

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

The present version reflects the amendments endorsed by the 8th Meetings 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, December 2019).

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION



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Cultural Organization



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

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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

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, para 11, <http://unesdoc.unesco.org/imagenes/0013/001332/133243eo.pdf>

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.

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 constituent 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

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.

Article 23 of the
Second Protocol

The Committee

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.

Articles 24-27 of the
Second Protocol

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 extraordinary 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 Coordinating Council of Audiovisual Archives Associations (CAAAA), 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

Article 27(3) of the Second Protocol

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.

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

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:
- 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 5 of the
Second Protocol

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 documentation of 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:
 - 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.

Article 8 of the
Second Protocol

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

Article 10(a) of the
Second Protocol

- 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 by the Permanent Delegation to UNESCO of the Party to the Committee through the Secretariat. Requests need to be received by the Secretariat by 1 March of each year at the latest in order to be considered at the upcoming meeting of the Committee. Requests received after this deadline will be considered during the next meeting of the Committee. The above-mentioned date does not apply to requests for provisional enhanced protection.

46. The Secretariat acknowledges the receipt, checks for completeness and registers the request. The Secretariat requests any additional information from the Party, as appropriate, and all such information must be received, preferably, in a single submission of one complete file within two months of the date of the request from the Secretariat. The Secretariat forwards complete requests to the Bureau for prima facie consideration together with a review of completeness prepared by the Secretariat.

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.
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.

Articles 11(2) and (8) of the Second Protocol

Article 32(1) of the Second Protocol

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

Article 11(1) of the Second Protocol

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, as appropriate, its immediate surroundings are clearly defined, and the Universal Transverse Mercator ("UTM") co-ordinates of the boundaries of such property are marked on the map(s) attached to the request. 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. It provides all relevant information to establish that the property is not used for military purposes or to shield military sites. In addition, a declaration, issued by the national authority which has been authorized by the State concerned as competent for this matter, confirms that the cultural property and, as appropriate, its immediate surroundings 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:
- (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.
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 26(2) of the Second Protocol

Rules of Procedure of the Committee

Article 11(5) and 11(9) of the Second Protocol

Article 26(3) of the Second Protocol

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 reevaluated 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.
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.

Article 11(8) of the
Second Protocol

Decision on provisional enhanced protection

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

Article 11(9) of the
Second Protocol

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:
- (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, as appropriate, 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.

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

III.C The loss of enhanced protection

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

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

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.
83. The Committee may suspend the enhanced protection under two conditions:
- (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.

Article 14 of the Second Protocol

Article 14(1) and (2) of the Second Protocol

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:
- (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.

Article 14(1) and (2) of the Second Protocol

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 The Distinctive Emblem for cultural property under enhanced protection and modalities for its use

94. Without prejudice to the provisions of the 1954 Hague Convention and the Regulations for its execution relating to the marking of cultural property under general protection and to the marking of cultural property under special protection, a distinctive emblem (hereinafter the “Distinctive Emblem”) is created for the exclusive marking of cultural property under enhanced protection.
95. “Marking of cultural property under enhanced protection” means marking as defined *ratione materiae* in paragraph 103 of these Guidelines.
96. The considerations related to the visibility of the Distinctive Emblem guide the Parties in their choice of modalities for placing of the Distinctive Emblem.

Modalities for using the Distinctive Emblem

97. The Distinctive Emblem should be used in accordance with the modalities for its use, as set out below. Under these Guidelines, the expression “modalities for using the Distinctive Emblem” covers the basic principles relating to the Distinctive Emblem, the modalities for its use and measures protecting it from misuse.

Basic principles relating to the Distinctive Emblem

98. The Distinctive Emblem is intended to ensure the recognition and identification of cultural property under enhanced protection, particularly during the conduct of hostilities, in order to ensure the effectiveness of the provisions of the Second Protocol and, more particularly, to contribute to the effectiveness of Article 12 on the “Immunity of cultural property under enhanced protection”. The Distinctive Emblem is also intended to ensure legal certainty with regard to criminal responsibility of belligerents in order to ensure reasonable implementation of Article 15(1) of the Second Protocol. Under these Guidelines, “reasonable implementation” means establishing as criminal offences under domestic criminal law of the Parties serious violations of the Second Protocol as set forth in Article 15(2) of the Second Protocol.

