

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND
CULTURAL ORGANIZATION**

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

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

SECOND EXTRAORDINARY MEETING

Paris, UNESCO Headquarters

18 March 2022

Item 4 of the provisional agenda:

Emergency international assistance to Ukraine

This document contains information on international emergency assistance to Ukraine, including application for international assistance, submitted by Ukraine, under the Fund for the Protection of Cultural Property in the Event of Armed Conflict, for emergency measures.

Draft Decision: 2 EXT.COM 4, see paragraph 19.

Information on the provision of international assistance for emergency measures

1. In order to strengthen protection of cultural property, the 1999 Second Protocol to the 1954 Hague Convention distinguishes the following forms of assistance:
 - (a) International assistance provided by the Committee (Article 32 of the Second Protocol), including financial assistance from the Fund for the Protection of Cultural Property in the Event of Armed Conflict ("the Fund") (Article 29 of the Second Protocol);
 - (b) Technical assistance provided by the Parties through the Committee (Article 32.4 of the Second Protocol);
 - (c) Technical assistance provided by the Parties at bi- or multilateral level (Article 33.2 of the Second Protocol); and,
 - (d) Technical assistance provided by UNESCO (Article 33.3 of the Second Protocol).
2. Each of the above-mentioned categories of assistance can be provided in emergency situations to ensure and reinforce the protection of cultural property.
3. The present document aims to provide information on potential use of the above-mentioned categories of assistance. The document is divided into three parts. **The first part** provides information on a preliminary needs assessment conducted by UNESCO, in close coordination with all relevant authorities of Ukraine. **The second part** presents information on the international assistance provided by the Committee, including a request submitted by Ukraine for financial assistance. **The third part** enlists other categories of potential assistance mechanisms.

I. Preliminary needs assessment

4. Following the deposit of the instrument of accession to the 1999 Second Protocol by Ukraine, on 30 June 2020, two consultation meetings, respectively on 20 May 2021 and 23 February 2022, were organized between the Secretariat and the Government of Ukraine. The meetings were attended by the national authorities involved in the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols, including the Ministries of Foreign Affairs, Culture, Justice, Defense, Prosecutor General's Office as well as by independent experts. As a result of these meetings, a selected number of measures - notably the establishment of specialized unit in charge of the cultural property protection within the Ministry of Defense, the listing of cultural properties on the International List of Cultural Property under Enhanced Protection, capacity-building activities and others – were identified.
5. Since the outbreak of the armed conflict in the territory of Ukraine on 24 February 2022, UNESCO and the Government of Ukraine intensified the coordination to undertake emergency measures to protect cultural property. In this context, consultation and working meetings with the representatives of the Ministry of Culture, site managers of the World Heritage properties in Ukraine, and museum directors and professionals in charge of immovable and movable heritage, were organized, respectively on 9 March 2022, 10 March and 14 March 2022. As a result, the following initial needs were identified:
 - In accordance with Article 17 of the 1954 Hague Convention, marking cultural properties with the distinctive emblem of the Convention;
 - Reinforcement of *in situ* protection of cultural property, in particular immovable cultural property, through securing doors and windows, taking precautions against structural collapse etc.;
 - Removal of movable cultural property from high-risk areas and their temporary storage in refuges, to be identified by the Government of Ukraine;
 - Detailed recording of damages and collection of evidence of potential breaches of the 1954 Hague Convention and its two (1954 and 1999) Protocols;

— Granting of enhanced protection, in an emergency basis, as well as special protection to select number of cultural properties to reinforce their immunity.

6. As of 16 March 2022, the Government of Ukraine, non-governmental organizations operating in Ukraine and independent cultural heritage professional have started putting in place all of the above-mentioned measures. However, financial and technical assistance is urgently needed to secure the continuation of these efforts in short-term.

