



2-16-2007

Comments on the Hague Convention 2nd Protocol Committee Guidelines

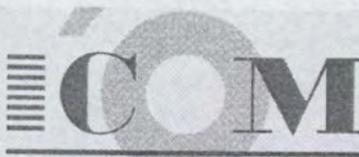
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INTERNATIONAL COUNCIL OF MUSEUMS

CONSEIL INTERNATIONAL DES MUSEES

MEMORANDUM

Date : February 16, 2007

To : Dr. Jan Hladik, Programme Specialist
International Standards Section
Division of Cultural Heritage, UNESCO

From: John S. Zvereff, Secretary General, ICOM

Re.: Comments on the Hague Convention 2nd Protocol Committee Guidelines

In relation to the draft Guidelines for the Hague Convention 2nd Protocol Committee we would like to offer the following comments:

1. We are concerned that it seems to be assumed that "Cultural Property" for the purposes of the Second Protocol, and especially the new "Enhanced Protection" status, will apply only to cultural monuments and sites, whereas the 1954 Convention, the Second Protocol, and the Enhanced Protection status, all cover equally museums, important collections, archive repositories and important libraries. We believe that this should be reflected in the proposed Guidelines.

2. Para. 4.2.: Coexistence between the 1954 Convention and the 1972 World Heritage Convention

We suggest that in the second paragraph of this section the Guidelines state that in relation to cultural property the World Heritage Convention applies only to monuments, sites and cultural landscapes, whereas the 1954 Convention and the 2nd Protocol apply equally to museums, collections, archive repositories and important libraries - all of which can be nominated for Enhanced Protection.

To avoid misunderstandings and doubts, this section should also note that even the most important World Heritage Site might have to be refused Enhanced Protection under the 2nd Protocol if it is too close to a potential legitimate military objective in the event of armed conflict.

3. Para. 5.1.3: Minimum Distance or Buffer Zone?

A minimum separation of 500 metres was first proposed in the (unratified) 1923 Air Warfare draft treaty, and was repeated in the League of Nations (International Museums Office) Draft Convention of 1939, and UNESCO's own Museums and Monuments Series publications of the 1950s - 1960s. The Guidelines might want to adopt this rule with a reference to the above international agreements.

4. Para. 5.2.1. Identification of the Property

Sub-para. (iv): Geographical coordinates:

We suggest that the following sentence "Where there is an established national military or civil grid system, the national grid coordinates should also be stated" be added.

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Sub-para. (v) Textual description of the boundaries... & (v) Map etc.:

In the case of large protected sites and zones which may extend over many hectares, a textual description and small scale map of the boundaries may be insufficient.

Geographical coordinates as in (iv) above should be added to identify key boundary points which would enable the military to determine the limits of the area of Enhanced Protection.

5. Para. 5.2.7. Format of Request and Documentation (and footnote 39):

It is evident here that possible nominations of museums, collections, libraries or archives has not been taken into account in the present draft Guidelines. Separate provisions are needed for the supporting evidence for the other three other categories of eligible cultural property, such as summaries of collections, abstracts of catalogues etc.

We suggest, therefore, that the following sentence be added: "In the case of a museum, library, archive repository or similar institution being nominated wholly or partly because of its collection of outstanding movable cultural property, the description must include a summary of this movable cultural property and a statement of its significance".

6. Para. 5.3. & 5.4. Requests etc.

The paragraph should clarify that in each case the Committee shall also inform on the same basis all intergovernmental and non-governmental organisations recognised by the Committee in accordance with Article 27 (3) of the Second Protocol.

7. Finally, we feel that a much-needed text is missing on the control or regulation of the use of the Blue Shield symbol, with references to Articles 6, 10, 11, 12, 13, 16, 17, 20, 21 & 36 of the original 1954 Hague Convention, as well as to other international conventions (Article 38 of Geneva Convention Protocol I of 1977, and Article 12 of Additional Protocol II of 1977, and the Geneva Conventions) that forbid the improper use of any "official emblem" in times of hostilities and in peacetime.

We hope that these observations can be incorporated in the final Guidelines, and please do not hesitate to contact us if you need clarifications..