



1-1-1999

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Automated Citation

Delegation of Mexico, "Comments of Mexico to 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" (1999). *Protection of Cultural Property in the Event of Armed Conflict*. Paper 31.

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COMMENTS OF MEXICO TO 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

*[To be considered by the second session of the first meeting of the Committee for the
Protection of Cultural Property in the Event of Armed Conflict under Article 27(1)(a)]*

For Mexico, these draft guidelines, from a technical and structural point of view, are remarkable. They can become a useful and concise instrument for ensuring an adequate implementation of the Second Protocol.

Given the abovementioned, Mexico wishes to make the following comments:

1) Article 10 of the Protocol states that cultural good may be placed under enhanced protection provided that -among other requirements- "it is cultural heritage of the greatest importance for humanity".

Due to the fact that the Protocol lacks provisions/criteria related to the designation of cultural goods as "of the greatest importance for humanity", the vagueness of the matter is highlighted.

Reflecting what Article 10 states, point 5.2.3 of the Draft Guidelines (Project) merely establishes that in order to substantiate a petition requesting the grant of enhanced protection for a particular cultural good, States must submit to the Committee documentation providing clear evidence of its "greatest importance for humanity".

Consequently, with full awareness of how complex it would be, the Parties could take advantage of the opportunity to attempt elaborating on the subject; for example, establish guidelines that could be used as a reference in order to give certain degree of objectivity to a State's intention to confer to a cultural good the qualification to which Article 10 refers to, as well as to the corresponding decision -either in a positive or negative sense- of the Committee.

For example, Article 1 Convention concerning the protection of the world cultural and natural heritage states that the following shall be considered as "cultural heritage": architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science.

If States manage to take steps in such direction, it is underlined that in case of emergency -in conformity with point 5.4 of the Project- the Committee would be in a position to discharge its functions with higher efficiency and therefore, offer protection with greater promptness.

2) Regarding point 7.2, *Financial Regulations*, it is considered that the content of draft Article 7.1 must be expanded in order to establish precise guidelines of a technical and indicative nature so that the Director General of UNESCO may make the relevant investments.

3) According to Article 37 of the Protocol, every four years State Parties must submit to the Committee a report on the measures adopted towards the latter's implementation. It is clear that it would be very convenient for this Organ to discharge its functions making full use -among others- of such reports; just as it is already stated in the Project.

In this context, by way of point 8.3 of the Project, it is suggested that States inform on the legal, administrative, military and practical measures adopted in order to implement the Protocol; moreover specifying 24 points to be broached.

Regarding this matter, due to the high volume of information that it could involve, it is considered that there is a risk of the aforementioned translating into an obstacle for the efficient discharge of the Committee's duties and thus, work against the purpose of adequately evaluating the progress on the Protocol's implementation.

For that reason, as well as taking into consideration that -given the administrative loads involved- States generally manifest inconformity and discontent when arduous chores are imposed on them for the purpose of assessing the implementation of international treaties, point 8.3 of the Project could be studied in order to determine the feasibility of selecting those provisions of the Protocol whose inclusion in the report would be absolutely indispensable in order for the Committee to accurately discharge its duty.

In other words, reformulate and restructure the Project's point in question so that States submit "surgical" reports allowing the Committee to determine with precision the advancement on the Protocol's implementation.