RECOMMENDATIONS

Cultural Property Protection: Monitoring and supervision of the implementation of the 1999 Second Protocol

AD HOC SUBCOMMITTEE

FIRST MEETING
16 - 17 JUIN 2021

UNESCO

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

From the People of Japan
Recommendation 1. Governing principles of the application of Article 27(1)(c) of the 1999 Second Protocol

The ad hoc subcommittee recommends the adoption of the following as the governing principles of the application of Article 27(1)(c) of the 1999 Second Protocol, namely the monitoring and supervision of the implementation of this Protocol:

- **Principle of effectiveness**, which will entail that monitoring and supervision mechanisms shall be operational and result-oriented in line with the purpose of the treaty. They shall be also devised, to the extent possible, to prevent lengthy debates and protect the credibility of the Committee;

- **Principle of efficiency**, which will entail that monitoring and supervision mechanisms must be adequate to the resources available at the disposal of the Committee;

- **Principle of cooperation**, which will entail that monitoring and supervision mechanisms will contribute to the spirit of collaboration between the concerned States, as well as between concerned States and UNESCO;

- **Principle of consent**, applicable to monitoring missions, will entail that the Party(ies) to the conflict, for the purpose of ensuring the security of the mission, does not oppose the deployment of the mission. However, this principle does not limit the prerogative of the Committee to consider any question related to monitoring and supervision of the implementation of the 1999 Second Protocol.

Recommendation 2. Monitoring and supervision in time of peace

The ad hoc subcommittee stresses the importance of the preparation of safeguarding measures, as stipulated under Article 3 of the 1954 Hague Convention and Article 5 of the 1999 Second Protocol, and recommends the Secretariat to further elaborate proposals on the following monitoring mechanisms, including their means of implementation, to be employed in time of peace, including a post-conflict situation:

- Periodic reporting;
- *Ad hoc* monitoring
- Post-conflict monitoring

Recommendation 3. Monitoring and supervision in time of armed conflict

The ad hoc subcommittee stresses the importance to respect cultural property in the event of armed conflict, as stipulated under Article 4 of the 1954 Hague Convention and Article 6 of the 1999 Second Protocol, and recommends the Secretariat to further elaborate proposals on the following monitoring mechanisms, as set out in Annex 2 of the Reflection document, including their means of implementation, to be employed in the event of armed conflict:

- *Ad hoc* monitoring;
- Special state of protection assessment mission;
- Control.
Recommendation 4. Monitoring and supervision in time of occupation

The ad hoc subcommittee stresses the importance of the compliance with the obligations in the event of occupation, as stipulated under Article 5 of the 1954 Hague Convention and Article 9 of the 1999 Second Protocol, and recommends the Secretariat to consider the employment of the proposed monitoring mechanisms in the event of occupation, taking into account the established synergies between the 1999 Second Protocol and the 1970 Convention, and reflect its proposal(s) within the draft amendments to the Guidelines.

Recommendation 5.

The ad hoc subcommittee highlights the important links with, and converging aims among, the UNESCO Culture Conventions and recommends the Secretariat make full use of, and further strengthen, these synergies when elaborating these proposals on the monitoring mechanisms.

Recommendation 6.

The members of the ad hoc subcommittee and other Parties to the 1999 Second Protocol are invited to submit to the Secretariat their written proposals concerning monitoring and supervision mechanism by 15 July 2021. A draft report of the ad hoc subcommittee meetings taking into account its deliberations and proposals submitted in a written form, including a proposal of the draft amendments to the Guidelines concerning Article 27(1)(c) of the 1999 Second Protocols will be prepared for the Committee’s consideration.

A second meeting of the ad hoc subcommittee will be held on 4 and 5 October 2021.