99. The marking of cultural property under enhanced protection is declaratory of the enhanced protection granted for cultural property pursuant to a decision taken by the Committee. The marking of cultural property, while contributing to the effectiveness of enhanced protection, has no constitutive effect.
100. On account of its use for protective purposes and in order to ensure its visibility, the Distinctive Emblem – without prejudice to the use of other relevant emblems, in particular the World Heritage emblem, to mark cultural property – should be affixed alone without any other logo and/or emblem, due consideration being taken of a combatant's field of vision when directing an attack, be it from the land, sea or air, during hostilities.
101. The Distinctive Emblem must be used in accordance with the relevant rules of international humanitarian law and the modalities *ratione materiae* and *ratione temporis* for its use specified in these Guidelines. All use of the Distinctive Emblem that is inconsistent with observance of the prescribed rules should be considered to be misuse.
102. When the Committee grants enhanced protection for cultural property under the normal procedure, it encourages the Party that has jurisdiction or control over that cultural property to mark it by using the Distinctive Emblem for cultural property under enhanced protection. When the Committee is requested to grant enhanced protection under the emergency procedure, it requests the Party that has jurisdiction or control over the cultural property to mark the property.

Modalities for using the Distinctive Emblem

Use ratione materiae

103. The Distinctive Emblem should be used only to mark cultural property under enhanced protection. It may not be used for purposes – e.g. commercial, non-commercial – other than those specified in these Guidelines.
104. The use of the Distinctive Emblem for cultural property under enhanced protection is without prejudice to the provisions of the 1954 Hague Convention and the Regulation for its execution with regard to the application of the “transport under special protection”.

Use ratione temporis

105. In peacetime, Parties that have jurisdiction or control over cultural property under enhanced protection may make preparations to mark such property by using the Distinctive Emblem.
106. In times of armed conflict – i.e. from the outbreak of hostilities leading to the advent of the armed conflict until the end of the armed conflict, including occupation – the Parties to the conflict are encouraged to mark cultural property under enhanced protection by using the Distinctive Emblem.
107. Without prejudice to Article 17 paragraph 2 of the 1954 Hague Convention, in the event of suspension or cancellation of enhanced protection by the Committee, Parties that have jurisdiction or control over the cultural property concerned by said suspension or cancellation should remove the Distinctive Emblem that had been used to mark the property.

Modalities for placing the Distinctive Emblem

108. The Distinctive Emblem should be placed and the extent of its visibility determined at the discretion of the Parties' competent authorities.
109. As cultural property under enhanced protection is primarily part and parcel of heritage that is of the greatest importance to humanity, the Distinctive Emblem should be placed on the cultural property in a manner benefitting the property.
110. The Parties' resources permitting, technological developments will determine the means used – in times of peace and in times of armed conflict – to place the Distinctive Emblem on cultural property, including movable property, under enhanced protection.

Protection of the Distinctive Emblem from misuse

111. Use of the Distinctive Emblem that does not comply with principles set out in these Guidelines should be avoided.
112. The Parties are encouraged to disseminate the information concerning the Distinctive Emblem and the modalities for its use both within their civilian population and among military personnel.
113. The Parties are encouraged to enact legislation on the protection of the Distinctive Emblem and the modalities for its use and/or take other measures, as appropriate, on the protection of the Distinctive Emblem and the modalities for its use.

IV. DISSEMINATION

114. 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.
115. 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.

Article 30 of the
Second Protocol

V. MONITORING THE IMPLEMENTATION OF THE SECOND PROTOCOL

116. 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

117. 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.¹ 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
118. 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.
119. 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:
 - 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.
 - Implementation of provisions regarding enhanced protection:
 - 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.
- Chapter 2 of the Second Protocol
Chapter 3 of the Second Protocol

¹ 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.

- Implementation of provisions regarding criminal responsibility:
 - 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:
 - 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 151 of the Guidelines.

Chapter 4 of the Second Protocol

Article 15 and 21 of the Second Protocol

Chapter 7 of the Second Protocol

120. 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.

121. 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

122. 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

123. 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.
124. 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

125. In order to strengthen protection of cultural property, the Second Protocol distinguishes the following forms of assistance:
- (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).

