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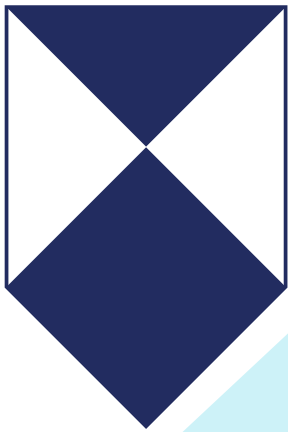
SAFEGUARDING CULTURAL PROPERTY IN THE PACIFIC

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FIRST WORKSHOP FOR THE
1954 HAGUE CONVENTION
AND ITS **TWO PROTOCOLS**

.....

FIJI, 2016



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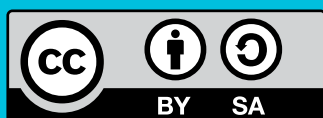
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Acronyms

BSA	Blue Shield Australia
BSP	Blue Shield Pasifika
DRR	Disaster Risk Reduction
ICA	International Council of Archives
ICBS	International Committee of Blue Shield
ICOM	International Council of Museums
ICOMOS	International Council of Monuments and Sites
ICORP	International Committee on Risk Preparedness
IFLA	International Federation of Library Associations
NAF	National Archives of Fiji
OCACPS	Oceania Centre for Arts, Culture and Pacific Studies
PARBICA	Pacific Regional Branch of the International Council on Archives
PDNA	Post-Disaster Needs Assessment
PIALA	Pacific Island Association of Libraries, Archives and Museums
PIF	Pacific Islands Forum
PIMA	Pacific Islands Museums Association
SIDS	Small Island Developing States
USP	University of the South Pacific
WCDRR	World Conference for Disaster Risk Reduction

Meeting Proceedings



Day 1

The first-ever Pacific Workshop on the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts (Hague Convention) and its Two Protocols took place from 8 to 10 November 2016 in Suva, Fiji. The Workshop brought together government officials in charge of the UNESCO Conventions in culture from nine Pacific island states, the representatives of the Blue Shield and the Interim Blue Shield Pasifika (BSP), as well as observers from Fiji.

The Workshop was opened on 8 November 2016 by Mr Amani Cilikisuva, the Secretary-General of the Fijian National Commission for UNESCO (Annex I). Extending his warm welcome to the delegates, the representatives of the regional and international Blue Shield, observers and

UNESCO, he emphasized the importance of the Workshop as the first workshop focusing on the Hague Convention and its Protocols held in the Pacific. He described the Workshop as an excellent opportunity for the Pacific delegates engaged in heritage safeguarding to learn about the Hague Convention and its two Protocols and the benefits and implications for State Parties. "The Pacific delegates look forward to learning more from you as you share your knowledge and expertise regarding the Hague Convention and its Protocols. It will be interesting to see how the Convention relates to us in the Pacific and its relevance to the Pacific scenarios." said Mr Cilikisuva.



On behalf of the UNESCO Office for the Pacific States, Akatsuki Takahashi, Programme Specialist for Culture, expressed her gratitude to the Fijian authorities (in particular, the Fiji Museum and the Ministry of Education, Heritage and Arts) for assisting UNESCO in holding this important Workshop (Annex I). She introduced the Hague Convention and its Protocols as the legal instrument designed to protect cultural property in peacetime and if conflict should arise.



She congratulated the increased ratification by Pacific island states of the other UNESCO Conventions in culture, notably, the World Heritage Convention and the Intangible Cultural Heritage Convention. She also acknowledged the active network of authorities responsible for the safeguarding of cultural heritage that had been created in the Pacific island states through the promotion and implementation of these Culture Conventions. In addition, she acknowledged that now is the right time for Pacific island states to approach the Hague Convention and its Protocols as global citizens and members of the international community. "Although the Hague Convention was adopted more than half a century ago, its goal of protecting cultural heritage and institutions during both peacetime and armed conflict is more important and relevant than ever, given the nature of armed conflict in today's modern world," said Takahashi.



The Workshop sessions were facilitated by Adi Meretui Ratanabuabua, Director of the Fiji Museum, which hosts an interim Blue Shield Pasifika (BSP), and by Ms Elizabeth Edwards, Secretary of the interim BSP.



On the first day of the Workshop, Akatsuki Takahashi and Ronald Porcelli at the UNESCO Office of the Pacific States made a presentation on the overview of the Hague Convention and its Protocols (Annex II). This presentation provided information on the history of the Hague Convention and its Protocol, adopted in 1954, and why and how they were strengthened by the adoption of the 2nd Protocol in 1999. The 2nd Protocol improved upon the concept of respect for cultural property and clarified the safeguarding measures to be taken in times of peace. These include: (1) preparation of inventories, (2) planning of emergency measures for protection against fire or structural collapse, (3) preparation for the removal of movable cultural property or the provision of adequate in situ protection of such property, and (4) the designation of competent authorities responsible for the safeguarding of cultural property. Given that special protection by the Hague Convention experienced limited success, the 2nd Protocol elaborated a new concept of enhanced protection. The presentation provided updates on the heritage sites accorded enhanced protection status by the Intergovernmental Committee of the 2nd Protocol, all of which are in fact World Heritage Sites – illustrating the growing synergy between the two Conventions. She drew attention to the specific criteria for enhanced protection, which is a non-military use declaration by relevant authorities (such as the Minister of Defense), declaring that the



property, as well as its immediate surroundings, are not and will not be used for military purposes or to shield military sites.

The presentation also provide an explanation of the differences and similarities between the Hague Convention and the World Heritage Convention. One of the main differences between the two Conventions relates to the categories of cultural property protected under each Convention. The World Heritage Convention covers natural and cultural heritage sites, while the Hague Convention has an expansive definition including cultural heritage sites, museums, libraries and archives, containing both movable and immovable cultural heritage. The Hague Convention and its Protocols oblige States Parties to sanction, within their criminal jurisdictions, breaches of the Convention, as well as to prosecute and punish persons who breach or direct another to breach the Convention. By ratifying and implementing the World Heritage Convention and the Hague Convention and its Protocols, State Parties can provide a level of additional protection to their current and future World Heritage sites, given the comprehensive legal framework developed under the Hague Convention.

World Heritage Sites in Pacific SIDS and Territories

Fiji

Cultural: Levuka Historical Port Town (2013)

Kiribati

Natural: Phoenix Islands Protected Area (2010)

Marshall Islands

Cultural: Bikini Atoll Nuclear Test Site (2010)

Micronesia, Federated States of

Cultural: Nan Madol: Ceremonial Centre in Eastern Micronesia (2016)

Palau

Mixed: Rock Islands Southern Lagoon (2012)

Papua New Guinea

Cultural: Kuk Early Agricultural Site (2008)

Solomon Islands

Natural: East Rennell (1998)

Vanuatu

Cultural: Chief Roi Mata's Domain (2008)

Also in the Pacific:

France - New Caledonia

Natural: Lagoons of New Caledonia: Reef Diversity and Associated Ecosystems

UK – Pitcairn

Natural: Henderson Islands (1988)

USA - Hawaii

Natural: Hawaii Volcanoes National Park (1987)

Mixed: Papahānaumokuākea (2010)

Table: World Heritage sites in Pacific SIDS and territories



Mr Peter Stone, Secretary-General of the Blue Shield, and the Chair for Cultural Property Protection and Peace at Newcastle University in the UK, then made a presentation on the institutional development and activities of the Blue Shield (Annex III). He informed the participants that the amendment to the articles



of Association of National Committees of the Blue Shield (ANCBS), executed in April 2016 in the Netherlands, led to the establishment of the Blue Shield, bringing together the roles and responsibilities of both the International Committee of the Blue Shield (ICBS) and the ANCBS under the umbrella of the revised Association, which will continue under the name Blue Shield.



This was followed by the presentations of country reports by Vanuatu, Tonga, Samoa, PNG, Palau, Marshall Islands, Niue, FSM and Fiji (Annex IV). These presentations provided updated information on the key aspects of heritage preservation in each respective country, such as existing national laws and legislation, the implementation status of the World Heritage Convention, Disaster Risk Reduction (DRR) measures put in place for cultural heritage and institutions, and the challenges faced in these areas. The predominant risks facing cultural property in the Pacific island states were addressed, including climate change, development pressures, and lack of national cultural heritage laws to protect cultural property. Some countries reported previous incidents of civil unrest, internal conflicts, and religious fundamentalism that affected their cultural property, expressing concern over current, and the possibility of future, internal armed conflicts.

During their presentations, numerous country delegates expressed concerns that their current national cultural heritage protection systems did

not adequately protect their cultural heritage, which placed such cultural heritage at risk of decline and destruction. Various delegates articulated that, currently, cultural heritage in the Pacific has suffered loss and damage from a variety of causes, including religious fundamentalism and natural disasters, which has threatened the future of the region's cultural property. These delegates felt their current systems could be strengthened by covering more detailed, expansive areas of cultural heritage while offering protection in different situations (e.g., natural disaster situations), via adoption of comprehensive, integrated legislation on cultural heritage protection. In particular, they voiced concerns that, without more comprehensive protections, increasing natural disasters, due in part to climate change, would continue to put their cultural heritage at risk.

During a Q&A session after the presentations, some delegates asked whether the Hague Convention would be suitable as comprehensive cultural heritage protection legislation, given that their domestic laws were still developing and the future of their cultural heritage was in a precarious state. They also shared the challenges they faced in mustering political support to fully create and implement new and improved cultural heritage protection laws in their respective countries. Furthermore, they questioned why the Hague Convention did not explicitly cover natural disaster situations. They felt that concerns over armed conflict were not as grave in their countries, but concerns about natural disasters were.

Many delegates further inquired whether it would be feasible to use the Hague Convention for cultural heritage protection in the event of and during natural disasters. They shared their interest in using the Hague Convention as a law that would cover various emergency situations (i.e., natural disasters and armed conflict) that affect cultural heritage. As such, they questioned whether it would be possible in the future that the Hague Convention or a newly-developed legal instrument could expressly and officially cover natural disasters.

In response to this questioning, the indirect applicability of the Hague Convention to natural disasters was revealed. Furthermore, the interim BSP and the Blue Shield mentioned that both organizations had evolved to accept DRR for natural disasters as an integral part of their mandate.

In a subsequent discussion session, delegates articulated that their respective countries would be more willing to ratify the Hague Convention if it covered natural disasters, not just armed conflict. The delegates again stressed that recent natural disasters have taken a severe toll on their countries, especially in the realm of sustainable development and sustainable tourism, and they expressed concerns that such natural disasters would only increase in frequency and intensity with climate change. Lastly, every delegate mentioned that funding for the protection of cultural heritage was a serious problem in their countries, including in emergency situations.





Day 2

On the 2nd day at session 3, Ronald Porcelli, Law Fellow at the UNESCO Office for the Pacific States, made a presentation on the Hague Convention and international law (Annex II). After introducing the basics of international law, he underlined the preventive actions for cultural property protection that the Hague Convention

and its Protocols aim to achieve. In addition, Mr Porcelli discussed some of the benefits that ratification and implementation of the Hague Convention provides to State Parties. He stressed that the Hague Convention is not just a wartime convention but one designed to offer protection in times of peace. In addition, he emphasized that the Second Protocol to the Hague Convention also covers internal armed conflicts, not just armed conflicts of an international character. Lastly, he instructed on the use and purpose of the Model Law to the Hague Convention and its Protocols.



