpose, Parties are invited to be in direct contact with each other through their national focal points.

Article 33(2) of the Second Protocol

132. The Parties having activities at bi- or multilateral level are invited to inform the Committee, through the Secretariat, in their periodic reports, of their activities in order to share their experiences or best practices.

VI.D Technical assistance provided by UNESCO

133. A Party may call upon UNESCO for technical assistance in organizing the protection of its cultural property, such as preparatory action to safeguard cultural property, preventive and organizational measures for emergency situations and compilation of national inventories of cultural property, or in connection with any other problem arising out of the application of the Second Protocol. UNESCO may also provide its services in accordance with Articles 33(3) and 22(7) of the Second Protocol.

Article 33(1) of the Second Protocol
Articles 33(3) and 22(7) of the Second Protocol

134. Examples of possible measures of technical assistance provided by UNESCO are listed in Table 3 of Annex III.

135. The Secretariat will provide the Committee during its sessions with the relevant information concerning the technical assistance provided to the Parties.

VI.E Process of considering requests for international assistance provided by the Committee, including financial and other assistance from the Fund

136. The Committee will work in close co-operation as appropriate with the Parties, the relevant eminent international and national governmental and non-governmental organisations, and the Secretariat in order to ensure the proper handling of requests for different categories of assistance so that the assistance is provided in the most adequate manner in order to advance the aims of the Second Protocol.

Article 27(3) of the Second Protocol

137. In particular, they keep each other informed, as appropriate, of the requests submitted and the assistance provided in order to avoid the duplication of efforts, time and resources. The transmission of information is to be carried out, among others, through the reports of the Committee to the Meeting of the Parties.

Requests concerning international assistance provided by the Committee

138. The Parties may submit to the Committee requests for international assistance provided by the Committee. Also a party to a conflict which is not a Party to the Second Protocol but which accepts and applies the provisions of the Second Protocol may submit requests for international assistance during the conflict. Requests also may be submitted jointly by two or more Parties concerned.

Articles 32(1), 32(2), 11(8) and 3(2) of the Second Protocol

139. The Committee examines each particular case to determine whether the priorities and principles adopted by the Committee concerning international assistance provided by the Committee are met. The Committee may also make reservations or set conditions for the assistance depending on the particular conditions of each case. It may also suggest to the applicant other forms than originally requested if it considers it appropriate.

140. The Committee may decide not to grant assistance if the applicant has not accepted the form of assistance proposed by the Committee.

141. If necessary, the Committee may request the applicant to provide additional information.

142. The Committee may also defer the request if more in-depth assessment, study or substantial revision is required.

143. While examining requests for international assistance, the Committee may also study the possibility of obtaining technical assistance from the Parties. The Committee may also consult the Secretariat in order to ascertain whether the applicant previously requested assistance from UNESCO for the same purpose.

144. Requests for all forms of international assistance provided by the Committee have to be submitted to the Committee through the Secretariat, which acknowledges the receipt, verifies the completeness of the request and, if incomplete, requests the applicant to provide the missing information required as listed in paragraph 152. Only duly completed requests are registered by the Secretariat. The Secretariat informs the applicant of the registration of its request when it is completed. A copy of the form to request international assistance for cultural property provided by the Committee is attached in Annex II.

145. Requests registered by the Secretariat at least six months before the ordinary meeting of the Committee are forwarded to the Bureau of the Committee for its consideration.

146. The Bureau may consult eminent international and national governmental and non-governmental organisations with the professional expertise for evaluation of the request and, in cases where technical assistance is required, consult Parties offering such assistance.

Article 27(3) of the Second Protocol

147. After evaluation, the Bureau will forward the request to the Committee for consideration and appropriate decision. The Bureau may offer any relevant observations. For the above purpose, the Committee assigns the Bureau to prepare the ordinary meeting of the Committee.

148. The Committee will consider requests in its meetings. It decides by a majority of two-thirds of its members present and voting on the requests for international assistance.

Article 26(2) of the Second Protocol

149. The Committee communicates its decision through the Secretariat to the applicant within two weeks following the decision. If the international assistance is granted, the Secretariat reaches agreement with the applicant on its details.