Articles 29, 32 and 33 of the Second Protocol

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

126. 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

127. International assistance provided by the Committee may be requested by:
- 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.
- Articles 32 and 3(2) of the Second Protocol
128. International assistance provided by the Committee may be requested for:
- 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).
- Articles 11(8), 29(1) and 32(1) of the Second Protocol
129. International assistance provided by the Committee is in principle complementary to national measures taken by an applicant for the protection of its cultural property
130. 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

131. The Committee assesses the requests for international assistance and, in case of approval, co-ordinates this assistance.
132. 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

133. 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.

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

- (a) to support Parties' overall domestic sustainable efforts related to cultural property;
- (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.

Article 5 of the
Second Protocol

Article 10(b) of the
Second Protocol

135. 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

136. 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

137. While considering requests for international assistance, and taking into account special needs of applicants 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

138. 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.
139. 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.

Monitoring and evaluation of international assistance provided by the Committee

140. The Secretariat assists in the monitoring of the implementation of the international assistance provided by the Committee and regularly informs it of outcomes of its monitoring.
141. The recipient of the international assistance provided by the Committee submits to the Secretariat the final report on the implementation of that assistance within three months of the completion of projects carried out. The Secretariat presents this report to the Committee.

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

142. Parties are encouraged to provide all kinds of technical assistance through the Committee to those Parties or parties to the conflict who request it.
143. 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.

Article 32(4) of the
Second Protocol

144. 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.
145. Parties providing technical assistance are responsible for its funding.
146. 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.
147. Parties in a position to provide technical assistance are invited to inform the Committee of the possibilities of providing such assistance.
148. The Committee, through the Secretariat, informs the requesting Parties or parties to a conflict accordingly.
149. 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.

Article 32(2) of the
Second Protocol

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

150. 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.
151. 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.

Article 33(2) of the
Second Protocol

VI.D Technical assistance provided by UNESCO

152. 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.
153. Examples of possible measures of technical assistance provided by UNESCO are listed in Table 3 of Annex III.
154. The Secretariat will provide the Committee during its sessions with the relevant information concerning the technical assistance provided to the Parties.

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

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

155. 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.
156. 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.

Article 27(3) of the Second Protocol

Requests concerning international assistance provided by the Committee

157. 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.
158. 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.
159. The Committee may decide not to grant assistance if the applicant has not accepted the form of assistance proposed by the Committee.
160. If necessary, the Committee may request the applicant to provide additional information.
161. The Committee may also defer the request if more in-depth assessment, study or substantial revision is required.
162. 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.
163. Requests for all forms of international assistance provided by the Committee have to be submitted to the Committee by or in cooperation with the Permanent Delegation of the Party to UNESCO, where appropriate, 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 Annex II. 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.

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

164. 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 prima facie consideration together with a review of completeness prepared by the Secretariat.
165. 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.
166. 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.
167. 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.
168. The Committee communicates its decision through the Secretariat to the recipient of the international assistance within two weeks following the decision. If the international assistance is granted, the Secretariat concludes an agreement with the recipient of the international assistance as appropriate.
169. Requests for emergency measures may be submitted at any time. As an exception to the six-month deadline set forth in paragraph 164, in view of the urgency, the Committee will consider as soon as possible these requests on an *ad hoc* basis.
170. The granted international assistance is subject to appropriate monitoring and evaluation by the Committee.
171. Applicants shall submit their requests in writing, by using the application 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
172. Applicants shall provide all the information requested by the application form. They may submit additional information as appropriate.

Article 27(3) of the
Second Protocol

Article 26(2) of the
Second Protocol

VI.F Requests for assistance provided by UNESCO

173. 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:

Name:

Address:

E-mail:

Fax:

Telephone:

3. Requirements considered by the committee:¹

3.a Identification of the Cultural Property (*please include photos and maps*):

Name of the Cultural Property:

State, province or region located or stored:

UTM coordinates of the approximate central point
and a list of UTM coordinates indicating the course
of the property boundary, if applicable:

Area of the cultural property (ha):

3.b Description of the Cultural Property:

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3.c Protection of the Cultural Property:

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

3.d Use of the Cultural Property:

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3.e Information regarding responsible authority/ies:
(such as the authority/ies responsible for the measures referred to in Articles 5, 10(b), and 10(c) of the Second Protocol)

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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).