II. International assistance provided by the Committee, including financial assistance from the Fund

7. All Parties to the 1999 Second Protocol are entitled to request international assistance from the Committee. International assistance provided by the Committee is in principle complementary to national measures taken by an applicant for the protection of its cultural property.
8. In this context, such assistance may be provided also for emergency measures which 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.
9. In accordance with paragraph 134 of the [Guidelines](#) for the Implementation of the 1999 Second Protocol ("the Guidelines"), the Committee may use the Fund for financing its assistance.
10. It is to be noted that the Fund was established, under Article 29 of the 1999 Second Protocol, for the following purposes:
 - (i) to provide financial or other assistance to support preparatory or other measures to be taken in time of peace in accordance with Articles 5, 10 subparagraph (b) and 30 of the 1999 Second Protocol; and
 - (ii) to provide financial or other assistance to support emergency, provisional or other measures for the protection of cultural property during armed conflict or for its recovery immediately after the end of hostilities, in accordance with Article 8 subparagraph (a) of the 1999 Second Protocol.
11. Pursuant to paragraph 168 of the Guidelines, applications for international assistance should be submitted to the Secretariat at least six months before the ordinary meeting of the Committee in order to be examined at its next meeting. However, this deadline is not applicable for requests for emergency measures, which could be submitted at any time. Pursuant to paragraph 173 of the Guidelines, in view of the urgency, the Committee considers as soon as possible these requests on an *ad hoc* basis.
12. In this framework, on 16 March 2022, Ukraine submitted a request for emergency measures under paragraph 173 of the Guidelines.
13. The Secretariat has acknowledged receipt, verified the completeness of the application, transmitted the application to the Committee, for its examination, at the 2nd extraordinary meeting (UNESCO, 18 March 2022).
14. As of 16 March 2022, the total amount of funds available under the Fund for the Protection of Cultural Property in the Event of Armed Conflict is US\$ 499,409.49.

III. Other categories of assistance

15. In addition to the above-described assistance of the Committee, in emergency situations, the States Parties to the 1999 Second Protocol may provide assistance to the State Party in need, through the Committee. Requests concerning such technical assistance are addressed to the Committee through the Secretariat, which transfers the information to the national focal

points of the State Party in need for their consideration. States Parties in a position to provide technical assistance are invited to inform the Committee of the possibilities of providing such assistance.

16. The Parties are also encouraged to provide technical assistance in emergency basis directly to the State Party in need, without passing through the Committee. The Parties providing bilateral or multilateral assistance may inform the Committee about the results of such assistance.
17. Finally, a State Party in need may also 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, including through the Heritage Emergency Fund (HEF), as part of UNESCO's emergency response mechanism, which complements national efforts and the mechanism for providing international assistance under the 1999 Second Protocol to the 1954 Hague Convention.
18. In this context, it should be noted that UNESCO continues to provide all necessary assistance, within its capacity and mandate, to the national authorities of Ukraine. Information on the results of this assistance will be provided to the 17th meeting of the Committee, scheduled to take place in December 2022.
19. In the light of the above, the Committee may wish to adopt the following decision:

DRAFT DECISION 2 EXT.COM 4

The Committee,

1. Having examined Document C54/22/2.EXT.COM/4, including the request submitted by Ukraine,
2. Recalling Article 29(1)(a) of the 1999 Second Protocol and 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,
3. Decides to approve the international assistance request, “Emergency measures for the protection of cultural heritage in Ukraine” (Ukraine), from the Fund for the Protection of Cultural Property in the Event of Armed Conflict for an amount of US\$ 50,000.00;
4. Encourages all States Parties to provide bilateral or multilateral assistance to Ukraine to support its efforts to safeguard cultural property;
5. Requests the Secretariat to provide all necessary assistance in the implementation of the emergency measures, within the framework of the 1999 Second Protocol and report back to the Committee at its 17th meeting in 2022.

ANNEX 1
SUMMARY OF APPLICATION¹

<p>Emergency measures for the protection of cultural heritage in Ukraine Ukraine</p>
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Purpose of international assistance	Emergency measures
Amount Requested	50.000 USD
Previous contributions from the Fund	NA
Date of submission	16 March 2022
Project Title	Emergency measures for the protection of cultural heritage in Ukraine
Duration of the project	Up to 9 months
Documents provided	Application form

Background

To improve the protection of cultural property at national level and to express its commitment to protect cultural heritage, Ukraine ratified the 1954 Hague Convention on 6 February 1957, as well as its two (1954 and 1999) Protocols on 30 June 2020. The ratification of these international treaties provided an opportunity for Ukraine to improve its national criminal legislation and military training programmes, as well as to put into place safeguarding measures against foreseeable effects of armed conflict with a view to better protect its cultural heritage. Furthermore, with a view to protect movable cultural property against its illicit import, export or transfer of ownership, Ukraine ratified the 1970 Convention on 28 April 1988.