150. Requests for emergency measures may be submitted at any time. As an exception to the six-month deadline set forth in paragraph 145, in view of the urgency, the Committee will consider as soon as possible these requests on an *ad hoc* basis.

151. The granted international assistance is subject to appropriate monitoring and evaluation by the Committee.

Content of a request

152. A request for international assistance provided by the Committee has to meet the following requirements in order to be registered by the Secretariat, e.g.:

a. Identification of the cultural property or project concerned;

Articles 29 (1) and 32 (1) of the Second Protocol

b. Identification of the place of activity as appropriate;

c. Assessment or description of the dangers threatening the cultural property as appropriate;

d. Description of the requested assistance;

- specific information about the project for which international assistance is needed;
- scientific and technical information on the work to be undertaken;

- details of the equipment or the personnel needed;
- measures to be taken by the applicant and measures to be taken by the assisting Party(ies);
- information about Parties that have already declared their will and their ability to provide the international assistance or that might be willing and able to provide it;
- information regarding whether the applicant has already requested or envisages to request assistance for the same cultural property from UNESCO, any other intergovernmental organization, a State or a private entity;

e. Timetable and budget of the project;

f. Information regarding responsible authorities;

g. If the applicant is a party to a conflict and not a Party to the Second Protocol but which accepts and applies the provisions of the Second Protocol an official declaration as well as documents proving that it accepts and applies the provisions of the Second Protocol in accordance with its Article 3(2);

h. In case of a joint request of two or several Parties, a declaration confirming co-operation between applicants;

i. Expected results;

j. Justification of the priority of the project; and,

k. Signature(s) on behalf of the requesting State(s).

153. Applicants are invited to submit their requests in writing, by using the form attached in Annex II, and if possible, in an electronic format provided by the Secretariat. Requests may be submitted in one of the two working languages of the Secretariat.

VI.F Requests for assistance provided by UNESCO

154. Parties may apply for assistance provided by UNESCO at any time. Following the receipt of the request for such assistance, the Secretariat verifies whether an identical request has not already been submitted for international assistance. If necessary, the Secretariat may request additional information. The Secretariat informs the Committee of the request. If necessary, the Secretariat may consult eminent international and national governmental and non-governmental organizations with the relevant professional expertise for evaluation of the request.

Article 33 (1) of the Second Protocol

ANNEX I

ENHANCED PROTECTION REQUEST FORM

1. PARTY: **2. DATE OF SUBMISSION:**

Submission prepared by:

Institution: E-mail:

Name: Fax:

Address: Telephone:

3. REQUIREMENTS CONSIDERED BY THE COMMITTEE:[1]

3.A IDENTIFICATION OF THE CULTURAL PROPERTY (please include photos and maps if available):

Name of Cultural Property:
State, Province or Region Located or Stored:
Latitude and Longitude, or UTM coordinates:

3.B DESCRIPTION OF THE CULTURAL PROPERTY:

_____

_____

_____

1 More detailed information is contained in paragraphs 54 - 62 of the Guidelines.

3.C PROTECTION OF THE CULTURAL PROPERTY:

_____

_____

_____

3.D USE OF THE CULTURAL PROPERTY:

_____

_____

_____

3.E INFORMATION REGARDING RESPONSIBLE AUTHORITY:

_____

_____

_____

3.F JUSTIFICATION FOR ENHANCED PROTECTION:

Applicants are requested to justify that the following criteria are fully met:

The cultural property:

i) is of the greatest importance for humanity (Article 10(a) of the Second Protocol);

ii) is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection (Article 10(b) of the Second Protocol). A copy of the list required by paragraph 58 of the Guidelines is attached.

iii) is not used for military purposes or to shield military sites. A copy of the non-military use declaration certifying such situation is attached (Article 10(c) of the Second Protocol).