At the following session, Ms Elizabeth Edwards, secretariat at the interim BSP, made a presentation on the overview of the activities and action plan of the interim BSP since its establishment at the Preparatory Meeting held in Suva in April 2016. The interim BSP, currently hosted at the Fiji Museum, is an un-incorporated network, bringing together the regional chapters that participated in the Preparatory Meeting: ICOMOS Pasifika, the Pacific Regional Branch of the International Council on Archives (PARBICA), the Pacific Island Association of Libraries, Archives and Museums (PIALA) and the Pacific Island Museums Association (PIMA). Since April 2016, the interim BSP actively engaged in a range of activities within the framework of the Action Plan for DRR for cultural heritage and institutions in Pacific SIDS (2016-2022), which consists of actions under 4 priorities: (i)

Understanding disaster risks, (ii) Strengthening disaster risk governance to manage disaster risk, (iii) Investing in DRR for resilience, and (iv) Enhancing disaster preparedness for effective response and to Build Back Better in recovery, rehabilitation and reconstruction. The activities thus far carried out by the interim BSP include awareness raising through social media, exhibitions, and participation in the Pacific Platform for Disaster Risk Management held in Suva in October 2016. Responding to Ms Edwards' presentation, Mr Peter Stone commented on how the Blue Shield's policy could relate to regional/national strategy, on the importance of cultural heritage as an anchor for post-disaster community development, on the importance of cultural awareness training for police and the military, and on the possible cooperation for developing resource materials on DRR of heritage institutions. He also noted that the General Assembly of the Blue Shield will be hosted in Austria in autumn in 2017 and extended his invitation to the interim BSP.



In session 5, Ms Takahashi made a presentation on Preparing Policy Briefings and Instruments for Ratification. As background, she explained that twelve out of fourteen of the Pacific island states ratified the World Heritage Convention (85% ratification rate) and eleven countries ratified the ICH Convention (79% ratification rate), while zero out of fourteen have ratified the Hague Convention and its Protocols. In order to

improve this situation, the presentation provided a summary of the benefits and obligations of Parties to the Hague Convention and its Protocols. The delegates then discussed the possibility of joining the Hague Convention and its Protocols at country level. The presentation was followed by a question and answer session. Mr Opeti Alfeo, Director of the National Archives of Fiji and member of the interim BSP, pointed to the advantage of utilizing international treaty and development frameworks such as the Hague Convention as well as the SDGs to build a new system of "Information for All" and integrate the cultural agenda in the national development plan in Fiji and the other Pacific island states.

In the afternoon of the second day, the participants undertook a field visit to the National Archives of Fiji, the Library of the University of the South Pacific (USP), and the Grand Pacific Hotel in Suva.



Day 3

The 3rd day began with the presentation of Lt. Col Maika Baleinaloto, a representative of the Fiji Police Service. He expressed his appreciation for the Workshop that he found relevant to the work of the Fiji Police Service. He emphasized the importance of inter-agency cooperation



for cultural property protection, and indicated the possibility of concluding MoU between the Fiji Police Service and relevant cultural organizations in order to develop standard operation procedures to enhance the protection of cultural property in times of emergency.



Then, the Workshop participants developed action plans towards joining the Hague Convention and its Protocols. The presentation of these action plans showed that the different countries had different procedures and scenarios in terms of ratification. Discussions then followed the presentations. Given that the Pacific region is not heavily affected by armed conflict, questions arose as to the applicability of the Hague Convention and its Protocols to the Pacific region. Mr Porcelli explained that although international wars are not predominant in the Pacific region, they are widespread around the world and thus may impact the Pacific region. He then clarified that the Hague Convention occupies the critical realm of international law known as international humanitarian law (i.e., the laws of war). Just as there are laws on the protection of civilians during armed conflicts, the Hague Convention is a law regarding the protection of cultural property in the event of and during armed conflict. Nations around the world have both an international moral responsibility and duty as participants in the global legal system to contribute to the legal regime of the Convention to increase its success and further its universal spirit. In addition, some Pacific island states commit a certain number of assistance troops to UN Peace Keeping Operations around the world.

These Pacific island states have a responsibility to ensure that their troops respect and protect cultural property in the event of armed conflicts, and during such conflicts, which can be best achieved through the official and legal means of ratifying and implementing the Hague Convention. In developing action plans, some participants requested that UNESCO assist countries by preparing an information paper, for the purpose of briefing relevant Ministers, cabinet bodies, parliamentarians, and congress. Requests were also made to the Blue Shield to help with awareness raising activities among the stakeholder agencies in the Pacific region and with the formal establishment of BSP.

Action Plan towards joining the Hague Convention and its Protocols

Melanesian Group

Timeframe	Actions	Stakeholders	Resources, partners, assistance needed
December 2016	Reporting on the Pacific Workshop on the Hague Convention and its Protocols to culture heads and those involved in the culture programme at national level.	Culture offices, manager of cultural institutions, traditional leaders, national planning office.	NA
2017	<p>Development and publication of promotional materials, e.g. Toolkit, brochures, leaflets on the Hague Convention and its Protocols for distribution at national level.</p> <p>Awareness raising of target/focus group of stakeholders prior to national consultation.</p> <p>Inventorying and GIS mapping of cultural assets and repositories in each country.</p> <p>Incorporate the cultural property protection in the event of armed conflicts into policy/army operational guidelines and procedures manuals. This involves the establishment and inclusion of cultural heritage assets list in the guidelines/manuals.</p> <p>Review of national legislation to identify gaps and provide way forward for an inclusive law relevant to the safeguarding of cultural heritage/property, assets and repositories.</p>	Cultural institutions, libraries, archives, repositories, law enforcement agencies, legal office.	National budget. Financial and technical assistance needed from UNESCO, BSP and other development partners.
2018	National consultation and lobbying for decision makers through preparation of an information paper to Minister concerned, Cabinet and Standing Committee of the Parliament.	Government authorities including defence, police, customs, fire, national strategic planning office, legislators, NGOs.	National budget and financial assistance from UNESCO as well as development partners.



Micronesia Group

Timeframe	Actions	Stakeholders	Resources, partners, assistance needed
December 2016	Briefing of Minister of the Pacific Workshop on the Hague Convention and its Protocols.	Ministries in charge of culture.	NA
2017	Meeting with key agencies of the Executive Branch. Meeting with key semi-governmental agencies and local state governments	Ministry of culture, Ministry of Justice, Attorney General, President Office, Council of Traditional Chiefs, Governor's Association.	Technical and financial assistance from UNESCO.
2018	National consultation to introduce the Hague Convention and its Protocols to gain community support. Develop a resolution in consultation with Attorney general Office and introduce it to Legislative Branch.	NGOs, community villages. Office of the President, Ministry in charge of culture, Senate and Senate Legal Council.	National budget.

Polynesia Group

Timeframe	Actions	Stakeholders	Resources, partners, assistance needed
December 2016	Preparing report of the Pacific Workshop on the Hague Convention and its Protocols with recommendations and submit it to the Minister and Cabinet.	Minister, Cabinet.	NA
2017	Advocacy works and workshops with key stakeholders for awareness raising.	Attorney General, law enforcement agencies.	Technical assistance from UNESCO.
2018	Community/national consultations. Submission of a report outlining socio-economic benefits and implication of ratification with recommendations to Cabinet/Parliament for endorsement.	Traditional leaders, line Ministries concerned.	National budget and financial assistance from UNESCO and other development partners.

The Workshop concluded in agreeing to ensure proper follow up at the country level and use the Pacific World Heritage Workshop planned to be hosted in Palau in September 2017 as the opportunity to share information on the progress of Hague Convention related matters.

Annex I: Opening Remarks



Opening remarks
Amani Cirikisuva
Secretary-General
Fiji National Commission for UNESCO

Distinguished representatives,
Ladies and Gentlemen

Ni sa bula vinaka. I wish to extend to you a very warm welcome as the Secretary General for the UNESCO Fiji National Commission under the Ministry for Education, Heritage and Arts.

Thank you for attending this first ever inaugural workshop to be held in the Pacific on the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its two protocols.

I am pleased to see that you have arrived safely in Suva, Fiji at an auspicious time in our history as we approach a period of the once in a life time super moon when the moon is at its closest position to the earth in all time. For those of you who are not from the Pacific I am sure you will be experiencing the heat, high humidity and rise of temperatures and weather pattern changes as we in the Pacific prepare for our cyclone season and disaster risk preparedness for natural disasters. At this workshop you will be exposed to disaster risk preparedness but will learn more about the Hague Convention and what to do in the event in armed conflicts and its two protocols.

I would especially like to welcome and congratulate the Conveners of the workshop Dr Akatsuki Takahashi program Specialist for Culture from the UNESCO Office for the Pacific States and her legal team joining us from Apia Samoa, thanks to the partnership with the secretariat of Blue Shield Pasifika which is newly established at the Fiji National Archives in April this year with secretariat housed under the Fiji Museum.

A very warm welcome to Mr Peter Stone representative of Blue Shield International, Who is also the Chair for Cultural Property Protection and Peace at Newcastle University, UK. Congratulations on your esteemed position. Thank you for joining us accompanied by Mrs Stone all the way from the UK. The Pacific delegates looks forward to learning more from you as you share your knowledge and expertise regarding the UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its First Protocol which were adopted in 1954 in The Hague, Netherlands, particularly after world war two catastrophes and destruction. It will be interesting to see how the convention relates to us in the Pacific and its relevancy to the Pacific scenarios.

I understand we have representation from the Pacific States Government official representatives from Heritage institutions from Papua New Guinea, Niue, Samoa, Tonga, Republic of the Marshal Islands, Vanuatu, Palau, Federated States of Micronesia and Fiji. And observers from the SPC Cultural division Dr Elise Huffer, ICOMOS Pasifika, PARBICA (for the archives), USP for the



libraries and Library services Fiji. Pacific Island Museums Association, the Fiji Red Cross together with Representatives from the Fiji Military and Police forces who have strong representation in areas of conflict in the middle east through the UN peace keeping services.

The three day workshop that will be held here at the Southern Cross Hotel, Suva will provide an opportunity for government officials who are in charge of the UNESCO Conventions in culture and disaster risk reduction of cultural heritage sites/cities and institutions such as museums, libraries and archives in the Pacific member states to learn the principles and International cooperation mechanisms of the Hague Convention and its Protocols through presentation of UNESCO and those regional and international representatives of Blue Shield.

Parties who sign up to the convention have the obligation to respect cultural property and to avoid causing damage to that property within the context of military operations. The sharing and compilation of case studies from the Pacific stories would be a good way to raise awareness with a comprehensive communications strategy will be key to ensuring wider engagement and understanding of the implementation of the Convention.

I wish you all the best in sharing your experiences and learning of the benefits and implications of ratifying the Convention. While also developing national and regional plans together during this workshop with a view to strengthening the protection of cultural heritage and institutions in the Pacific towards UNESCO's universal goal for the promotion of World Peace.