The Party/ies is/are also invited to provide information concerning relevant measures adopted under other UNESCO standard-setting instruments and Programmes, if applicable.

Signature by the Party's competent authority:

Full name:

Title:

Date:

Model

Non-military use declaration

On behalf of [the Party which has control over the cultural property], I hereby declare that, in conformity with Article 10 of the Second Protocol, [the cultural property for which enhanced protection was requested] will not be used for military purposes or to shield military sites.

[Signature of the representative authorized by the
Party which has control over the cultural property
as competent for this matter]

Name:

Function:

Date:



CHECKLIST ON ARTICLE 10 (B) OF THE SECOND PROTOCOL

In order to be included on the International List of Cultural Property under Enhanced Protection a cultural property must fulfil the three conditions outlined in Article 10 of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. The condition outlined in **paragraph (b)** of this provision requires the relevant national authorities of the Party in question to adopt a series of measures. These measures must acknowledge the **exceptional cultural and historic value of the cultural property** and guarantee it **the highest level of protection**.

The present checklist primarily serves as a practical tool. It is intended to assist the Parties responsible for preparing requests for the granting of enhanced protection to ensure that all of the measures outlined in this respect by the Second Protocol and the corresponding Guidelines have been adopted. This being the case, the checklist is not part of the request formally submitted by a State Party applying for the granting of enhanced protection.

Nature of the protective measure to be implemented	Have you taken this information into account in the application for the granting of enhanced protection?	Have you explained the measure(s) adopted by your authorities, demonstrating their relevance and their effectiveness in practice?	Have you attached a copy, in English or in French, of the legislative, regulatory and/or institutional texts implementing the protective measures or a summary of such texts to your request for the granting of enhanced protection?
<p>1. PEACETIME MEASURES</p> <p>1.1 Establishment and regular update of a precise and documented inventory of the cultural property in question at the national and regional level, including any movable property that it might contain. Identification, recognition, and registration of each cultural property. Creation of a digital database if possible.</p> <p>1.2 Sharing of inventory with all stakeholders concerned such as the Ministry of Culture, the Ministry of Defense or the Department of the Interior.</p> <p>1.3 Preparing for the removal of movable cultural property or provision for adequate in situ protection for said property (e.g.: creation of a list of cultural properties to be given priority for removal or protection in case of emergency). Constructing new storage structures or renovating old ones.</p>			
<p>2. EMERGENCY MEASURES</p> <p>2.1 Planning of emergency measures to ensure that property is protected against the risks of fire or the structural collapse of buildings (as well as training of departments concerned, including the military, fire brigade, civil protection, and institutional personnel).</p> <p>2.2 Organization of practical training exercises to verify proper implementation of these measures.</p>			

Nature of the protective measure to be implemented	Have you taken this information into account in the application for the granting of enhanced protection?	Have you explained the measure(s) adopted by your authorities, demonstrating their relevance and their effectiveness in practice?	Have you attached a copy, in English or in French, of the legislative, regulatory and/or institutional texts implementing the protective measures or a summary of such texts to your request for the granting of enhanced protection?
<p>3. DEFINITION OF MEASURES TO BE TAKEN IN TIME OF ARMED CONFLICT AND POST-CONFLICT</p> <p>3.1 Definition of post-conflict measures: assessment of damage, proof of damage, preparation of reports on damage inflicted, emergency safeguarding and prevention of secondary damage to the cultural property affected, emergency restoration actions, etc.</p> <p>3.2 Consideration of cultural property protection in the rules of engagement of armed forces.</p>			
<p>4. DESIGNATION OF AUTHORITIES</p> <p>4.1 Designation of competent authorities responsible for the safeguarding of cultural property (May include conservation personnel who can advise on the storage and moving of objects and professionals responsible for the movement of cultural property if movement is necessary). Intersectoral cooperation between authorities dealing with issues related to the illicit trafficking of cultural property (customs, museums, the police).</p> <p>4.2 Provision of the relevant means to ensure the functionality of the authorities.</p>			
<p>5. CPP IN MILITARY TRAINING PROGRAMMES</p> <p>5.1 Consideration of the protection of cultural property in military education and training. Incorporation in training materials of international and national regulations relating to the protection of cultural property in times of armed conflict, including occupation.</p> <p>5.2 Systematic inscription of cultural property on a "no strike list."</p>			
<p>6. IMPLEMENTATION OF CHAPTER IV OF THE SECOND PROTOCOL IN DOMESTIC LAW</p> <p>6.1 Implementation of the provisions of Chapter IV of the Second Protocol, in particular Articles 15 and 16, within the framework of the Party's domestic legislation.</p>			