Signature by the Party's competent authority:

Full name

_____

Title

_____

Date

_____

ANNEX II

FORM TO REQUEST INTERNATIONAL ASSISTANCE FOR CULTURAL PROPERTY PROVIDED BY THE COMMITTEE[1]

1. APPLICANT

1/ Party: _____

2/ A party to a conflict which is not a Party to the Second Protocol but accepts and applies the provisions of the Second Protocol: [2] _____

3/ A joint request of two or several Parties:[3]_____

2. IDENTIFICATION OF THE CULTURAL PROPERTY OR PROJECT CONCERNED

Please provide the following information in conformity with paragraphs 54-62 and 152-153 of the Guidelines as appropriate: identification of the cultural property concerned; description of the cultural property; protection of the cultural property; use of the cultural property or description of the project; and information regarding the applicant and its responsible authorities.[4] *Please also provide photographs and maps.*

_____

_____

_____

1 Articles 29 and 32 of the Second Protocol.

2 Please attach an official declaration as well as documents proving that the applicant is a party to the conflict and that it accepts and applies the provisions of the Second Protocol in accordance with Article 3(2) of the Second Protocol.

3 Please attach a declaration confirming co-operation between applicants.

4 Note of the Secretariat: The information requested is based on paragraphs 54-62 of the Guidelines.

3. THE ACTIVITY WILL BENEFIT

- ❑ cultural property inscribed on the List of Cultural Property under Enhanced Protection
- ❑ cultural property inscribed on the List of Cultural Property under Enhanced Protection in exceptional cases[5]
- ❑ cultural property inscribed provisionally on the List of Cultural Property under Provisional Enhanced Protection on an emergency basis[6]
- ❑ cultural property nominated for inscription on the List of Cultural property under Enhanced Protection (i.e. Tentative List)[7]
- ❑ Others (please explain)

4. IDENTIFICATION OF THE PLACE OF ACTIVITY:

_____

_____

_____

a) Will the activity include a field component? ❑ yes ❑ no

If yes, where? _____

b) The activity is:

- ❑ local
- ❑ national
- ❑ sub-regional involving a few Parties from a region
- ❑ regional involving most Parties from a region
- ❑ international involving Parties from different regions

5 Paragraphs 73 and 74 of the Guidelines.
6 Paragraphs 63 and 75 of the Guidelines.
7 Paragraphs 52 and 53 of the Guidelines.

If the activity is sub-regional, regional or international, please indicate the countries which will participate / benefit from the activity:

_____

_____

_____

5. ASSESSMENT OR DESCRIPTION OF THE DANGERS THREATENING THE CULTURAL PROPERTY AS APPROPRIATE

_____

_____

_____

6. DESCRIPTION OF THE REQUESTED ASSISTANCE

1/ Specific information about the project

_____

2/ Scientific and technical information on the work to be undertaken

_____

3/ Details of the equipment or the personnel needed

_____

4/ Measures to be taken by the applicant and measures to be taken by the assisting Party(ies)

_____

5/ Information about Party(ies) that has(ve) already declared its(their) will and ability to provide the international assistance or who might be willing and able to provide it

_____

6/ Information regarding whether the applicant has already requested or envisages to request assistance for the same cultural property from UNESCO, any other intergovernmental organization, a State or a private entity

_____

7. PURPOSES OF ASSISTANCE REQUESTED

❑ Preparatory measures

❑ Emergency measures

❑ Recovery measures

Please provide more detailed information:

_____

8. TIMETABLE OF THE ACTIVITY (to include foreseen or determined dates and duration of the activity)

Dates: _____

Duration: _____

9. BUDGET OF THE ACTIVITY

_____

_____

_____

10. PREVIOUS CONTRIBUTIONS FROM THE FUND FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT:

Indicate all previous contributions from the Fund for the Protection of Cultural Property in the Event of Armed Conflict in the following format:

Type of international assistance	Year	Amount in USD	Title of activity

11. EXPECTED RESULTS

a) Clearly state the results expected from the project

_____

_____

b) Define the indicators and means of verification which can be used to assess the achievements of these results:

_____

_____

Expected Results	*Indicators*	*Means of verification*

12. JUSTIFICATION OF THE PRIORITY OF THE PROJECT:

_____

_____

_____

13. SIGNATURE ON BEHALF OF STATE PARTY

Full name

_____

Title

_____

Date

_____

ANNEX III

Table 1 – Forms of assistance and procedural matrix

Forms of Assistance	Applicant	Material Scope	Temporal Scope	Deadline for submission	Approved by	Resources	Addressee	Reference
International Assistance by the Committee (cf. Table 2)	- Parties - A party to a conflict which is not a Party to the Second Protocol but accepts and applies the provisions of the Second Protocol	- Cultural property under enhanced protection - Cultural property submitted for inclusion in the List provided that the Committee has concluded that the criteria of Article 10(b) cannot be fulfilled.	- In times of peace or immediately before or during or after a conflict - Only during a conflict for a party to a conflict which is not a Party to the Second Protocol but accepts and applies the provisions of the Second Protocol	At least six months before the ordinary meeting of the Committee. Requests for emergency measures may be submitted at any time.	The Committee	The Fund	The Committee through the Secretariat	Articles 3(2), 10(b), 11(8), 29, 32(1), 32(2), of the Second Protocol
Technical Assistance of the Parties through the Committee	- Parties - A party to a conflict which is not a Party to the Second Protocol but accepts and applies the provisions of the Second Protocol	- Cultural property under enhanced protection - Cultural property	- In times of peace or immediately before or during or after a conflict - Only during a conflict for a party to a conflict which is not a Party to the Second Protocol but accepts and applies the provisions of the Second Protocol	Any time	Parties providing assistance	Parties providing assistance	The Committee through the Secretariat	Article 32(4) of the Second Protocol
Assistance of UNESCO (cf. Table 3)	- Parties	- Cultural property under enhanced protection - Cultural property	- In times of peace or immediately before or during or after a conflict	Any time	UNESCO	Within the limits fixed by programmes and resources of UNESCO	The Secretariat	Article 33(1) of the Second Protocol
Technical assistance provided by the Parties directly on a bi- or multilateral level	- Party/Parties	- Cultural property under enhanced protection - Cultural property	- In times of peace or immediately before or during or after a conflict	Any time	Party/Parties providing assistance	Party/Parties providing assistance	Party/Parties providing assistance through its (their) national focal point(s)	Article 33(2) of the Second Protocol
Financial and other assistance from the Fund	- Parties - A party to a conflict which is not a Party to the Second Protocol but accepts and applies the provisions of the Second Protocol	- Cultural property under enhanced protection - Cultural property submitted for inclusion in the List provided that the Committee has concluded that the criteria of Article 10(b) cannot be fulfilled.	- In times of peace or immediately before or during or after a conflict - Only during a conflict for a party to a conflict which is not a Party to the Second Protocol but accepts and applies the provisions of the Second Protocol	At least six months before the ordinary meeting of the Committee. Requests for emergency measures may be submitted at any time.	The Committee	The Fund	The Committee through the Secretariat	Articles 5, 8(a), 10(b), 27(1) (d) and (f), 29 and 30 of the Second Protocol

Table 2 – Examples of possible measures of international assistance provided by the Committee

Purpose of international assistance	Resources	Technical measures	Legal measures
Preparatory measures	- Disbursement from the Fund	- Training of staff and specialists at all levels in the field of protection of cultural property under enhanced protection; - Provision of experts and skilled personnel to ensure that the preparatory protection work is carried out correctly; - Expert advice on peacetime preparatory measures (preparation and regular update of inventories, surveys, maps, publications, websites, etc.) with regard to immovable and movable cultural property, the creation of the relevant administrative services for the protection of cultural property, and the organization of refuges for movable cultural property; - Expert advice related to the marking of cultural property under enhanced protection with the distinctive emblem in accordance with Article 6 of the Convention; - Dispatch of technical missions to undertake operational projects.	Expert advice on the elaboration and updates of Parties' national legislation implementing different aspects of the Second Protocol, such as administrative, technical or penal measures.
Emergency measures	- Disbursement from the Fund	- Organisational *ad hoc* measures for drawing up emergency plans, preparing inventories, surveys, maps, publications, websites, etc.; - Establishment and operation of ad hoc infrastructures; - Establishment of refuges for movable cultural property under enhanced protection for its temporary protection.	Assistance in the elaboration and enactment of laws under emergency procedure, as appropriate.
Recovery measures	- Disbursement from the Fund	- Despatch of experts and skilled personnel to help preserve and conserve damaged cultural property; - Provision of the appropriate equipment and/or administrative assistance with a view to facilitating the return of the removed cultural property in accordance with Article 5 of the Second Protocol.	

