

**Chapters 4 – 5 of the Draft 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**  
**Developed by the Committee for the Protection of Cultural Property in the Event of Armed Conflict at its Third Meeting (UNESCO, 4 - 6 June 2008)**

#### **4 DISSEMINATION**

97. The Second Protocol requires Parties to disseminate as widely as possible its provisions in time of peace and in time of armed conflict. Parties undertake by appropriate means to strengthen appreciation and respect for cultural property by their entire population. Particular attention should be paid to encouraging educational and information programmes. Article 30 of the Second Protocol
98. Any military or civilian authority which, in time of armed conflict, assumes responsibilities with respect to the application of the Second Protocol, has to be fully acquainted with the text thereof. To this end, the Parties are required to, as appropriate:
- incorporate guidelines and instructions on the protection of cultural property in their military regulations, doctrine and training materials,
  - develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes,

- communicate to one another, through the Director-General of UNESCO, 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 Protocol.

## **5. MONITORING THE IMPLEMENTATION OF THE SECOND PROTOCOL**

99. The Second Protocol strengthens the protection of cultural property by establishing a monitoring mechanism for its implementation. According to the Second Protocol, the Parties are required to report to the Committee on implementation measures taken by them. 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

### 5.1 Periodic Reports of the Parties

100. As High Contracting Parties to the Convention and Parties to the Second Protocol are required to report every four years on the implementation of the named instruments, Parties to the Second Protocol are invited to follow the same four-year reporting period as for the Convention.<sup>1</sup> While reports concerning the implementation of the Convention are addressed to the Director-

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

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

General of UNESCO, periodic reports on the Second Protocol are addressed to the Committee through the Secretariat.

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

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

- Implementation of general provisions regarding protection Chapter 2 of the Second Protocol
  - To inform on peacetime preparatory measures for the safeguarding of cultural property undertaken or envisaged to be undertaken.
  - Parties which are Occupying Powers, to inform on how the provisions of the Protocol concerning the protection of cultural property in occupied territory are complied with.
  
- Implementation of provisions regarding enhanced protection Chapter 3 of the Second Protocol
  - To inform whether the Party intends to request the inclusion of cultural property in the List.
  - To inform on the use of the emblem, as stated in Chapter 3.5 of the Guidelines.
  
- Implementation of provisions regarding criminal responsibility Chapter 4 of the Second Protocol; Article 15 and 21 of the Second Protocol
  - To inform on national legislation concerning criminal responsibility for serious violations within the meaning of the Second Protocol.
  - To inform on national legislative, administrative or disciplinary measures to suppress other violations.

- Implementation of provisions regarding dissemination
  - To inform on the measures taken concerning dissemination.

Chapter 7 of  
the Second  
Protocol

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

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

## 5.2 Reports of the Committee to the Meeting of the Parties

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

Article 27 (1)  
c of the  
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Article 27 (1)  
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106. The Committee will, with the assistance of the Secretariat, keep under review all aspects of the implementation of the Second Protocol. The Committee will make full use, to the extent possible, of the periodic reports, representations and other communications

from Parties. The Committee may also make use of information and advice from stakeholders, as referred to in paragraph 13 of the Guidelines, as well as of the information and documentation services of UNESCO.

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

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