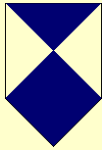




did you know?



Second Protocol to the 1954 Hague Convention

Article 27

Functions of the Committee

The **Committee for the Protection of Cultural Property in the Event of Armed Conflict** was established by the 1999 Second Protocol. The Committee is composed of 12 States Parties to the Second Protocol. The main tasks of the Committee focus on monitoring the implementation of the Second Protocol and managing the system of enhanced protection.

1. The Committee shall have the following functions:
 - a. to develop Guidelines for the implementation of this Protocol;
 - b. to grant, suspend or cancel enhanced protection for cultural property and to establish, maintain and promote the List of cultural property under enhanced protection;
 - c. to monitor and supervise the implementation of this Protocol and promote the identification of cultural property under enhanced protection;
 - d. to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties;
 - e. to receive and consider requests for international assistance under Article 32;
 - f. to determine the use of the Fund
 - g. to perform any other function which may be assigned to it by the Meeting of the Parties.

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

3. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of the Convention, its First Protocol and this Protocol. To assist in the implementation of its functions, the Committee may invite to its meetings, in an advisory capacity, eminent professional organizations such as those which have formal relations with UNESCO, including the International Committee of the Blue Shield (ICBS) and its constituent bodies. Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

For further information about other related articles:
<http://www.icrc.org/ihl.nsf/FULL/590?OpenDocument>

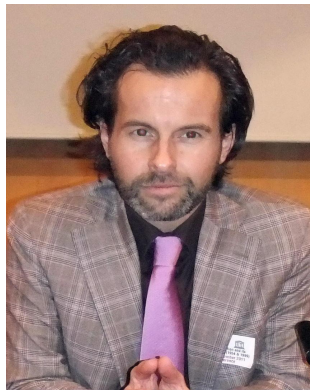
Did you know? pag.1

Interview to Dr. Nout Van Woudenberg pag. 1-2-3

Georgia, 14-19 February works in progress pag. 3

Participatory process, Public Awareness and Sustainability A key concern of the project pag. 4-5

Dear readers,
 with this issue of the Newsletter starts a series of thematic interviews aimed to provide the readers with examples of policies being implemented by countries where measures for the protection of cultural heritage from the risk of armed conflicts were concretely established and are currently enforced. International cooperation for the implementation of international law to prevent the effects of war on natural and cultural heritage will also be addressed in these interviews.



Nout van Woudenberg short bios

Dr. Nout van Woudenberg is Legal Counsel at the International Law Division of the Ministry of Foreign Affairs of the Kingdom of the Netherlands. In 2011 and 2012, he acted as Chairperson at the Committee for the 1999 Second Protocol to the 1954 Hague Convention. Van Woudenberg gained a fond expertise through research, applications and publications on Cultural Property Protection in International Perspective.

Interview to Dr. Nout van Woudenberg

It is well known the Convention is named after its capital city, it is less known that the Netherlands host the Chair of the ANCBS Association of the National Committees of the Blue Shield and several other organisations that are active in the field such as the Prince Claus Foundation. In addition, the country actively fosters the promotion of Civil Military Cooperation also on cultural affairs within NATO International Military Headquarters of the CIMIC North Group hosted in Budel.

Indeed, as early as 1907, the Hague Regulations concerning the Laws and Customs of War on Land mentioned the issue of the protection of cultural objects in the event of armed conflict. In collaboration with UNESCO and its other Member States, the Kingdom of the Netherlands played a key role in drafting the 1954 Convention, First Protocol and, later, its Second Protocol. We are proud that the relation between the Kingdom of the Netherlands and the Convention and its Protocols has been perpetuated through its name The Hague Convention, being the place where it was adopted.

This interview will review what are the current policies and levels of engagement in Netherlands for the implementation of the 1999HP (1999 II Protocol to the Hague Convention) with an insight to the domestic and the international scenario.