Table 3 – Examples of possible measures of technical assistance provided by UNESCO

Forms of Technical Assistance of UNESCO	Resources	Technical measures	Legal measures
Expert advice	- Resources of UNESCO	- Expert advice on peacetime preparatory measures based on the experience of other Parties, High Contracting Parties which are not parties to the Second Protocol, other UNESCO Member States, and relevant international and national governmental organizations having objectives similar to those of the Convention and its two Protocols. In particular, the provision of such advice focuses on (i) the preparation and regular updates of inventories of immovable and movable cultural property, (ii) the creation of the relevant administrative services for the protection of cultural property, and (iii) the organization of refuges for movable cultural property. - Expert advice related to the marking of cultural property under enhanced protection with the distinctive emblem of the Convention (as recommended by part III.E on *The Use of the Emblem* of the current Guidelines). - Expert advice on the dissemination of the provisions of the Second Protocol within the general public and target groups (i.e., the military or law enforcement agencies).	- Expert advice on the elaboration and update Parties' national legislation implementing different aspects of the Second Protocol, such as administrative, technical or penal measures.
Operational activities	- Resources of UNESCO	- Dissemination of various studies and reports on different aspects of the implementation of the Second Protocol. - Dispatch of technical missions to undertake operational projects.	

Guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict

1. The Fund for the Protection of Cultural Property in the Event of Armed Conflict ("the Fund") established by the Second Protocol constitutes a trust fund, in conformity with the provisions of the Financial Regulations of UNESCO. Given the multi-donor nature of the Fund, it will be managed as a Special Account. Financial Regulations of the Fund are annexed.

Article 29 of the Second Protocol

2. The purpose of the Fund is to provide financial and other assistance in support of preparatory or other measures to be taken in principle in peacetime such as, *inter alia*, the safeguarding of cultural property, domestic legal and administrative measures for the protection of cultural property and dissemination. The purpose of the Fund is also to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property in principle during periods of armed conflict or of immediate recovery in principle after the end of hostilities.

Article 29(1)(a) and (b) of the Second Protocol

3. Resources of the Fund may be used for the purposes mentioned in the above paragraph for the protection of cultural property. Resources of the Fund coming from contributions earmarked for a certain programme or project will be used for such a programme or project, provided that the Committee has decided on its implementation.

Article 29(1)(a) and (b) and (3) of the Second Protocol

4. The Committee decides on the disbursement of resources from the Fund.

Article 29(3) of the Second Protocol

5. In considering requests for assistance from the Fund, the Committee will give the highest priority to requests of an emergency nature.

6. The Committee's decisions determining the use of the Fund may be guided by the following considerations, among others:

   a) the probability that the assistance will have a catalytic and multiplier effect ("seed money") and promote financial and technical contributions from other sources;

b) the availability to the activity of the legislative, administrative and, wherever possible, financial commitment of the applicant;

c) the exemplary value of the activity; and,

d) the cost effectiveness of the activity.

7. The Committee's decisions will take into account the special needs of Parties that are developing countries.

Articles 29(3) and 27(1)(f) of the Second Protocol

8. The Committee reports on the use of the Fund in its reports to the Meeting of the Parties.

Article 27(1)(d) of the Second Protocol

FINANCIAL REGULATIONS OF THE SPECIAL ACCOUNT FOR THE SECOND PROTOCOL TO THE HAGUE CONVENTION OF 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

Article 1 – Creation of a Special Account

1.1 Article 29 of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "the Second Protocol") establishes a Trust Fund. Given the multi-donor nature of the Fund, it will be managed as a Special Account.

1.2 In accordance with Article 6, paragraph 6, of the Financial Regulations of UNESCO, there is hereby created a Special Account for "Protection of Cultural Property in the Event of Armed Conflict – Second Protocol", hereafter referred to as the Special Account.