Vinaka vakalevu thank you very much and enjoy your workshop and safe travels home at the conclusion of the three day workshop.

Opening Remarks Akatsuki Takahashi Programme Specialist for Culture UNESCO Office for the Pacific States

Distinguished participants and guests

It is my pleasure to join you this morning in the opening of the Pacific Workshop on the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its Two Protocols. On behalf of the UNESCO Office for the Pacific States, I would like to express my sincere gratitude to the Fijian authorities, in particular, the Fiji Museum under the Ministry of Education, Heritage and Arts for assisting UNESCO in holding this important Workshop. I would also like to extend my welcome to the delegates and observers who have accepted our invitation to attend this Workshop.

UNESCO is one of the Specialized Agencies of the UN. The main objective of UNESCO is to contribute to peace and security in the world by promoting collaboration among nations through education, science, culture and communication. To fulfill its mandate, UNESCO performs standard-setting actions for the preparation and adoption of international instruments.

UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its First Protocol were adopted in 1954 in the Hague, Netherlands, as a consequence of the massive destruction of the cultural heritage and historic towns during World War II. They were later complemented by the 2nd Protocol adopted in 1999. In nutshell, the Hague Convention and its Protocols aim to protect cultural property during both peacetime and conflicts. Within the framework of the Hague Convention, "cultural property" is broadly defined so as to include movable or immovable property such as monuments of architecture, art or history, art works, archaeological sites, manuscripts, books and scientific collections, as



well as the institutions that house them.

Although the Hague Convention was adopted more than half a century ago, its goal of protecting cultural heritage, during both peacetime and armed conflict, is more important and relevant than ever, given the nature of armed conflict in today's modern world.

This has been reaffirmed by the recent Report of the Special Rapporteur in the field of cultural rights, Karima Bennouna. The Report contains substantial reference to the Hague Convention and its Protocols, advocating a human rights approach to cultural heritage protection in armed conflict. At the same time, the Special Rapporteur **notes with concern** that many States have not adhered to these standards, in particular the 2nd Protocol.

Ladies and gentlemen,

Over the years, Pacific island states have actively engaged in the heritage safeguarding. Notable in this regard are the increased ratification by Pacific island states of the World Heritage Convention and the Intangible Cultural Heritage Convention. Through these efforts, we have now a strong and active network of government officials in charge of cultural heritage, who are here today! Building on this, I can say that now it is the right moment for Pacific island states to approach the Hague Convention and its Protocols with a view to joining these legal instruments as a global citizen and the members of the international community.

Cultural heritage provides us with a sense of identity and belongings, thus promoting respect for cultural diversity which is, in itself, the heritage of humanity. Cultural institutions such as museums, libraries and archives, are the important base for collection, preservation and transmission of memory and knowledge for all.

In this regards, I would like to underline the fact that the Hague Convention and its two Protocols go beyond the heritage safeguarding and aim to protect the human rights and dignity. The Hague Convention also contribute to the achievement

of Sustainable Development Goals (SDGs) (2015-2030) on the subjects of education, cultural diversity and sustainable city and community.

Finally, I would like to extend my warm welcome to Dr Peter Stone from the UK. Dr Stone has an extensive experience in archaeology and international cultural cooperation and currently serves as the Secretary General of the Blue Shield International. I am confident that the Workshop will benefit from Dr Stone, who will allow us to connect to the international network of like-minded experts and groups engaged in the protection of cultural heritage at peacetime and during conflicts.

Before concluding, I would like to acknowledge the excellent work done by the Secretariat of the Workshop, notably, the Fiji Museum and Blue Shield Pasifika. Without your dedicated assistance, we were not here today.

Once again, thanks for joining this first-ever Workshop on the Hague Convention in the Pacific. I look forward to working with you.

Thanks for your attention.

Annex II: UNESCO Presentation

Akatsuki Takahashi



Overview of the Hague Convention (1954) and its Protocols (1954 and 1999)

Akatsuki Takahashi and Ronald Porcelli
UNESCO Office for the Pacific States

	Protection of Cultural Property in the Event of Armed Conflicts and its First Protocol (1954) and 2 nd Protocol (1999)
	Fighting against the illicit Trafficking of Cultural Property (1970)
	Protection of the World Cultural and Natural Heritage (1972)
	Protection of the Underwater Cultural Heritage (2001)
	Safeguarding of the Intangible Cultural Heritage (2003)
	Protection and Promotion of the Diversity of Cultural Expressions (2005)



The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

- First international treaty predominantly applicable in the event of **armed conflicts** building on preparedness in peace time.
- States Parties (126).
- 1st Protocol to prevent the export of cultural property from **occupied territory**, requiring the return of such property.
- States Parties (103).

Indication of heritage protected under the Hague Convention with Blue Shield Example in Austria



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Indicating heritage protected under the Hague Convention with Blue Shield Example in El Salvador



© UNESCO/UNEP/ICOMOS

Special Protection System under the 1954 Hague Convention

Article 8: Special Protection – refuges to shelter movable cultural property in the event of armed conflict, centres containing monuments, other immovable cultural property of **very great importance**

(a) Are situated at an adequate distance from any large industrial centre or from important military objective

(b) Are not used for military purposes

Article 11: Withdrawal of immunity – Unavoidable military necessity

Article 16 Special Emblem - **Blue Shield**





The World Heritage Convention (1972)



- Protection of natural and cultural, and mixed sites.
- States Parties (191).
- World Heritage Committee.
- World Heritage List (1007 properties).
- World Heritage List in Danger (46 properties).

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International Criminal Court (1998)



Tribunal to prosecute individuals for genocide, crimes against Humanity, war crimes, etc.

Rome Statute Article 8: War crimes: Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, **historic monuments**, hospitals and places where the sick and wounded are collected, provided they are not military objectives;



International Committee of Blue Shield (ICBS)

Establishment: 1996

Background: UN Decade for Disaster Reduction (1990-1999). Increased conflicts and civil wars during 1990s.

Mission: Working together to prepare for, and respond to, emergency situations in case of armed conflict or natural disasters that could affect cultural heritage.

Principles: Joint actions, independence, neutrality, professionalism, respect of cultural identity, work on a not-for-profit basis.

Composed of: 5 international NGOs in culture (ICOMOS, ICOM, IFLA, ICA, CCAAA). Around 20 national committees.

International role: Advisory body to the 1999 Second Protocol to the **Hague Convention**.

Professional NGOs in Culture

- ICOMOS: International Council of Monuments and Sites
- ICOM: International Council of Museums
- ICA: International Council for Archives
- IFLA: International Federation of Libraries Association

Advancement of International Law



Parties to the 2nd Protocol to the Hague Convention (Total 69)

- **Africa (7):** Mali, Benin, Niger, Nigeria, Equator Guinea, Gabon, South Africa.
- **Arab State (9):** Morocco, Palestine, Oman, Jordan, Bahraini, Saudi Arabia, Egypt, Libya, Qatar.
- **Asia-Pacific (5):** NZ, Cambodia, Japan, Tajikistan, Iran.
- **Europe 1 (12):** Belgium, Germany, Italy, Netherlands, Norway, Canada, Luxembourg, Greece, Finland, Switzerland, Austria, Spain, Cyprus.
- **Europe 2 (18):** Poland, Georgia, B&H, Czech Republic, Montenegro, Romania, Armenia, Croatia, Hungary, Estonia, Slovenia, Slovakia, Serbia, Macedonia, Lithuania, Azerbaijan, Belarus, Bulgaria.
- **LAC (17):** Colombia, Dominica, Barbados, Chile, Uruguay, Brazil, Peru, Guatemala, Paraguay, Ecuador, Costa Rica, Mexico, Honduras, El Salvador, Argentina, Nicaragua, Panama.

Improvements by the 2nd Protocol (1999)

- Safeguarding of cultural property in time of peace (Article 5)
- Definition of imperative military necessity (Article 6)
- **Enhanced Protection (Article 10)**
- Provisional Enhanced Protection (Article 11.9)
- Criminal responsibility and jurisdiction (Chapter 4)
- **Protection of cultural properties in armed conflicts of non-international character (Article 22)**
- **Establishment of a Committee (Article 24)**
- **Role of international NGOs (ICBS, ICRC, etc.) (Article 11, Article 24)**
- **Fund (Article 29)**
- **Dissemination (Article 30)**

Criteria for Enhanced Protection by Article 10 of the 2nd Protocol (1999)

- It is cultural heritage of **the greatest importance for humanity**.
- It is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the **highest level of protection**; (Special consideration: Article 11.8)
- It is **not used for military purposes** or to shield military sites and a declaration has been made by the Party which has control over the cultural property, **confirming that it will not be so used**.

Support of 80 % (not 100 %) of the Parties to the 2nd Protocol.



Cyprus
Choirokoitia
Painted Churches in the Troodos region
Paphos



Italy
Castel del Monte



Lithuania
Kernavė Archaeological Site



Azerbaijan
Walled City of Baku with the Shirvanshah's Palace
and Maiden Tower



Azerbaijan
Gobustan archaeological site



Belgium
House and workshop of Victor Horta



Belgium
Neolithic flint mines at Spiennes (Mons)



Belgium
The Plantin-Moretus House-Workshops-Museum Complex and
the Business Archives of the Officina Plantiniana





9th Session of the Intergovernmental Committee Meeting of the 2nd Protocol (Paris, December 2014) and the General Assembly of States Parties (Paris, December 2015)

New emblem to be put on heritage placed under Enhanced Protection.



Recap - Conditions for Enhanced Protection by Article 10 of the 2nd Protocol

- It is cultural heritage of the greatest importance for humanity;
- It is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; (Special consideration: Article 11.B)
- It is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.



Model Declaration

On behalf of ..., I hereby declare that, in conformity with Article 10 of the 2nd Protocol, the (cultural property for which enhanced protection was requested) will not be used for military purposes or to shield military sites*.

Signed by Government Representative

Similarities between Hague Convention and World Heritage Convention

- Both aim to protect cultural heritage
- Both aim to protect cultural heritage in times of peace
- Both aim to contribute sustainable development
- Both create intergovernmental committees that oversee the implementation of the Convention
- Both establish international lists of protected cultural heritage (by using different criteria)
- Both establish the Funds to provide financial assistance for states parties

Differences between Hague Convention and World Heritage Convention

Hague Convention and its Protocols

- Protects cultural property, which is a more expansive definition including museums, libraries, and archives, containing both movable and immovable cultural heritage
- Is specifically designed to protect cultural property during both peacetime and armed conflict
- Protects cultural property that is of the Greatest Importance to Humanity (GIH)
- Under the first Protocol, the illicit exportation of movable cultural property in occupied territory is forbidden.