Dr. Nout Van Woudenberg, could you shortly describe the overall current state of the art in the Netherlands at the level of Civil Military Cooperation for the implementation of the 1999HP and their institutional support to this policy?

The protection of cultural property is part of the curriculum in military education programs at all levels. Instruction is increasingly detailed in the higher ranks. The subject of cultural heritage protection is taught in the specific preparations which military personnel undergo prior to a deployment. The Netherlands armed forces military directive on training (directive A-700(A)) specifically mentions that pre-deployment training should always address the cultural heritage and cultural history of the mission area.





The Convention, the Protocols and the Regulations have been included in the Ministerial Publications publication series, which is made available electronically to all Defence personnel and in part publicly via the internet. The main rules and principles are also included in doctrinal publications, including the Manual on the Law of Armed Conflict issued by the Commander of the Royal Netherlands Army, which is also used by the other services of the armed forces. The relevant provisions of the Protocol are also taken into account in drafting rules of engagement.

Within the Dutch armed forces an important role has been assigned to 'Cultural Affairs and Information Section' (henceforth: CAI Section) and '1st CIMIC Battalion' (the military unit responsible for Civil-Military Cooperation). The CAI Section is responsible for the implementation of those regulations which are relevant to the armed forces. It provides instruction on cultural heritage and cultural awareness during all military pre-deployment training programs, including on the obligation to prevent damage to, destruction of, or illegal transfer of cultural property during military operations abroad. The CAI Section also provides a Cultural Heritage Liaison Group for military support operations on national territory in case of a large-scale disaster or crisis. Reserve officers connected to this Liaison Group are able to advise military commanders on the importance of cultural heritage at risk and will serve as point of contact for civilian staff of those cultural institutions involved. They can be deployed in every Safety Region where military support in assistance to civilian authorities is contemplated. The Commanding Officer of the '1 CIMIC Battalion' (henceforth: 1CIMICBAT) is responsible within the Netherlands' Armed Forces for maintaining a network of some 33 reserve officers who in civilian life are experts in the fields of cultural affairs and education. This is called the '1st CIMIC Battalion Network for Cultural Affairs and Education' (CA&E Network). Any one of them can be called out for a tour of duty with a CIMIC team attached to a Dutch military task-force taking part in a military operation abroad (e.g. during Stability or Peace Support Operations). Experts in the field of archaeology, museum management, architectural monuments and cultural heritage protection are available whenever their services are needed in the field. The Network has close personal links with the CAI Section. From 2005 to 2008 the Head of the CAI Section served as chairman of the CA&E Network. Other regional experts at the CAI Section have joined the Network as well. Three of them have served as Cultural Advisors in Kandahar, Afghanistan.

The Netherlands is active also supporting institutions and civil society organisations of other countries that intend to promote cultural heritage protection in areas of crisis. The latter being promoted by the Prince Claus Foundation in cooperation with ICCROM as a follow up of ICCROM's First Aid to Cultural Heritage training course. Could you please review what actions are undertaken in this respect.

What is the level of involvement of the Dutch government, (eg: budget, projects, international cooperation) in domestic and international initiatives including assistance to third countries

in immediate need of support for the protection of their heritage?

The Netherlands has contributed to the Fund for the Protection of Cultural Property from 2009 onwards (meanwhile, more than 75% of the content of the Fund comes from Dutch contributions). This is a annual voluntary contribution to mark the long tradition of commitment of the Kingdom of the Netherlands to the protection of cultural property in the event of armed conflict. The Committee for the Protection of Cultural Property in Event of Armed Conflict determines the use of the Fund. So far, El Salvador and Mali received financial contributions from the Fund. It is hoped for that the example of the Netherlands of regular voluntary contributions will be followed by other contributions to enable UNESCO and the Parties to protect the cultural heritage which is in danger due to acts of armed conflict. In its 7th Meeting in December 2012, the aforementioned Committee adopted a resolution calling upon States Parties to the 1999HP and other potential donors to provide contributions to the Fund.