1.3 The following regulations shall govern the operation of the Special Account.

Article 2 – Financial period

The financial period shall correspond to that of UNESCO.

Article 3 – Purpose

In accordance with Article 29.1 of the Second Protocol, the purposes of the Special Account are:

(a) to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, *inter alia*, Article 5, Article 10 sub-paragraph (b) and Article 30 of the Second Protocol; and

(b) to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, *inter alia*, Article 8 sub-paragraph (a) of the Second Protocol.

Article 4 – Income

In accordance with Article 29.4 of the Second Protocol, the income of the Special Account shall consist of:

(a) Voluntary contributions made by the Parties to the Second Protocol;

(b) Contributions, gifts or bequests made by:

(i) Other States;

(ii) UNESCO or other organizations of the United Nations system;

(iii) Other intergovernmental or non-governmental organizations; and

(iv) Public or private bodies or individuals;

(c) Any interest accruing on the Fund;

(d) Funds raised by collections and receipts from events organized for the benefit of the Fund; and

(e) All other resources authorized by the guidelines applicable to the Fund.

Article 5 – Expenditure

5.1 Pursuant to Article 29.3 of the Second Protocol, disbursements from the Special Account shall be used only for such purposes as the Committee for the Protection of Cultural Property in the Event of Armed Conflict shall decide in accordance with the guidelines as defined in Article 23 sub-paragraph 3(c) of the Second Protocol and in accordance with Article 3 above, including administrative expenses specifically relating to it.

5.2 The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.

5.3 Expenditure shall be made within the limits of funds available.

Article 6 – The accounts

6.1 The UNESCO Comptroller shall maintain such accounting records as are necessary.

6.2 Any unused balance at the end of a financial period shall be carried forward to the following financial period.

6.3 The accounts of the Special Account shall be presented for audit to the External Auditor of UNESCO, together with the other accounts of the Organization.

6.4 Contributions in kind shall be recorded outside the Special Account.

Article 7 – Investments

7.1 The Director-General may make short-term investments of sums standing to the credit of the Special Account.

7.2 Interest earned on these investments shall be credited to the Special Account.

Article 8 – General provision

Unless otherwise provided in these Regulations, the Special Account shall be administered in accordance with the Financial Regulations of UNESCO.

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

RULES OF PROCEDURE[1]

I. PARTICIPATION

Rule 1 – Chief participants

The representatives of all 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 "States Parties") may take part, with the right to vote, in the work of the Meeting.

Rule 2 – Representatives and observers

2.1 The representatives of Member States of UNESCO not parties to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter "Second Protocol") and permanent observer missions to UNESCO may participate in the work of the Meeting as observers, without the right to vote, and subject to Rule 7.3.

2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations which have concluded mutual representation agreements with UNESCO, as well as observers of intergovernmental and international nongovernmental organizations invited by the Director-General, may participate in the work of the Meeting, without the right to vote, and subject to Rule 7.3.

1 Adopted at the first 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 (Paris, 26 October 2005).

II. ORGANIZATION OF THE MEETING

Rule 3 – Election of officers

The Meeting shall elect a Chairperson, four Vice-Chairpersons and a Rapporteur.

III. CONDUCT OF BUSINESS

Rule 4 – Duties of the Chairperson

4.1 In addition to exercising the powers which are conferred upon him elsewhere by the present Rules, the Chairperson shall open and close each plenary meeting of the Meeting. 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.

4.2 Should the Chairperson be absent during a Meeting, or any part thereof, he/she shall be replaced by one of the Vice-Chairpersons. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule 5 – Public nature of Meetings

Meetings shall be held in public unless decided otherwise by the Meeting.

Rule 6 – Quorum

6.1 A quorum shall consist of a majority of the States referred to in Rule 1 and represented at the Meeting.

6.2 The Meeting shall not decide on any matter unless a quorum is present.

Rule 7 – Order and time-limit of speakers

7.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

7.2 For the convenience of the discussion, the Chairperson may limit the time to be allowed to each speaker.

7.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Meeting.

Rule 8 – Points of order

8.1 During a discussion, any delegation may raise a point of order; such a point of order shall be immediately decided upon by the presiding officer.