World Heritage Convention

- Protects cultural and natural heritage sites.
- Is not specifically designed to protect cultural property during armed conflict
- Protects cultural heritage sites that are of Outstanding Universal Value (OUV).
- Does not have provisions on the illicit export of cultural property in occupied territory

Benefits to join the Hague Convention and its Protocols

National Level:

- The 1954 Hague Convention provides a legal framework that States can utilize to protect their Cultural Property and institutions (museums, libraries, and archives) in times of peace and in times of armed conflict, thereby preserving and promoting cultural property

International Level:

- The Special/Enhanced Protection by under the 1954 Hague Conventions safeguards cultural property of GIH

Benefits to join the Hague Convention and its Protocols

Enforceability, Deterrence, and Justice:

- Implementation of the 1954 Hague Convention establishes proper penalties for violations of the law, which deters various actors from destroying cultural property and assists in ensuring that these actors are brought to justice in light of any violations



Briefing and Instrument for Ratification

Akatsuki Takahashi, PhD
Programme Specialist for Culture
UNESCO Office for the Pacific States

Benefits to join the Hague Convention and its Protocols

Enforceability, Deterrence, and Justice:

- Implementation of the 1954 Hague Convention establishes proper penalties for violations of the law, which deters various actors from destroying cultural property and assists in ensuring that these actors are brought to justice in light of any violations

Obligations of Parties Chapter 3: Enhanced protection

- Article 12 – Immunity of cultural property under enhanced protection

The Parties to a conflict **shall** ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack or from any use of the property or its immediate surroundings in support of military action.

Obligations of Parties Chapter 7: Dissemination of information and international assistance

- Article 30 – Dissemination
 2. The Parties **shall** disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.
 3. Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, **shall** be fully acquainted with the text thereof.

To this end.... (a) incorporate guidelines and instructions on the protection of cultural property in their military regulations

Benefits to joining the Hague Convention and its Protocols

National Level:

- The 1954 Hague Convention provides a legal framework that States can utilize to protect their cultural property and institutions (museums, libraries, and archives) in times of peace and in times of armed conflict, thereby preserving and promoting cultural property

International Level:

- The Special/Enhanced Protection by under the 1954 Hague Conventions safeguards cultural property of GIH

Obligations of Parties Chapter 2: General provisions regarding protection

- Article 5 – Safeguarding of cultural property

Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict **shall** include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate in situ protection of such property and the designation of competent authorities responsible for the safeguarding of cultural property.

- Article 7 – Precautions in attack

Each Party to the conflict **shall** (a) do everything feasible to verify that the objectives to be attacked are not cultural property protected under the Convention...

Obligations of Parties Chapter 4: Criminal responsibility and jurisdiction

- Article 15 – Serious violation of this Protocol

2. Each Party **shall** adopt such measures as may be necessary to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. Parties **shall** comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act.

- Article 19 – Mutual legal assistance

1. Parties **shall** afford one another the greatest measures of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article 15, including assistance in obtaining evidence at their disposal necessary for the proceedings.

Obligations of Parties Chapter 8: Execution of this Protocol

- Article 37 – Translations and reports

1. The Parties **shall** translate this Protocol into their official languages and shall communicate these official translations to the Director-General.
2. The Parties **shall** submit to the Committee, every four years, a report on the implementation of this Protocol.



Strengthening Gender Inclusive Conflict Prevention and Human Security in the Pacific

- The Biketawa Declaration (2000): "PIF must constructively address difficult and sensitive issues including underlying causes of tensions and conflict (ethnic tensions, socio-economic disparities, lack of good governance, land disputes and erosion of cultural values)."
- Pacific Regional Action Plan on Women, Peace and Security (2012) under the Global Partnership for the Prevention of Armed Conflict (GPPAC)

Contribution to UN PKO

As of 31 August 2014

Country	Police	UNHMM	Troops	Total
Fiji	33	4	570	607
Samoa	18	0	0	18
Solomon Islands	1	0	0	1
Vanuatu	9	0	0	9
Total	61	4	570	637

Gender Statistics of UN PKO – As of August 2015

Men	Women	Total
36,724	4,226	100,856


	2004	2005	2006	2007	2008	2009	2010
Aruba	1000		1000	1000			1000
Costa Rica				1000			1000
EGY				1000			1000
FRANCE				1000			1000
Germany				1000			1000
HONGKONG				1000			1000
India				1000			1000
IT	1000	1000	1000	1000			1000
Japan				1000			1000
Kenya				1000			1000
Malaysia				1000			1000
Maldives				1000			1000
Malta				1000			1000
Marshall Islands				1000			1000
Mexico				1000			1000
Moldova				1000			1000
Morocco				1000			1000
Netherlands				1000			1000
Norway				1000			1000
Poland				1000			1000
Portugal				1000			1000
Romania				1000			1000
Russia				1000			1000
Spain				1000			1000
Sweden				1000			1000
Switzerland				1000			1000
Taiwan				1000			1000
Tanzania				1000			1000
Turkey				1000			1000
Ukraine				1000			1000
USA				1000			1000
UK				1000			1000
Uzbekistan				1000			1000
Vietnam				1000			1000
Yemen				1000			1000
Zimbabwe				1000			1000
Total	2	1	6	14	0	0	30

National Process towards Ratification






Ronald Porcelli



The 1954 Hague Convention and its two Protocols

Ronald Porcelli
November 8, 2016




Outline

1. Part I: Recap
2. Part II: Adopting the Convention and its two Protocols as national heritage legislation
3. Part III: Demystifying the Model Law



Part I: Recap

1954 Hague Convention Recap

- Does NOT just apply during times of war
- Applies during peacetime
 - Can serve as peacetime national heritage legislation
 - Imposes punishments for destruction of heritage, including during peacetime
- Armed conflict is NOT only international war
 - Violent insurrection
 - Civil War



Benefits

- Protection and promotion
- protect during peace and war
- Protects at the national and international level
- Residual benefits: Tourism / increased revenue / international prestige / national prestige / public awareness
- Funding
- Assistance from the committee
- Enforceability / deterrent / punishment



Part II: Adopting the 1954 Hague Convention and its two Protocols as National Heritage Legislation




National Heritage Legislation

- **Why adopt the 1954 Hague Convention and its Protocols as National Heritage Legislation?**
- (1) Development of National Heritage Legislation
 - (A) Established, Versatile, Comprehensive Legal Framework for Protecting Cultural Property
 - (B) Model Law makes Implementation Easier
 - (C) Simultaneously Implement High-Level Convention
- (2) Ratification allows Access to Funding
- (3) States Receive Assistance with Implementation via the Committee and NGO Support



(1) Development of National Heritage Legislation

- Many states in the Pacific region do not have comprehensive national cultural heritage legislation
- This can pose many challenges to protecting and promoting national cultural heritage
- The development of a legal framework for the protection and promotion of national cultural heritage is of the utmost importance



(A) Established, Versatile, Comprehensive Legal Framework for Protecting Cultural Property

- The 1954 Hague Convention and its two Protocols have a very broad definition of cultural property, which would be ideal for use, given its breadth, as national heritage legislation
- It applies during times of peace and also contains in-depth provisions applicable in the event of armed conflict
 - In addition, it applies not only to external armed-conflict, but also internal, domestic conflicts
- It contains provisions that define offenses and provide punishment for those offenses

(B) Model Law makes Implementation Easier

- There already exists a model law, which makes implementation easier
- The model law provides an example, which states can use, on how to implement the Convention and its two Protocols into national legislation

(C) Simultaneously Implement High-Level Convention

- States are already struggling just to implement national cultural heritage legislation without adopting the Convention and its two Protocols
- By using the model law of the Convention and its two Protocols as national heritage legislation, states implement national heritage legislation that they did not previously have
- In addition, they also implement an important, high-level Convention and its Protocols

(2) Ratification allows Access to Funding

- As previously stated,
- By ratifying the Convention and its two Protocols, specifically the second Protocol, States gain access to the Fund
- This funding ensures that states struggling to implement and develop their own cultural heritage legislation, because of limited funds, now have the resources to do so

(3) States Receive Assistance with Implementation via the Committee and NGO Support

- As previously stated,
- States will receive assistance with the difficult process of implementation and application of the law through the Committee, established under the Second Protocol
- Furthermore, States will receive assistance from Blue Shield, which will make the process of implementing the Convention and its Protocol, and also national heritage legislation, less challenging

Part III:

The Model Law

Outline

1. Objectives
2. Purpose of the Model Law
3. Complexity
4. Common Law Legal System
5. A La Carte Legal Options
6. Components of the Model Law

Objective

- To explain and discuss the model law, in order to encourage a greater understanding and familiarity with the details of the law, promoting its adoption and implementation in the various member states



Purpose of the Model Law

- The treaty language in the 1954 Hague Convention and the First and Second Protocols is not comprehensive language
- Therefore, the model law assists nations in implementing in their domestic legal systems this bare treaty language

Complexity

- “This model law seeks to provide guidance on how to incorporate the Hague Convention and its two Protocols into domestic law.”
- “This can be a *complicated process* given the nature of the provisions in each instrument and their potential overlap.”

À La Carte Legal Options

- The model law incorporates the 1954 Hague Convention as well as its two Protocols
- States can then choose to include the appropriate treaty language in an “à la carte” fashion, allowing them to implement the 1954 Hague convention and opt-in to choosing whether to implement the first and second Protocols

Common Law Legal System

- The Model law is developed for States utilizing a common law legal system
- The States covered under the Oceania region of UNESCO utilize some variant of a common law legal system

Components of the Model Law

1. Preliminaries
2. General Protection of Cultural Property
3. Special and/or Enhanced Protection of Cultural Property
4. Cultural-Property Emblem
5. Prohibitions and Offences
6. Administration of this Act

Section 1: Preliminaries

- Contains a **Glossary** of Specialist Terms
- States the **application** of the Act (peace and armed-conflict)
- States that provisions of Enhanced Protection **trump** Special Protection
- States **binding nature** of the Act

Section 2: General Protection of Cultural Property

- List of measures to be taken in times of **peace**
- List of measures to be taken as **precautions** during an **armed conflict**
- Enshrines **respect** of cultural property
- Prohibition on the **elicit export** of cultural property in occupied territory

Section 3: Special and/or Enhanced Protection of Cultural Property

- **Explanation** of Special Protection (1954 HC) and Enhanced Protection (2nd Protocol)
- What **qualifies** for Special Protection
- What **qualifies** for Enhanced Protection
- **Losing** Enhanced Protection



Section 4: Cultural-Property Emblem

- Special rules for the use of the cultural-property emblem

Section 5: Prohibitions and Offences

- Lists and defines **prohibited conduct**: (1) Offenses and (2) Serious Offenses
- Provides **Offenses** and corresponding **penalties** for the violation of prohibited conduct
- Also, provides **offences by commanders** and superior officers

Section 6: Administration of this Act

- International Assistance: the Committee, UNESCO, & other State Parties to Second Protocol
- Establishment of a National Commission
- Grant of Power to establish regulations



Thank You



The Role of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Two Protocols in the Pacific

Ronald Porcelli
Legal Assistant
UNESCO Office for the Pacific States

I) Introduction

Often times, given that the Pacific Region is not heavily afflicted by armed conflict, questions arise as to the applicability of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict to the Pacific Region. The following text demonstrates how the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter “the Convention”) and its two Protocols have an important role to play in the Pacific Region.

II) The History and Purpose of the Convention

The Convention is an international law, developed in the wake of WWII. Given the massive, costly destruction of priceless cultural property, the international community agreed to enshrine the protection of cultural property, a broad definition that includes movable and immovable cultural heritage (e.g., museums, archives, libraries, monuments, heritage sites, and paintings), during times of peace and armed conflict in a legal document of international scope.