No new dossiers were submitted by States Party for enhanced protection of heritage sites at the 7th 1999HP Committee meeting last December. Based on your experience as former Chairperson of the Committee

Do State Parties face difficulties in the formulation of the dossiers, or to meet the eligibility criteria stipulated in the Second Protocol or, should the lack of new candidacies in 2012 be associated to other reasons such as: Budget constraints, Limited institutional capacity/lack of human resources, Little awareness?
(continued on page 3)

7th Meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict. UNESCO Headquarters. Paris, 20-21 December 2012.

WATCH attended the two days Committee meeting. The participation to these meetings is crucial to keep updated on the most recent developments registered in the implementation of the 1999 Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

These meetings represent also a unique opportunity to get an insight about the major concerns and priorities expressed by the State Parties represented at the Committee. Main topics in the agenda of the VII meeting are found in:

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/1-7COM-agenda-proven_20121107.pdf

In addition to the topics in the agenda, the Italian Delegation presented a contribution concerning the implementation of the Second Protocol which is destined to the Military. In the next issue of the Newsletter this document will be part of an interview to one of its authors from the Italian Ministry of Defence.

Mr. Benjamin Goes, from Belgium, was elected the new Chairperson of the 1999HP Committee replacing Dr. Nout van Woudenberg who actively served in this position through December 2012.



The provision of enhanced protection is relatively new. Only after the Guidelines for the implementation of the 1999HP had been developed by the Committee and endorsed by the third Meeting of the Parties, a few years ago, States Parties could apply for enhanced protection. Moreover, only limited experience has been gained so far. Cyprus, Italy, Lithuania, Azerbaijan and the Dominican Republic applied for enhanced protection so far. The applications by Cyprus, Italy and Lithuania have been approved, the applications by Azerbaijan have been referred back by the Committee (because not all the conditions have been fulfilled by Azerbaijan until now), and the Dominican Republic withdrew its application. I have to admit that a lot of conditions need to be fulfilled by applicant States, in order to become eligible for enhanced protection and that States need to do a lot of "homework". The applicant State Party has to put a mechanism of protection in place which does not always exist beforehand: military planning and training programs are adjusted, protective preparatory measures are taken and fire and other safety plans are put into place. Furthermore, an important element to be fulfilled is the proper implementation into its national legislation of the provisions of the Second Protocol on individual criminal responsibility.

But let us be honest, the provision of enhanced protection is important and serious business, thus firm conditions should be set. After all, the status of enhanced protection provides a higher level of protection to cultural property than does the general protection status. Its status should make warring Parties refrain from using its own cultural property under enhanced protection or its immediate surroundings in support of military action or make the cultural property under enhanced protection of the opposing Party the object of attack. Failure to comply with obligations may result in more severe (penal) sanctions and such sanctions might prove to be an effective deterrent.

Out of 19 EU Members States which are also States Parties in the 1999HP, only three submitted dossiers to apply for enhanced protection of heritage sites. These three dossiers represent three on five heritage sites that were granted the status of enhanced protection so far.

Could you please give your interpretation of the reasons why only few European State Parties submitted dossiers for enhanced protection?

As I stated before, the provision of enhanced protection is quite new. Moreover, I am aware of the fact that some EU Member States are in an internal process of preparing applications for enhanced protection. Some other EU Member States, for instance the Netherlands, are of the opinion that priority should be given to applications of State Parties where the threat of an armed conflict is existent, and are therefore -for the time being- hesitant to apply for enhanced protection themselves.

Georgia, 14-19 February works in progress

A round of institutional meetings took place in Georgia with the recently elected relevant National and Local Georgian Authorities during a project coordination mission conducted within the framework of the EU CIUDAD War free World Heritage Listed Cities project. The purpose of the meetings was to review the levels of project implementation so far reached and the project priorities set for the coming months.