8.2 An appeal may be made against the ruling of the presiding officer. Such an appeal shall be put to the vote immediately and the presiding officer's ruling shall stand, unless overruled by a majority of the delegations present and voting.

Rule 9 – Procedural motions

9.1 During a discussion, any delegation may move the suspension or adjournment of the Meeting or the adjournment or closure of the debate.

9.2 Such a motion shall be put to the vote immediately. Subject to Rule 8.1, such motions shall have precedence in the following order over all other proposals or motions before the Meeting:

(a) suspension of the Meeting;

(b) adjournment of the Meeting;

(c) adjournment of the debate on the question under discussion;

(d) closure of the debate on the question under discussion.

Rule 10 – Working languages

10.1 The working languages of the Meeting shall be English and French.

10.2 Speeches made at the Meeting in one of the working languages shall be interpreted into the other language.

Rule 11 – Resolutions and amendments

11.1 Draft resolutions and amendments may be proposed by the participants referred to in Rule 1 and shall be transmitted in writing to the Secretariat of the Meeting, which shall circulate copies to all participants.

11.2 As a general rule, no draft resolution or amendment shall be discussed or put to the vote unless it has been circulated sufficiently in advance to all participants in the working languages of the Meeting.

Rule 12 – Voting

12.1 The representative of each State referred to in Rule 1 shall have one vote in the Meeting.

12.2 Subject to the provisions of Rules 6.2 and 16, decisions shall be taken by a majority of the States present and voting.

12.3 For the purpose of the present Rules, the expression "States present and voting" shall mean States casting an affirmative or negative vote. States abstaining from voting shall be regarded as having not voted.

12.4 Voting shall normally be by a show of hands.

12.5 When the result of a vote by show of hands is in doubt, the presiding officer may take a second vote by a roll-call. A vote by roll-call shall also be taken if it is requested by not less than two delegations before the voting takes place.

12.6 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 Meeting 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.

12.7 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

12.8 A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 13 – Procedures for the presentation of candidatures to the Committee for the Protection of Cultural Property in the Event of Armed Conflict

13.1 The Secretariat shall ask all States Parties, at least three months prior to the opening of the Meeting, whether they intend to stand for election to the Committee for the Protection of Cultural Property in the Event of Armed Conflict. If so, its candidature should be sent to the Secretariat at least six weeks prior to the opening of the Meeting.

13.2 At least four weeks prior to the opening of the Meeting the Secretariat shall send to all States Parties the provisional list of States Parties candidates. This list of candidatures will be revised as necessary.

13.3 This list of candidatures shall be finalised 48 hours before the opening of the Meeting.

Rule 14 – Election of members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

14.1 The election of members of the Committee shall be conducted by secret ballot and in conformity with Articles 24 and 25 of the Second Protocol, whenever three or more delegations having the right to vote so request, or if the Chairperson so decides.

14.2 Before the election begins, the Chairperson shall appoint two tellers from among the delegates present; he/she shall hand to them the list of States entitled to vote and the list of States candidates. He/She shall announce the number of seats to be filled.

14.3 The Secretariat shall distribute to the delegations a voting paper in the form of a list of all the States which are candidates.

14.4 Each delegation shall cast its vote by encircling the names of those States for which it desires to vote.

14.5 The tellers shall collect from each delegation their voting paper and shall proceed to count the votes, under the supervision of the Chairperson.

14.6 Voting papers on which all names of States have been circled shall be considered to be abstentions.

14.7 Voting papers on which more names have been circled than there are seats to be filled shall be considered invalid.

14.8 Those States obtaining in the first ballot the required majority shall be elected, unless the number of States obtaining that majority is greater than the number of seats to be filled. In that case, the States obtaining the greatest number of votes, up to the number of seats to be filled, shall be declared elected. If the number of States obtaining the majority required is less than the number of seats to be filled, there shall be a second ballot. If the number of States obtaining the majority required is still less than the number of seats to be filled, there shall be a third and, if necessary, a fourth ballot, to fill the remaining seats. For the third and fourth ballots, the voting shall be restricted to the States obtaining the greatest number of votes in the previous ballot, up to a number twice that of the seats remaining to be filled.