III) The Convention’s Purpose in Times of Peace

This section addresses how the Convention applies in times of peace, not just times of armed

conflict. This topic is extremely important, given that the Convention is often incorrectly viewed as just a wartime convention, creating confusion for those who believe that a wartime convention has little role to play in a region where wars are not particularly common. The topic of how the Convention is not merely a wartime convention but one applicable to times of peace is addressed by: (1) exploring the language of the Convention and its Protocols, which clearly expresses the Convention’s applicability to times of peace, and (2) exploring the meaning of the phrase “in the event of armed conflict.”

1) Exploring the Language of the Convention and its Protocols

Based on the language of the Convention and its Protocols, the Convention is designed to operate in times of peace, not only times of armed conflict. The following are excerpts from the actual text of the Convention and its Protocols, with emphasis added, demonstrating that the Convention is applicable in times of peace:

- **The Preamble to the 1954 Hague Convention:** “such protection cannot be effective unless both national and international measures have been taken to organize it **in time of peace.**”
- **Article 3 of the 1954 Hague Convention:** “The High Contracting Parties undertake to prepare **in time of peace** for the safeguarding of cultural property situated within their territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.”
- **Article 7 of the 1954 Hague Convention:** “The High Contracting Parties undertake to introduce **in time of peace** into their military regulations or instructions such provisions as may ensure observance of the present Convention.”
- **Article 7 of the 1954 Hague Convention:** “The High Contracting Parties undertake to plan or establish **in peace-time**, within their armed forces, services or specialist personnel whose



purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it.”

- **Article 8 of the 1954 Hague Convention:** “such diversion shall be prepared **in time of peace.**”
- **Article 25 of the 1954 Hague Convention:** “The High Contracting Parties undertake, **in time of peace** as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries.”
- **Article 5 of the Second Protocol to the 1954 Hague Convention:** “Preparatory measures taken **in time of peace** for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate in situ protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.”

2) Exploring the Meaning of the Phrase “in the Event of Armed Conflict.”

To further illustrate that the Convention is not just a wartime convention but one designed to operate in times of peace, the language of the Convention’s title will be analyzed. The language of the Convention’s title is: “in the Event of Armed Conflict.” This phrasing is often misunderstood as during armed conflict. However, this is incorrect. The phrasing is more accurately expressed as the preparatory protection of cultural property in case an armed conflict should actually arise.

Moreover, the reality is that to protect cultural property successfully in times of armed conflict the cultural property must first be protected in times of peace. If nations were to wait until armed conflict to begin protecting their cultural

property, they would likely find it was too late, which is reflected in the preamble language of the Convention. Ultimately, the preparatory protection of cultural property in times of peace ensures that nations are not left remedying their deficiencies during the challenging periods of armed conflict.

Therefore, even without a high level of armed conflict in the Pacific Region at present, Pacific States still have a duty to protect their cultural property if an armed conflict should ever arise in the region. Thus, the Convention has a major role to play in the Pacific Region.

III) The Convention’s Utility as National Heritage Legislation

The fact that the Convention is applicable in times of peace and that it provides a comprehensive legal framework for the protection of cultural property is of particular importance to the Pacific States, given that many of the Pacific States generally have underdeveloped legislation on the protection of cultural property, whether in times of peace or in times of armed conflict. The Convention can assist in remedying this deficiency because it is legislation which: (1) covers a broad variety of cultural heritage, including movable and immovable cultural property; (2) it functions during times of peace and in the very difficult situation of armed conflict; (3) the Convention and its Protocols contain a wide-ranging framework of offences and penalties for the destruction of cultural property, which means the Convention’s language not only provides for the respect and safeguarding of cultural property but also for an updated penal code that reflects the gravity of the destruction of cultural property, something not often present in national cultural heritage legislation; and (4) the Convention has a model law, which provides an example of how the Convention can be implemented as national heritage legislation. Therefore, given the lack of developed, centralized cultural property law, the Convention has a place to occupy in the Pacific because it assists in ameliorating this gap.



IV) The Convention's Applicability to Internal Armed Conflicts

Armed conflict covers a variety of different conflict situations, not just war. Armed conflict situations, under the second Protocol, include internal armed conflicts in a nation ("Article 22 on armed conflicts not of an international character: This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties."). As such, this means the Convention has a broader application than just times of international war. Various Pacific States have in the past experienced internal armed conflicts with the lingering possibility of experiencing them in the future. This means that the Pacific States would be well served by ratifying and implementing the Convention in order to safeguard their cultural property in times of internal armed conflict.

V) The Conventions Place in the System of International Humanitarian Law

Though international wars are not so predominant in the Pacific region, international wars are widespread around the world. Given that the treaty is at its basic level an international agreement made up of High Contracting Parties (i.e., States), the success of this international agreement depends on the number of High Contracting Parties that agree to abide by this agreement and commit to enforcing it. Furthermore, the Convention occupies the critical realm of international law known as international humanitarian law (i.e., the laws of war). Just as there are laws on the protection of civilians during armed conflicts, the Convention is a law regarding the protection of cultural property in the event of and during armed conflict. Nations around the world have both an international moral responsibility and duty as participants in the global legal system to contribute to the legal regime of the Convention to increase its success and further its universal

spirit. Thus, given its prominence in the world and the duty of Pacific States as participants in the international legal system, the Convention has a vital place to occupy in the Pacific.

VI) The Convention's Relevance to UN Peacekeeping Forces

Lastly, though international wars may not be so widespread in the Pacific Region, the reality is that many Pacific States commit a certain number of assistance troops to UN Peace Keeping Operations around the world. By entering into the Convention, an international agreement, these States are not only agreeing to protect their cultural property in their respective territory, but they also agree to act in compliance with international humanitarian laws. The Pacific States have a responsibility to ensure that their troops respect and safeguard cultural property in the event of armed conflicts, which can best be done in an official, legal manner by ratifying and implementing the Convention.

Annex III: Presentation by Blue Shield



Peter Stone, Blue Shield

The Blue Shield

Peter Stone
8 November 2016



Why is Cultural Property Protection important?

- Without memory we are limited severely
- Cultural property is the stage on which much cultural heritage is performed
- We study the past... to understand the present... to create the future



Why is Cultural Property Protection important?

- Academic
- Cultural/Social
- Humanitarian
- International law
- Political
- Medical
- Economic
- Military



The Blue Shield – brief history



- Emblem mentioned in 1954 Hague Convention
- People come first
- All cultural property – sites, historic buildings, museums, libraries, archives... intangible heritage
- ICBS created as an international organisation with national committees in 1996 (founding organisations: ICA, ICOM, ICOMOS, IFLA)
- ANCBS established in 2006



The Blue Shield


- Essentially a network of willing volunteers
- ICBS and ANCBS amalgamated and incorporated as NGO under Dutch law in April 2016

"joint action, independence, neutrality, professionalism, respect for cultural identity and diversity, and works on a not-for-profit basis"



Blue Shield – Article 2.1

"...is committed to the protection of the world's cultural property, and is concerned with the protection of cultural and natural heritage, tangible and intangible, in the event of armed conflict, natural- or human-made disaster."





The Blue Shield

“Cultural equivalent of the Red Cross” ...?



UNESCO’s six cultural conventions

1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict & its two Protocols
 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
 1972 Convention on the Protection of the World’s Cultural and Natural Heritage
 2001 Convention on the Protection of the Underwater Cultural Heritage
 2003 Convention for the Safeguarding of the Intangible Cultural Heritage
 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions



Other legal framework

1977 Additional Protocols to the Geneva Conventions
 1998 Rome Statute
 1999 United Nations Secretary General’s Bulletin
 2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage



Blue Shield – activity

6 areas

- Policy Development – e.g. 4 Tier; 7 risks
- Coordination – e.g. ICRC; Other INGOs; CIMIC CoE
- Proactive protection – e.g. lists; Lebanon
- Training – e.g. national training; UNESCO materials
- Emergency response – e.g. during/post missions
- Long term support – e.g. national committees



1 - Policy Development

- Over next six months developing an overall framework/policy
- Followed by a strategic plan
 - Annual Targets
 - Medium-term targets
 - Long-term targets
- Informed by financial, media, and other documents



1 - Policy Development - 4 Tier Approach

(Antiquity & British Army Review 2013)
 Interaction between Blue Shield and military regarding CPP during Armed conflict

1. Long-term awareness training at all levels
2. Specific pre-deployment training regarding host country/region
3. During conflict
4. Post conflict



1 - Policy Development - 7 Risks to Cultural Property during conflict

(Museum International 2006)

- Lack of planning
- Spoils of war
- Lack of military awareness
- Collateral damage
- Looting
- Enforced neglect
- Specific targeting



2 - Coordination - CIMIC CoE Publication

- November 2015 – *Cultural Property Protection Makes Sense: a way to improve your mission*
- 78 page, ‘quick-read’ booklet
- Culmination of work since 2006
- Free download: <http://www.cimic-coe.org/products/conceptual-design/downloads/ccoe-publications/makes-sense-series/>





3 - Proactive Protection



Credit: Karl Rahibburg

NATO: Cultural Property Protection in the Operations Planning Process

Published December 2012. 4 Key recommendations:

- a) NATO should create a CPP Policy;
- b) Existing doctrine should be amended to reflect that CIMIC has the lead with regard to doctrine for CPP;
- c) The Comprehensive Operations Planning Directive should be amended; and
- d) The NATO School at Oberammergau and the CIMIC CoE should update their CIMIC courses to reflect the new doctrine.



4 - Training - UNESCO Materials

Three-day course designed to help participants think about and understand:

- Why cultural property (CP) is important
- The importance of cultural property protection (CPP) to the military operation
- Some of the reasons why CP is damaged and destroyed
- How such damage and destruction might be avoided without compromising the mission
- CPP as an important military responsibility



4 - Training – 14 sessions

1. Introduction
2. Definitions
3. Protection of Cultural Property under international law
4. The 1954 Hague Convention and its two Protocols
5. Trade in Cultural Property
6. Risk based Approach I – generic threats
7. Risk based Approach II – threats during armed conflict
8. Civil Government Approach
9. The Eisenhower Approach
10. Integrated Military Planning
11. Targeting
12. CIMIC Support to Cultural Property Protection
13. Slot with desk-top exercise
14. Field Exercise



5 - Emergency response

- Missions to Egypt, Libya, Mali
- Still a long way to go...



6 - Long-term support

- Support for national/regional committees (two-way process)
- Website
- Development of policy
- General Assemblies
- Publications
- Training



Other developments

- Political outrage over destruction of ancient Palmyra
 - Russian & UNESCO commitment to rebuilding
 - UK Cultural Protection Fund
 - Planned UK ratification of 1954 Hague Convention & Protocols
 - French aspirational \$100 million Fund
- Al Mahdi case at ICC
- Special Rapporteur for Cultural Rights





Elizabeth Edwards, Blue Shield Pasifika

Pacific Workshop on the Hague Convention for the Protection of Cultural Property in the event of armed conflicts and its two protocols.
8 – 10 November 2016
Southern Cross Hotel, Suva, Fiji



Blue
Shield
Pasifika



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Christophe Sand
Director Institute of Archeology
New Caledonia

Core Agencies

- PIMA (Pacific Island Museums Association)
- PARBICA (Pacific Regional Branch of the International Council Archives)
- ICOMOS PASIFIKA (International Council of Monuments and Sites)
- PIALA (Pacific Island Association of Libraries, Archives and Museums)
- PAMBU (Pacific Archives and Manuscripts)
- Libraries/Museums/Archives/Heritage Sites Management

What is Blue Shield Pasifika

- Blue Shield Pasifika is the Pacific Branch of Blue Shield, a coalition of international non-governmental organizations (NGO's) that engage in disaster risk reduction (DRR) activities to protect cultural heritage and institutions from risks associated with natural and human-induced disasters.