ANNEX II

INTERNATIONAL ASSISTANCE APPLICATION FORM

- The International Assistance request form is available at the following web address: www.unesco.org and can be filled at the same address.
- Further guidance on International Assistance can be found in Section VI of the *Guidelines for the Implementation*
- The original signed version of the completed International Assistance request form should be sent in English or French to:

UNESCO
THE SECRETARIAT OF THE 1954 HAGUE CONVENTION
AND ITS TWO (1954 AND 1999) PROTOCOLS
7, place de Fontenoy
75352 Paris 07 SP
France
Telephone: +33 (0)1 45 68 xx xx
Fax: +33 (0)1 45 68 xx xx
E-mail: 99SP@unesco.org

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:¹

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3/ A joint request of two or several applicants²

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2. Title of project

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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 cases³
- cultural property inscribed provisionally on the List of Cultural Property under Provisional Enhanced Protection on an emergency basis⁴
- cultural property nominated for inscription on the List of Cultural property under Enhanced Protection (i.e. Tentative List)⁵
- Others (*please describe the cultural property to which the request relates*)

1 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.

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

3 Paragraphs 73 and 74 of the Guidelines

4 Paragraphs 63 and 75 of the Guidelines

5 Paragraphs 52 and 53 of the Guidelines

4. Purposes of assistance requested

- Preparatory measures
- Emergency measures
- Recovery measures
- Other measures

Please provide brief information:

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5. Project location

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- a Will the activity include a field component?** yes no

If yes, where and how ?

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- b The activity is:**

- National
- Regional involving other States from a region
- International involving States from different regions

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

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6. Justification of the project

a. Background information about the need for assistance

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b. Measures already taken by the applicant(s)

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7. Description of the requested assistance

1/ Specific information about the project

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

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3/ Details of the equipment or the personnel needed

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

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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

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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

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8. Expected results

(a) Clearly state the results expected from the project

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(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

9. Work plan (including specific activities and timetable)

Activities	Time frame (in months)						
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7
Activity							
Activity							
Activity							
Activity							

10. Previous assistance received from the fund for the protection of cultural property in the event of armed conflict

Indicate all previous assistance received 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. Budget breakdown

- (a) Provide, in the following table (in United States dollars), a detailed breakdown of costs of the individual elements of the project including, if possible, unit costs and show how these will be shared between the different funding sources.

Items (choose items as applicable to the project)	Detail USD (for applicable items)	State Party Funds	Amount requested	Other sources	Total
Organization <ul style="list-style-type: none"> • venue • office expenses • secretarial assistance • translation • simultaneous interpretation • audiovisual equipment • other 	USD ___/day for ___ days = USD ___ USD ___ USD ___/day for ___ days = USD ___ USD ___/page for ___ pages = USD ___ USD ___/hour for ___ hours = USD ___ USD ___/day for ___ days = USD ___ USD ___				
Personnel/consultancy service (fees) <ul style="list-style-type: none"> • international expert • national expert • coordinator • other 	USD ___/week for ___ weeks = USD ___ USD ___/week for ___ weeks = USD ___ USD ___/week for ___ weeks = USD ___				
Travel <ul style="list-style-type: none"> • international travel cost • domestic travel costs • other 	USD ___ USD ___				
Daily subsistence allowance <ul style="list-style-type: none"> • accommodation • board 	USD ___/day for ___ persons = USD ___ USD ___/day for ___ persons = USD ___				
Equipment <ul style="list-style-type: none"> • 	USD ___/unit for ___ units =				
Evaluation, Reporting and Publication <ul style="list-style-type: none"> • evaluation • reporting • editing, layout • printing • distribution • other 	USD ___ USD ___ USD ___ USD ___ USD ___				
Miscellaneous <ul style="list-style-type: none"> • visas • other 	USD ___ for ___ participants = USD ___				
TOTAL					

- b) Specify whether or not resources from other sources are already available or when they are likely to become available.