A first meeting took place with Mr. Dimitri Khundadze, elected Georgian MP; Mr. Givi Giutashvili the Mayor of the Municipality of Mtskheta and members of the Municipal Council as well as the responsible of the Civil Defence of the Mtskheta-Mtianeti Region, the Municipality of Mtskheta Fire Department and Rescue Service, the Police of Mtskheta Division and, Architect George Shaishmelashvili who in 2003, participated in the UNESCO financed Mtsketa Heritage and Tourism Master Plan preparation. The following meeting with H.E. the Minister Mr. Guram Odisharia and the first Deputy Minister Ms. Marine Mizandari took place at the Ministry of Culture and Monument Protection in Tbilisi. Mr. Claudio Cimino, coordinator of the project and WATCH Secretary General was accompanied during the meetings by Mrs. Nino Chanishvili, Local Project Coordinator and WATCH member.



Mr. Guram Odisharia, Ms. Nino Chanishvili, Ms. Marine Mizandari and Mr. Claudio Cimino

Georgia considers the protection of the rich Heritage sites of Mtskheta a priority and at the meetings the willingness to undertake all necessary measures to secure protection and safety for this patrimony of humanity in line with international conventions and laws was confirmed.

All the authorities met have manifested great interest for the project with a positive endorsement of its vision and its very concrete expected results. Their intention to continue and eventually increase the level of international cooperation established within the project framework was also confirmed at the meetings. An important sign of institutional responsibility towards an agenda of national relevance that sets promising basis for the positive completion of the project in this country.



The mission focused on the verification of the inputs still needed for the completion of a draft dossier to apply at the 1999 Hague Protocol Committee's Secretariat at UNESCO for the Enhanced Protection of the Historical Monuments of Mtskheta which are inscribed in the World Heritage List. Enhanced protection is granted provided that the criteria stipulated within the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Properties in the Event of Armed Conflicts are fully met.

Since 2009 the Historical Monuments of Mtskheta are inscribed in the World Heritage in danger list based on the criteria set within the framework of the 1972 World Heritage Convention, and, the country is working to revert that status with support from UNESCO and other relevant International agencies and experts. Thus, despite focusing on the implementation of the 1999 Second Protocol of the Hague Convention, War Free World Heritage Listed Cities project, indirectly contributes to the ongoing initiatives for the cancellation of the Historical Monuments of Mtskheta from the WH in danger list.

The project also supports inter-institutional agreements and structured cooperation for the creation of a multidisciplinary risk management unit designed to transfer and develop proper know how in civil military cooperation for cultural heritage protection. A cycle of trainings will be given during the coming months within the project framework targeting a selected core group of civil and military experts selected to integrate and to efficiently operate in a Inter-Institutional Risk Management Unit (RMU) which is also envisaged to spin off before the project conclusion. Training for the military will address soldiers at all level of command to secure the highest level of competence of the personnel assigned, to enforce the Convention and the related Humanitarian Law domestically and in international operations.

A special attention is given in the project to planning for risk preparedness and risk response both in times of peace and times of armed conflict. Promoting Public Awareness and Visibility actions in Georgia represents also one of the key activities promoted by the project.

It is expected that during the project implementation also several international cooperation agreements with leading civil and military organisations from third countries and international agencies will be signed by the Georgian concerned institutions to secure lifelong training, updating and upgrading for the personnel involved and for the institutional development of the RMU, as a matter of sustainability.

The CIUDAD War Free World Heritage Listed Cities project is led by the Council of the United Municipalities of Jbail (Lebanon) and it is active in Lebanon and in Georgia. In Lebanon the project focuses on the protection of the ancient city of Byblos also registered in the World Heritage List. Governance in these two cities heavily depending on their urban heritage secured through a proper urban planning. For more info about the project visit www.warfreeheritage.net.