Current status of disaster risk reduction

- Not all institutions has had OHS training
- Most of the institutions have no back up plan in place for their data as an offsite storage
- Lack of funding
- Limited human resources to manage DRR
- No plans were in place in case of a disaster
- Limited knowledge of DRR in their institutions



Activities Done

- Established Blue Shield Pasifika secretariat hosted by the Fiji Museum, Suva, Fiji
- Established draft Blue Shield Pasifika Fiji Guidelines
- Facebook page
- Representation at the IUCN World Conservation Congress for Youth in Hawaii in September 2016
- Created a Blue Shield information brochure
- "Live to Tell" – Build Back Better Exhibition with multiple partners at the Fiji Museum – Private Sector/Govt Sector/Embassy/University

- Collated responses from the BSP survey questionnaires sent out to national and regional agencies on the status of DRR
 - Regional organizations and networks (USP Library) etc
 - Individual organizations and still waiting for responses (National Archives, Fiji Museum Library, Suva City Municipal Library, Reserve Bank of Fiji)
- Established a data base for existing and not well known organizations
 - Pacific Awareness Hague Convention Workshop organized by Blue Shield Pasifika, Secretariat



BLUE SHIELD PASIFIKA

Blue Shield Pasifika was initiated by UNESCO. Blue Shield Pasifika is the Pacific branch of Blue Shield, a coalition of international non-governmental organizations (NGOs) that engage in disaster risk reduction (DRR) activities to protect cultural heritage and institutions from risks associated with natural and human-induced disasters.

Photo: Participants at the Preparatory Meeting for the establishment of Blue Shield Pasifika.

Its mission is to Empower Pacific Small Island Developing States in Disaster Risk Reduction of Cultural Heritage and Institutions and promote the 1954 Hague Convention under UNESCO.

The 3 main objectives are to: share good practices in DRR for cultural heritage and institutions (museums, archives and libraries) in Pacific Small island Developing States promoted by NGOs in the Pacific; to gain a better understanding of the role of the Blue Shield within the framework of the 1954 Hague Convention and its Two Protocols and the Sendai framework for DRR (2015-2030); and support capacity building activities.

DISASTER RISK REDUCTION (DRR)

After tropical cyclone Pam in Vanuatu 2014, salvaging of waterlogged records in case of a disaster. Archivist staff receiving training.

After tropical cyclone Winston in Vanuatu 2016, Cleaning up after cyclone Winston, Fiji Museum Staff.

Action Plan for DRR for cultural heritage and institutions in Pacific SIDS (2018-2020)

- Priority 1: Understanding disaster risk
- Priority 2: Strengthening disaster risk governance to manage disaster risk
- Priority 3: Investing in disaster risk reduction for resilience
- Priority 4: Enhancing disaster preparedness for effective response and to Build Back Better in recovery, rehabilitation and reconstruction

For information: <https://www.facebook.com/Blue-Shield-Pasifika> #BR349231575495794414

**"LIVE TO TELL"-
DISASTER RISK REDUCTION (DRR) EXHIBITION
7TH OCT – 11 NOV 2016
AT THE FIJI MUSEUM, SUVA.**





Challenges

- Sustainable core funding for activities needed
- Awareness Raising, Recognition
- We are still in establishment mode
- We need to be registered as a charitable trust to formalize and for accountability
- Human resources are all voluntary
- Communications strategy
 - Website to be developed

Action Plan

Proposals to secure sustainable funding for secretariat

Blue Shield Pasifika participation at conferences and events regional and international

- 2018 Blue Shield Australia conference

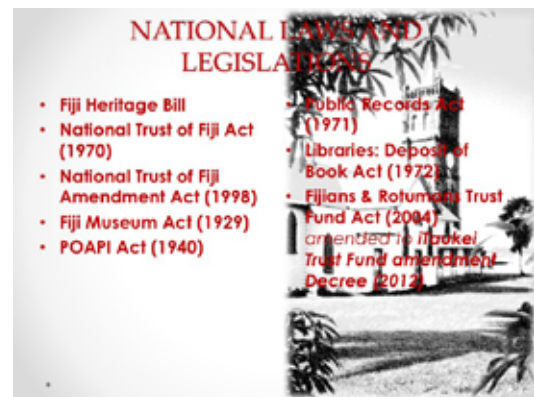
- Annual DRRM Exhibition
- Develop more interactive awareness raising tools on DRRM
- Develop informative DVD's for schools and public institutions and strengthening partnership with the military on what is Blue Shield Pasifika is and this can be to be used a training tool

VINAKA VAKALEVU

Annex IV: Presentation by Countries



Fiji





ICOMOS PASIFIKA/NATIONAL TRUST WORKSHOP ON STONE AND WOOD CONSERVATION



OTHER IMPLEMENTATION MEASURES

- JICA/FUJI/HOKKAIDO UNIVERSITY PROJECT on development of a tourism product for Levuka World Heritage.
- FUJI HERITAGE BILL.
- Fiji National Heritage Register – funding & implemented soon.
- Assessments conducted at the national level to ascertain heritage significance of places/built heritages.

MANAGEMENT OF LEVUKA WORLD HERITAGE

- (a) Capital projects implemented.
- (b) Govt. investment increase \$0.7 million
- (c) Salvaging exarose
- (d) Revamping of the Levuka Conservation Committee.
- (e) Levuka Town Scheme revised.
- (f) Levuka Colour Scheme & Catalogue prepared.

DISASTER RISK REDUCTION OF CULTURAL HERITAGE & INSTITUTIONS

- 2016 – first to have “Culture” recognised in the national Post Disaster Needs Assessment – FJ\$5.95m
- National Archives of Fiji hosted Blue Shield Meeting (2016); Fiji Museum appointed “Secretariat” to Blue Shield Pasifika.
- National Trust of Fiji strategic plan focuses on “disaster risk reduction”
- Coordinated culture sector approach, drafting a policy to address insurance, OHS and disaster risk reduction for individual cultural institutions.

CHALLENGES FACED



- Lack of understanding of “cultural property conservation” – **Disaster Needs**
- Continued lack of experts in technical fields such as “built heritage conservation”.
- Psychology – associating heritage spaces with demonism & associated folk beliefs.
- Natural disasters and its destructive impact.
- Financial assistance rendered to individual property owners & communities wishing to protect their built heritage – s.e.g. churches.
- Rehabilitation of heritage places and sites damaged during TC Winston.



PROPOSAL FOR ACTION PLAN

- Feasibility study of national mandates and legislative instruments correlating to the ideals of the Hague Convention 2nd Protocol.
- Conduct national stakeholder discussion on the subject.




VINAKA VAKALEVU

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Marshall Islands

REPUBLIC OF THE MARSHALL ISLANDS

Melvin Majmeco
Executive Director
Alele Museum, Public Library & Archive
P.O. Box 492
Majuro, MH 96960
Telephone # (692) 625-2972 or (692) 453-0408
Email address : alele.org@mi or alelemuseum@gmail.com

RMI HISTORIC PRESERVATION OFFICE

- The Historic Preservation Office is housed under the Ministry of Internal Affairs and is the focal point for the country. The RMI IPO is mandated to identify, protect and promote our cultural heritages, tangible and intangible.
- Mr. Wallace Peter - Historic Preservation Officer & Secretary for Ministry of Internal Affairs.
- Ms. Mabel Peter - Deputy Historic Preservation Officer.

National Laws and Legislation

1. Historic Preservation Act of 1991
2. Language Commission Act 1983
3. National Archive Act 1989
4. Environmental Protection Authority Earthmoving Regulation 1999
5. Nitijela Resolution No. 100 (1991) : To provide for the presentation of the Cultural and Historic heritage of the Republic of the Marshall Islands.

http://www.marshallislands.gov/marshallislands/RMI_AW/RMI_1991_Law_100

Current Status / 1972 Convention

- Action Vision 2013, the RMI's strategic development plan framework (2005-2018), provides the broad policy and planning framework against which progress achieved or not under various national, regional and international program of activities. However the monitoring of Bikini Atoll is highly supervised by appointed parties.
- The Republic of the Marshall Islands has prioritized Culture and its aspect in its Agenda 20/20
- Vision 2018 Goal number 9 : Respecting Culture and traditions.

Disaster Risk Reduction

Marshall Islands don't have the means to defend itself from conflicts, our defense against such risks depend solely on United States through the Compact of Free Association, COFA and use of Kwajalein Atoll. We are protected by U.S per our Diplomatic relations

Challenges Faced

No secure / safe facility

Logistic

- Illegal fishing (Potential poaching)
- Securing the boarder (Insufficient monitoring)
- Intangible: Passing of traditional knowledge is being lost due to passing of our elders (Insufficient documentation)

Ocean water & rain, humidity

- Exposure to elements (Harsh weather conditions)
- Vulnerability (Storms)

Action Plan

The Republic of the Marshall Islands proposes the strengthening and safeguarding of our cultural heritages; Develop an Action Plan with the participants of the Hague Convention Workshop.

KOMMOL TATA



Niue

NIUE
Moira Enatama
Director: Tāoga Niue

Department of Niue Cultural Heritage
Government of Niue
P.O. Box 114554, 4714
P.O. Box 114554, Niue

www.taoganiue.com
moiraenatama@taoganiue.com

TĀOGA NIUE: NIUE CULTURAL HERITAGE
(*tāoga* : treasure or precious possession)

Established 2003 and officially inaugurated 2004 to "harness all elements which together make up the spirit and material being of Tagata Niue and to secure the sovereign and ethnic identity of all Niue people"

Language, Customs and Traditions, Arts and Crafts, History, the Environment and Heritage Assets.

490 AD – 1845: Tagata Niue
1846 – 1900: The Gospel and Missionary Era
1900 – 1901: Part of the British Empire
1901 – 1974: Annexed to New Zealand
1974 – date: Self Governed in free Association with New Zealand; Niue Constitution + Ni Citizens; Continuing economic and administrative assistance, defence

Department of Niue Cultural Heritage

Established 2006 as central Facilitating, Coordinating and Monitoring arm of the Government of Niue –

- Advise Government on all matters relating to Tāoga Niue;
- Review laws relating to Tāoga Niue - where necessary, propose reforms;
- Control the export of Antiquities and Niue Protected Objects;
- Be the competent body for the purposes of safeguarding the intangible cultural heritage of Niue;
- Promote cultural standards proclaimed in the UN Declaration on the Rights of the Indigenous People 2007;
- Support the implementation of the 1972 Convention World Cultural and Natural Heritage;
- Promote education for the protection of natural spaces and places of memory;
- Secretariat Tāoga Niue Council and Niue Language Commission

LEGAL FRAMEWORK: www.gov.niue/legislation

Tagata Niue Act 2003
Establishment of the Department.
Establish the Niue Language Commission to advise on the use of the Niue language and to coordinate with the Niue Language Commission in order to protect and promote Niuean Niue.
Protection of Traditional Knowledge and Expressions of Culture.
(Ministry of Pensions)

Niue Language Act 2003
Recognise Tagata Niue as the official language of Niue.
Establish the Language Commission in order to protect and promote Niuean Niue.