The military intervention of the Russian Federation started on the 24th of February. The Russian armed forces are bombarding Ukrainian cities. Museums, theaters, galleries, libraries, churches, schools, hospitals, kindergartens and residential buildings in the cities Kherson, Mariupol, Chernihiv, Kharkiv, Sumy and others are damaged or endangered. All the territory of Ukraine and all its heritage is threatened. The list of destroyed or damaged cultural heritage sites and cultural institutions includes Kharkiv National Academic Opera and Ballet Theatre; Kharkiv Philharmonic; Kharkiv National Kotlyarevsky University of Arts; Kharkiv State Academy of Culture; Kharkiv Dormition Cathedral; Ivankiv Historical and Local History Museum (Kyiv Oblast); Kyiv State Institute of

¹ The wording of this annex is based on the original request submitted by Ukraine.

Decorative and Applied Art and Design named after Mykhailo Boychuk; architectural sites in the historic center of Chernihiv and others. It is constantly growing. The Ministry of Culture and Information Policy of Ukraine has established a platform for documentation (in Ukrainian) for collecting and verification of information: <https://culturecrimes.mkip.gov.ua/>

Objectives

Taking the above-mentioned into account and in light of Article 29 (1)(b) and Article 11 (9), the following projects are needed to ensure, in emergency basis, the adequate protection of the cultural property and to prevent its deterioration, destruction or looting during period of ongoing armed conflict:

1. Establishment of an operational task-force responsible for implementation of all emergency measures	
Objective	The primary objective is to establish and provision of activities of an operational task-force to designate responsible authorities in charge of implementation of all emergency measures
Duration	30 days
Responsible authority	The Ministry of Culture and Information Policy of Ukraine, Permanent Delegation to UNESCO, National Commission for UNESCO, Ministry of Interior Affairs, Ministry of Defense of Ukraine, Ministry of Justice of Ukraine.

2. Marking of cultural properties inscribed on the World Heritage and Tentative Lists and other valuable cultural properties	
Objective	An operational group will be designated and authorized to mark with a distinctive emblem all cultural properties inscribed on the World Heritage and Tentative Lists and other valuable cultural properties. The working group will be composed of civil society, volunteers, cultural professionals, ICRC experts.
Duration	Up to 6 months
Potential Partners	ICOM, ICRC, Blue Shield International
Responsible authority	The Ministry of Culture and Information Policy of Ukraine, Permanent Delegation to UNESCO, National Commission for UNESCO, Ministry of Interior Affairs, Ministry of Defense of Ukraine, Ministry of Justice of Ukraine.

3. Establishment and operation of <i>ad hoc</i> infrastructures, including refugees	
Objective	The primary objective of a proposed activity is to create all necessary ad hoc infrastructures, including temporary refuges/storages to prepare removal of movable cultural property and adequate in situ protection of such property

Duration	Up to 6 months
Potential Partners	ICOM, ICRC, Blue Shield International, IFLA, ICA
Responsible authority	The Ministry of Culture and Information Policy of Ukraine, Permanent Delegation to UNESCO, National Commission for UNESCO, Ministry of Interior Affairs, Ministry of Defense of Ukraine, Ministry of Justice of Ukraine.

4. Removal of movable cultural property and adequate in situ protection of such property

Objective	The primary objective of a proposed activity is to remove all valuable movable cultural property and conduct adequate in situ protection of such property
Potential Partners	ICOM, Blue Shield International, IFLA, ICA
Responsible authority	The Ministry of Culture and Information Policy of Ukraine, Permanent Delegation to UNESCO, National Commission for UNESCO, Ministry of Interior Affairs, Ministry of Defense of Ukraine, Ministry of Justice of Ukraine

5. Compilation of national inventories of cultural property

Objective	The primary objective of a proposed activity is to compile all existing national inventories of cultural property, including their geographical coordinates.
Duration	15 days
Potential Partners	ICOM, Blue Shield International, IFLA, ICA
Responsible authority	The Ministry of Information and Culture The Ministry of Defense

Duration of the project

Estimated duration of 9 months.

Expected results

<i>Expected Results</i>	<i>Indicators</i>	<i>Means of verification</i>
Cultural properties are secured from deliberate and incidental damage and from looting.	At least, in 5 cultural property emergency measures have been taken.	Final report.

Budget

Total activity budget (in US\$):	50,000
National or other contributions (in US\$):	in-kind
Amount requested from the Fund for the Protection of Cultural Property in the Event of Armed Conflict (in US\$):	50,000
Activity 1	NATIONAL IN-KIND CONTRIBUTIONS
Activity 2	5,000
Activity 3	25,000
Activity 4	15,000
Activity 5	5,000