Participatory process, Public Awareness and Sustainability A key concern of the project

Public awareness should be recognized as a process by which human beings and societies can reach their fullest potential. Community knowledge plays a fundamental role in building sustainable societies, but delivering knowledge to communities requires strategies for effective communication (UNESCO Agenda 21 a manifesto for education Art. 36.3).

War Free World Heritage Listed Cities project uses communication as a tool to fulfil several key requirements in particular to promote the long-term sustainability of the initiative and as a way to ensure visibility of the project and of the European Union's contribution to sustainable urban development in the local communities of the ENP regions.

The project supports local authorities in the process to increase protection of world heritage sites from the threats posed by natural and man-made disasters.

As such, draft dossiers for the enhanced protection of two urban heritage sites registered in the world heritage list are being completed based on Guidelines for the implementation of the 1999 Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

The commitment and active involvement of local authorities, national institutions, urban planners, other specialists and civil society at large is essential to ensure that all the conditions are met to achieve the maximum level of protection for the two world heritage sites under the umbrella of the Convention. A commitment that must extend beyond the lifetime of the present project, so that the sites maintain their enhanced protection.



Dr. Rachid Chamoun, Local Project Coordinator - Lebanon

Engaging the public and civil society in the target areas, through raising awareness about the value and vulnerability of cultural heritage, is crucial so that:

- they can exert bottom-up pressure on decision-makers for long-term protection of the sites;
- they are aware of their own personal/institutional responsibility towards protecting artefacts in the event of war;
- they introduce new trends by designing urban development plans that incorporate Risk Preparedness Plans that were produced for the listed urban heritage within the project framework;

Residents in particular need to develop a greater knowledge of the heritage they are so lucky to have on their doorstep, to see it with new eyes, in order to better perceive its value and its vulnerability. This can only be achieved by practical, participatory activities involving personal contact with their heritage. Citizens who are better informed about the value and vulnerability of cultural heritage can put pressure on local and national politicians, also through the media, and can continue to be vigilant, applying pressure when needed, beyond the lifetime of a project. Allowing people to assess their own perception of the value of cultural heritage by a gradual process of participatory and inclusive decision-making local stakeholders leads to:

- Gain a shared perception of the major issues which confront them,
- Agree on how these issues can be measured,
- Develop an understanding of the trends concerning these issues,
- Prioritize an action plan to deal with these issues,
- Consider how they can influence and develop policy for a more sustainable future.

Schools and other institutions of social learning should help prepare young people to respond positively to the opportunities offered by wide public understanding of the importance of cultural heritage. This is why public awareness become central to increase this understanding and install virtuous circle.

The potential of education is enormous. Seen as social learning for sustainability, education can increase concern over unsustainable practices and increase our capacity to confront and master change. Public awareness actions not only inform people, but can change them. As a means for personal enlightenment and for cultural renewal, it is not only central to sustainable development, it is humanity's most effective means in the quest to achieve sustainable positive effects.

A review of possible instruments to implement Article 30 - Dissemination of the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1999



Mrs. Nino Chanishvili, Local Project Coordinator - Georgia during a public awareness activity with students (aged 13-17)

PROJECT CALENDAR IN PILLS

Ongoing:

Georgia - the advanced version of the draft Dossier to apply for enhanced protection for the monuments of Mtskheta is currently under preparation for endorsement to the concerned National Authorities to follow up procedures with UNESCO Secretariat. Concerned Ministries and Local authorities are deeply involved and proactive to achieve this objective in cooperation with the project's partners.

Lebanon - preparation of the public awareness activity within the EU - Lebanon Cooperation Days 2013 in Beirut.

Forecast:

International Workshop to present, discuss and review results achieved by the project.

Public Awareness Promotion with a campaign in public School upon agreement with Ministries of Education.

A **Blue Shield day** is also under study as it could be held in Lebanon and Georgia on the occasion of their respective National Heritage Days.

Trainings in Georgia/Lebanon on Civil Military Cooperation.

Project publications, Launching events & information days