Antiquities Act 2003
Control and better preservation of the public records of Niue.
(Ministry of Pensions)

Environment Act 2003
Protection Areas – conservation of specific natural features, landscape or ecotone, conservation, recreation, parks, wilderness, scientific production, park spaces.
(Ministry of Pensions)

Niue Antiquities Act 2003
Niue Antiquities
(Ministry of Pensions including: mātā, wāwāwā, āwāwā, etc.)

*"Protection of Cultural Property in the Event of Armed Conflicts not included in current legislation"

Status on the implementation of the 1972 World Heritage Convention

1. National Capacity Workshop on World Cultural and Natural Heritage, 2009: Draft Outline for a Strategy in World Heritage for Niue – identify, document and archive (electronically) existing heritage resources in the country (to include the established or proposed Marine Protected Areas, sailing and foramen protected forest areas, cultural heritage sites, etc., not only to accommodate recreational and tourism uses, but as serious attempts to preserve biological diversity, species habitats and Niue's cultural inheritance).
2. Pacific World Heritage Action Plan 2016-2020:
Update inventory of Niue heritage assets (natural, cultural and historical significance). Engage world heritage specialists to review Niue progress and status in connection to the World Heritage Convention ratified in 2007. Promote and awareness of world and Niue heritage matters through school programming, seminars and community workshops.

Status in Disaster Risk Reduction of cultural heritage and institutions (museums, libraries, and archives)

1. Relocation of Museums and Archives
Disaster Tool Kits, Good Practices, Retaining and Disposals;
Storage and Display Options
2. Climate Change Adaptation Action Plans (Villages) – (EU/USP GCCA Project): village heritage assets, intangible cultural heritage.
3. Documentation Niue TK – Climate and Weather Related, Vagahau Niue Glossary Meteorological Terminologies.

Challenges Faced

1. Proper Facility – Museum, Archives, Library, Cultural Centre. Access during natural disasters and Preparedness Plans
2. Capacity and Resources
3. Most Heritage Assets are on Family Lands
4. Documentation of Niue Traditional Knowledge, Intangible Cultural Heritage, Mutual cooperation and understanding between Key Stakeholders

Proposal for Action Plan

- Disaster Preparedness Plan – Museum, Archives and Cultural Centre
- Capacity Building



Palau

Republic of Palau

Bureau of Cultural and Historical Preservation
Ministry of Community and Cultural Affairs

Pacific Workshop on the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Two Protocols

Suva, Fiji 8 – 10 Nov. 2016

Presented by: Sunny Q. Ngimang, Director/HPO
snc.ngimang@palau.gov.pw, snc.ngimang@univie.ac.at

Bureau of Cultural and Historical Preservation

Mission Statement:
To protect and preserve all the Republic's cultural and historical resources to enhance, enrich, and foster the Palauan heritage now and into the future.

Goals:

1. To preserve and foster cultural and historical resources for the benefit of all Palauan people.
2. To preserve and educate Palauan traditions that are threatened with extinction.
3. To protect cultural and historical resources from destruction.
4. To preserve culture and traditions in the face of inevitable increasing foreign contact and interaction.

1972 World Heritage Convention

- Rock Island Southern Lagoon World Heritage Site, 2012 Pending WH nomination
- Palau-Yap Transboundary Nomination, on-going



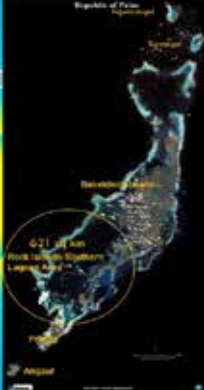
Part of the Beik Meleth Management Area, called Meleth Beik

Legislations

- 19 Palau National Code
 - Chapter 1 Historical and Cultural Preservation Act
 - \$5,000 fine/day per offence
 - Chapter 2 National Archives
 - \$1,000 fine/day per offence
 - Chapter 4 Belau National Museum
- Protected Area Network Act
- Environmental Quality Protection Act

Pending related legislation:

1. Traditional Knowledge and the Expression of Culture
2. Research Board
3. Copyright Act



National Plans with Cultural Protection Clauses

- Palau Historic Preservation Plan
- Palau Climate Change Policy
- Sustainable Land Management
- Palau National Disaster Plan
- Tourism National Plan
- UXO National Action Plan
- Smaller Island Developing States Strategic Plan
- Rock Island Lagoon Management Plan




Partner Agencies

- EQPs
- Belau National Museum
- Bureau of Tourism
- Ministry of Education
- Ministry of Justice
- Palau Visitors Authority
- Bureau of Land and Survey
- Protected Areas Network Office
- US National Park Service
- Palau Conservation Society
- National Emergency Management Office
- Palau Community College
- NGOs



Activities effecting cultural properties

- Project Review and Compliance
- Site monitoring
- NEMO, Office of the Vice President
 - All Directors become members of the disaster team.
 - Each sector writes report after the disaster and implementation measures
- US Military exercise



Challenges faced

- Sea level rise and climate change
- Natural disasters
- Development
- Looting
- Wave surges
- Human activity
- Funding
- Technical training and capacity building





Papua New Guinea

Disaster Risk Reduction Plan of cultural property in Papua New Guinea: Hague 1954 Convention & its 2 Protocols

Presenter: Ms Vicky Amoko
PNG National Museum and Art Gallery

- J. K. McCarthy Museum in Goroka, Eastern Highlands Province, named after a distinguished pioneer colonial administrator John Keith McCarthy, established in 1968, it's main collections are artefacts and specimens from the Highlands region.
- Kokopo War Museum, also houses local art and culture from East New Britain Province along with collections of German Colonial period, pre-war and WWII Japanese occupation.
- Massim Museum and Cultural Center in Alotau, Milne Bay Province, recently opened in September 2016. It houses artefacts and contemporary art.
- Enga Museum, in Enga Province, PNG, this museum was recently opened early this month, which was initially known as Take Anda Cultural Centre a museum that was started in 2009, its collections are mainly sand painting and storyboards depicting the Engan culture.

Disaster Risk Reduction Management Measures

A. Concise Management Plan for Kuk Early Agricultural Site.

- Kuk Early Agricultural Site, when listed in 2008 on the World Heritage Tentative List, was done without a management plan and the PNG government made an undertaking to provide a Management plan for it sometime in July 2009.
- In 2014, the Department of Conservation and Environment put together a Concise Management plan for Kuk which was indicated as an informal plan.
- In the brief Management plan, stakeholders were required to provide their key management plan for the site. The PNG Museum being one of the stakeholders has yet to produce our key management plan on the Kuk Early Agricultural site.

Introduction

- Papua New Guinea is home to a number of cultural sites:
- Kuk Early Agricultural Site (Kuk Cultural Heritage Center) on World Heritage List
 - Nakanai caves (Pomio, East New Britain Province) on World Heritage Tentative List
 - WWII heritage of Kokoda Track (Central and Oro Province)
 - Huonduros geological site (Finschaffien, Morobe Province)

- PNG has the following cultural institutions namely:
- National Museum and Art Gallery in Port Moresby which accommodates most of the cultural movable specimens in PNG and the Modern History including the WWII relics.

- Madang Cultural Center
- National Archives
- There are other privately owned institutions and community based institutions in which cultural heritage is promoted and preserved.
- With regards to the purpose of this workshop concerning protection of cultural property in armed conflicts, the Bougainville crisis, in one way or another, may have had its adverse impact on the protection of cultural property, which I am not aware of therefore I will not dwell on this subject.
- Since the inception of the Hague Convention on the Protection of Cultural Property in the Event of Arm Conflict, Papua New Guinea is yet to be a signatory to the Hague Convention on the Protection of Cultural Property in the Event of Arm Conflict and it's 2 protocols.

B. Risk Reduction Management Measures For Other Cultural Sites And Cultural Institutions.

- Other cultural sites do not have risk reduction management plan for cultural sites, we do not have a black and white detailed management plan in place.
- For our institutions, we also share the same sentiments, that we have yet to have a risk reduction management measure to cushion any adverse situations that may come upon the institutions.
- PNG does not have a formal or final disaster risk management plan in place yet for any of our cultural sites and institutions.



Other Risks and challenges That Threaten Cultural Properties In PNG

Despite that, certain risks that may pose a threat to the cultural properties are:

- conflicts between rivalry tribes and clans which may result in limited access to cultural sites and institutions. It can also pose a threat to destruction of property on the cultural sites and institutions. *Case Study: Ambun Stone*
- there is also the risk of destructions through fire and natural disasters such as tsunamis, earthquakes, volcanic eruptions, etc

- Other situations that may pose a risk to the cultural sites and institutions may not be from conflicts only but through lack of monitoring measures in place. Customs PNG have been very helpful in assisting the Museum with regulatory inspections, in cases where illicit trafficking of cultural properties are prevented.

- Other situations posing a threat would be negligence on official duties where officers abuse their office by facilitating illicit trading of cultural properties.
- Other threats imposed on cultural properties would be from extractive industries, eg. *Nakanai Caves* which has rock art showing the Marana culture of ENB are now threatened with logging and SABL (Special Business and Agriculture Lease) oil palm.
- Religious fundamentalists, eg. The Parliament saga in 2012.

Legislation

- *National Cultural Property (Preservations) Act 1965, National Museum and Art Gallery Act 1992, War Surplus Material Act 1954.*
- Most of the threats that have been described earlier are addressed commonly through the Courts of Law.
- Application and enforcement of our laws: *National Cultural Property (Preservations) Act 1965, National Museum and Art Gallery Act 1992, War Surplus Material Act 1954.*
- These laws are currently under legislative review.



Conclusion

For PNG, attending this workshop will assist us to learn from the participating nations so that we can work on our own risk management plan for our cultural sites and institutions.

THANKYOU.