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12. Agency(ies) responsible for the implementation of the project

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13. Signature on behalf of applicants

Full name:

Title:

Date:

14. Annexes

(Number of annexes attached to the request.)



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)	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> At least six months before the ordinary meeting of the Committee. Requests for emergency measures may be submitted at any time 	<ul style="list-style-type: none"> The Committee 	<ul style="list-style-type: none"> The Fund 	<ul style="list-style-type: none"> The Committee through the Secretariat 	<p>Articles 3(2), 10(b), 11(8), 29, 32(1), 32(2), of the Second Protocol</p>
Technical Assistance of the Parties through the Committee	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Cultural property under enhanced protection Cultural property 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Any time 	<ul style="list-style-type: none"> Parties providing assistance 	<ul style="list-style-type: none"> Parties providing assistance 	<ul style="list-style-type: none"> The Committee through the Secretariat 	<p>Article 32(4) of the Second Protocol</p>
Assistance of UNESCO (cf. Table 3)	<ul style="list-style-type: none"> Parties 	<ul style="list-style-type: none"> Cultural property under enhanced protection Cultural property 	<ul style="list-style-type: none"> In times of peace or immediately before or during or after a conflict 	<ul style="list-style-type: none"> Any time 	<ul style="list-style-type: none"> UNESCO 	<ul style="list-style-type: none"> Within the limits fixed by programmes and resources of UNESCO 	<ul style="list-style-type: none"> The Secretariat 	<p>Article 33(1) of the Second Protocol</p>

Forms of Assistance	Applicant	Material scope	Temporal scope	Deadline for submission	Approved by	Resources	Addressee	Reference
Technical assistance provided by the Parties directly on a bilateral level	<ul style="list-style-type: none"> Party/Parties 	<ul style="list-style-type: none"> Cultural property under enhanced protection Cultural property 	<ul style="list-style-type: none"> In times of peace or immediately before or during or after a conflict 	<ul style="list-style-type: none"> Any time 	<ul style="list-style-type: none"> Party/Parties providing assistance 	<ul style="list-style-type: none"> Party/Parties providing assistance through its (their) national focal point(s) 	<ul style="list-style-type: none"> Article 33(2) of the Second Protocol 	
Financial and other assistance from the Fund	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> At least six months before the ordinary meeting of the Committee. Requests for emergency measures may be submitted at any time. 	<ul style="list-style-type: none"> The Committee 	<ul style="list-style-type: none"> The Fund 	<ul style="list-style-type: none"> The Committee through the Secretariat 	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Disbursement from the Fund 	<ul style="list-style-type: none"> 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 Dispatch of technical missions to undertake operational projects 	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Disbursement from the Fund 	<ul style="list-style-type: none"> Organisational <i>ad hoc</i> measures for drawing up emergency plans, preparing inventories, surveys, maps, publications, websites, etc. Establishment and operation of <i>ad hoc</i> infrastructures Establishment of refuges for movable cultural property under enhanced protection for its temporary protection 	<ul style="list-style-type: none"> Assistance in the elaboration and enactment of laws under emergency procedure, as appropriate.
Recovery measures	<ul style="list-style-type: none"> Disbursement from the Fund 	<ul style="list-style-type: none"> Dispatch of experts and skilled personnel to assist in the preservation and conservation of 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	<ul style="list-style-type: none"> Resources of UNESCO 	<ul style="list-style-type: none"> 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 refugees for movable cultural property Expert advice related to the marking of cultural property under enhanced protection with the distinctive emblem (as recommended by part III.E on The Distinctive Emblem for cultural property under enhanced protection and modalities for its use 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) 	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Resources of UNESCO 	<ul style="list-style-type: none"> Dissemination of various studies and reports on different aspects of the implementation of the Second Protocol Dispatch of technical missions to undertake operational projects 	

ANNEX IV

Distinctive Emblem for Cultural Property under Enhanced Protection, including its graphic charter¹



¹ The distinctive emblem shall take the form of a shield, pointed below, persltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and a royal-blue triangle above the square, the space on either side being taken up by a white triangle), which is outlined by an external red band that is detached from the Blue Shield.