14.9 After the fourth ballot, the candidates obtaining the greatest number of votes, up to the number of seats to be filled, shall be declared elected.

14.10 If, in the fifth ballot, two or more candidates obtain the same number of votes, the Chairperson shall decide between them by drawing lots.

14.11 The Chairperson shall announce the results of the election.

IV. SECRETARIAT OF THE MEETING

Rule 15 – Secretariat

15.1 The Director-General of UNESCO or his/her representative (hereinafter "Secretariat") shall participate in the work of the Meeting, without the right to vote. He/She may, at any time, make either oral or written statements to the Meeting on any question under discussion.

15.2 The Director-General of UNESCO shall appoint an official of the Secretariat of UNESCO to act as secretary to the Meeting and other officials who shall together constitute the Secretariat of the Meeting.

15.3 The Secretariat shall receive, translate and distribute all official documents of the Meeting and shall arrange for the interpretation of the discussions, as provided in Rule 10. It shall also perform all other duties necessary for the proper conduct of the work of the Meeting.

V. ADOPTION AND AMENDMENT OF THE RULES OF PROCEDURE

Rule 16 – Adoption

The Meeting shall adopt its Rules of Procedure by a decision taken in plenary meeting by a simple majority of the representatives of States present and voting.

Rule 17 – Amendment

The Meeting may amend these Rules of Procedure by a decision taken in plenary meeting by a two-thirds majority of the representatives of States present and voting.

COMMITTEE FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

RULES OF PROCEDURE[1]

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 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.

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).

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, organisations 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 – Organisations 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 organisations 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 organisations 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 organisation 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 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 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.

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 at the latest six weeks before the beginning of the session in the working languages to the members of the Committee, to the organizations attending the meetings in an advisory capacity. They shall also be made available to States Parties non members of the Committee and to all other observers in electronic format.

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 specialised 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 authorise 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.

MODEL INSTRUMENT OF RATIFICATION (OR OF ACCEPTANCE, OF ACCESSION OR OF APPROVAL AS THE CASES MAY BE)

I) THE HAGUE CONVENTION

Model instrument of ratification of (accession to) the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

CONSIDERING that the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is open to ratification (to accession) in the terms of its Article 31(32),

I DECLARE by the present instrument that the Government of (name of State), after examining the aforementioned Convention, ratifies (accedes to) the aforementioned Convention and commits to faithfully executing all of its Articles.

In WITNESS THEREOF, I have signed and sealed the present instrument of ratification (of accession).

(location) .....

(date) .....

(Seal)

(signature of the Head of State, Prime Minister or Minister of Foreign Affairs)

II) THE 1954 (FIRST) PROTOCOL

Model instrument of ratification of (accession to) the 1954 Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

CONSIDERING that the 1954 (First) Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is open to ratification (to accession) in the terms of its Article 7 (8),

I DECLARE by the present instrument that the Government of (name of State), after examining the aforementioned 1954 Protocol, ratifies (accedes to) it and commits to faithfully executing all of its Articles.

In WITNESS THEREOF, I have signed and sealed the present instrument of ratification (of accession).

(location) .....

(date) .....

(Seal)

(signature of the Head of State, Prime Minister or Minister of Foreign Affairs)

III) THE SECOND PROTOCOL

Model instrument of ratification of (acceptance of) (approval of) (accession to) the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict

CONSIDERING that.....(name of country)..... has deposited its instrument of ratification of (accession to) the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict on.....(date)..... ,

CONSIDERING that the Second Protocol to the 1954 Convention, adopted on March 26, 1999, is open for ratification (for acceptance) (for approval) (for accession) in the terms of its Article 41(42),

I DECLARE by the present instrument that the Government of ....(name of State)....., after examining the aforementioned 1999 Protocol, ratifies (accepts) (approves it) (accedes to it) and commits to faithfully executing all of its Articles.

In WITNESS THEREOF, I have signed and sealed the present instrument of ratification (of acceptance) (of approval) (of accession).

(location) .....

(date) .....

(Seal)

_____

(signature of the Head of State,
Prime Minister or Minister of Foreign Affairs)