Tonga

Kingdom of Tonga
Ms. Pulupaki 'ASM Ika

Pacific Workshop on the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its Two Protocols (Suva, Fiji, 8 - 10 November 2016)

National Focal Point


- Ms Pulupaki 'ASM Ika, Deputy CEO, Culture and Youth Division, Ministry of Internal Affairs, now at the Tonga National Cultural Centre (pulupaki.ika@gmail.com)
- Mr Semisi Tongia, Principal Programme Officer, Culture and Youth Division, Ministry of Internal Affairs, at the Tonga National Cultural Centre (semisitongia@gmail.com)



National Law and Legislation

- National Cultural Policy
- Legislation
 - Birds and Fish Protection 1915, Forests Act 1961, Tourist Act 1976, Polynesian Heritage Trust 1988, Fisheries Management 2002, Preservation of Objects of Archaeological Interest Act 2007, Environment Management 2010


Crown Law in Tonga website (Legislation)



Current Status on the implementation of the 1972 World Heritage Convention

Submitted draft nomination to UNESCO Head Quarter on 30 September, 2016

Await to receive comments
Submit final version by end of February, 2017



Current Status in Disaster Risk Reduction of Cultural Heritage and Institutions

- Established committee to look after pre and after disaster (MEIDECC)
- Planting mangroves
- Reforestation
- Building Evacuation Hall
- All forms of awareness program by media




Challenges faced

- Infrastructure
- Personnel training and response team (CAPACITY BUILDING)
- Communication breakdown
- Increase sea level
- Climate change
- Low coral/flat island



Proposal for Action Plan

1. Workshop on site management, managing sites with the local communities in conservation strategies
2. Continuing dialogue with related natural and cultural sectors to improve Legislation on conservation, protection and safeguarding natural and cultural heritage.
3. Formulation of the Tonga National Cultural Legislation
4. To work well with the two local communities and land owners who look after the Royal Tombs and the Ha'amonga Trilithon
5. To establish a monthly meeting with the other government/non government agencies who have provide a role in doing conservati protection and preservation of cultural and natural heritage
6. 8.Awareness programme through media on the importance of conservation, protection and preservation of cultural natural heri




Questions and Comments

Malo 'Aupito



Vanuatu


Country Report:
Republic of Vanuatu
 Pacific Workshop on the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its Two Protocols (S.A.M.R. Fig. 8 - 10 November 2016)
 Acal Lazare
 Director, Vanuatu Cultural Centre

National Focal Point on Cultural Heritage Matters:

- Mrs. Evelyn Buleigh, Manager, Women's Culture Project, Vanuatu Cultural Centre
• ebuleigh@vanuatu.gov.vu (678)
- Mr. Richard Shing, Manager, Vanuatu National Heritage Register, Vanuatu Cultural Centre
• rshing@vanuatu.gov.vu (678) 7343943
- Mr. Edson Willie, Archaeologist, Vanuatu National Heritage Register, Vanuatu Cultural Centre
• ewillie@vanuatu.gov.vu (678)

National Laws and Legislation

- Preservation of Sites and Artifacts Act, 1965, Amended 1988, Amended 2008
• www.assf.org.vu/legis/van_act/pasaa2008a37.tf
- Offences relating to cultural property
 - Theft
 - Damage
- Improving and implementing national legal protection for World Heritage sites

Arson: burning of court house (a colonial era infrastructure), 2007

1972 World Heritage Convention

- Vanuatu ratified the World Heritage Convention on 13 June 2002
- Inscription of Vanuatu's Sandrawing on the Representative List of Intangible Heritage, 2003
- Chief Roi Mata's Domain was inscribed on the World Heritage List in July 2008

Above: A sandring; below left: Mlagaon (Roi Mata's residence); below centre: Excavation on Arick of Roi Mata's burial; below right: Rockart in Fels Cave (where Roi Mata drew his last breath)

Status of DRR of Cultural Heritage and institutions

- Natural Threats to Cultural Properties in Vanuatu
 - Earthquakes, Volcanic eruptions, Tropical cyclones, El Niño events (increased risk of drought and fire), Global warming and sea-level rise
 - Cyclone Pam, March 2015
- Manmade Threats to Cultural Properties in Vanuatu
 - Land sale
- DRR status in Vanuatu

Challenges Faced


- Loss of transmission of cultural knowledge

On the left are a group of tamams (all drums) that once stood on the island of Levege at Chief Roi Mata's Domain. The gentleman on the right, Mlagaon, has been working with the aid of photographs to revive the practice of reviving all drums and teaching the younger generation in the process. Others in the community are involved in reviving and practicing the drumming of these gangs, which is performed during the Roi Mata Cultural Tour.

Objectives of the Vanuatu Cultural Centre in relation to the protection of cultural properties

- DRR Plan for Chief Roi Mata's Domain and Fels Cave
- Improving and implementing national legal protection for World Heritage sites
- Cultural Mapping of the association between the tangible and intangible heritage of Vanuatu (e.g. nakamats)
- Fieldworker workshop on disasters and kastom
- Survey of fieldworkers (intangible cultural heritage)
- Culture and Arts Festival 2018

Inside the Toloa nakamal on Wjuna Island



Annex V: Text of the Conventions, 1st and 2nd Protocols

Convention for the Protection of Cultural Property in the Event of Armed Conflict

The Hague, 14 May 1954
The High Contracting Parties,

Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

Being convinced that damage to cultural property belonging to any people whatsoever means damage to cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of the Hague of 1899 and of 1907 and in the Washington Pact of 15 April, 1935;

Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organise it in time of peace;

Being determined to take all possible steps to protect cultural property;

Have agreed upon the following provisions:

Chapter I: General Provisions regarding Protection

Article 1 – Definition of Cultural Property

For the purposes of the present Convention, the term “cultural property” shall cover, irrespective of origin or ownership: (a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above; (b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a); (c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as “centres containing monuments”.

Article 2 – Protection of Cultural Property

For the purpose of the present Convention, the protection of cultural property shall comprise the safeguarding of and respect for such property.



Article 3 – Safeguarding of Cultural Property

The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

Article 4 – Respect For Cultural Property

1. The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility.
2. The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver.
3. The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party.
4. They shall refrain from any act directed by way of reprisals against cultural property.
5. No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by reason of the fact that the latter has not applied the measures of safeguard referred to in article 3.

Article 5 – Occupation

1. Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.
2. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close-cooperation with such authorities, take the most necessary measures of preservation.
3. Any High Contracting Party whose government is considered their legitimate government by members of a resistance movement, shall, if possible, draw their attention to the obligation to comply with those provisions of the Convention dealing with respect for cultural property.

Article 6 – Distinctive Marking of Cultural Property

In accordance with the provisions of Article 16, cultural property may bear a distinctive emblem so as to facilitate its recognition.

Article 7 – Military Measures

1. The High Contracting Parties undertake to introduce in time of peace into their military regulations or instructions such provisions as may ensure observance of the present Convention, and to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples.
2. The High Contracting Parties undertake to plan or establish in peace-time, with their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to cooperate with the civilian authorities responsible for safeguarding it.



Chapter II: Special Protection

Article 8 – Granting of Special Protection

1. There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance, provided that they: (a) are situated at an adequate distance from any large industrial centre or from any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defense, a port or railway station of relative importance or a main line of communication; (b) are not used for military purposes.
2. A refuge for movable cultural property may also be placed under special protection, whatever its location, if it is so constructed that, in all probability, it will not be damaged by bombs.
3. A centre containing monuments shall be deemed to be used for military purposes whenever it is used for the movement of military personnel or material, even in transit. The same shall apply whatever activities directly connected with military operations, the stationing of military personnel, or the production of war material are carried on within the center.
4. The guarding of cultural property mentioned in paragraph 1 above by armed custodians specially empowered to do so, or the presence, in the vicinity of such cultural property, of police forces normally responsible for the maintenance of public order shall not be deemed to be used for military purposes.
5. If any cultural property mentioned in paragraph 1 of the present Article is situated near an important military objective as defined in the said paragraph,

it may nevertheless be placed under special protection if the High Contracting Party asking for that protection undertakes, in the event of armed conflict, to make no use of the objective and particularly, in the case of a port, railway station or aerodrome, to divert all traffic therefrom. In that event, such diversion shall be prepared in time of peace.

6. Special protection is granted to cultural property by its entry in the “International Register of Cultural Property under Special Protection”. This entry shall only be made, in accordance with the provisions of the present Convention and under the conditions provided for the Regulations for the execution of the Convention.

Article 9 – Immunity of Cultural Property Under Special Protection

The High Contracting Parties undertake to ensure the immunity of cultural property under special protection by refraining, from the time of entry in the International Register, from any act of hostility directed against such property and, except for the cases provided for in paragraph 5 of Article 8, from any use of such property or its surroundings for military purposes.

Article 10 – Identification and Control

During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in article 16, and shall be open to international control as provided for in the Regulations for the execution of the Convention.

Article 11 – Withdrawal of Immunity

1. If one of the High Contracting Parties commits, in respect of any item of cultural property under special protection, a violation of the obligations under Article 9, the opposing Party shall, so long as this violation persists, be released from the obligation to ensure the immunity of the property concerned.



Nevertheless, whenever possible, the latter Party shall first request the cessation of such violation within a reasonable time.

2. Apart from the case provided for in paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.
3. The Party withdrawing immunity shall, as soon as possible, so inform the Commissioner-General for cultural property provided for in the Regulations for the execution of the Convention, in writing, stating the reasons.

Chapter III: Transport of Cultural Property

Article 12 – Transport Under Special Protection

1. Transport exclusively engaged in the transfer of cultural property, whether within a territory or to another territory, may, at the request of the High Contracting Party concerned, take place under special protection in accordance with the conditions specified in the Regulations for the execution of the Convention.
2. Transport under special protection shall take place under the international supervision provided for in the aforesaid Regulations and shall display the distinctive emblem described in Article 16.
3. The High Contracting Parties shall refrain from any act of hostility directed against transport under special protection.

Article 13 – Transport In Urgent Cases

1. If a High Contracting Party considers that the safety of certain cultural property requires its transfer and that the matter is of such urgency that the procedures laid down in Article 12 cannot be followed, especially at the beginning of an armed conflict, the transport may display the distinctive emblem described in Article 16, provided that an application for immunity referred to in Article 12 has not already been made and refused. As far as possible, notification of transfer should be made to the opposing Parties. Nevertheless, transport covering cultural property to the territory of another country may not display the distinctive emblem unless immunity has been expressly granted to it.
2. The High Contracting Parties shall take, so far as possible, the necessary precautions to avoid acts of hostility directed against the transport described in paragraph 1 of the present Article and displaying the distinctive emblem.

Article 14 – Immunity From Seizure, Capture and Prize

1. Immunity from seizure, placing in prize, or capture shall be granted to: (a) cultural property enjoying the protection provided for in Article 12 or that provided for in Article 13; (b) the means of transport exclusively engaged in the transfer of such cultural property.
2. Nothing in the present Article shall limit the right of visit and search.

Chapter IV: Personnel

Article 15 – Personnel

As far as it is consistent with the interests of security, personnel engaged in the protection of cultural property shall, in the interests of such property, be respected and, if they fall into the hands of the opposing Party, shall be allowed to



continue to carry out their duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing Party.

Chapter V: The Distinctive Emblem

Article 16 – Emblem of the Convention

1. The distinctive emblem of the Convention shall take the form of a shield, pointed below, persaltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle).
2. The emblem shall be used alone, or repeated three times in a triangular formation (one shield below), under the conditions provided for in Article 17.

Article 17 – Use of the Emblem

1. The distinctive emblem repeated three times may be used only as a means of identification of: (a) immovable cultural property under special protection; (b) the transport of cultural property under the conditions provided for in Articles 12 and 13; (c) improvised refuges, under the conditions provided for in the Regulations for the execution of the Convention.
2. The distinctive emblem may be used alone only as a means of identification of: (a) cultural property not under special protection; (b) the persons responsible for the duties of control in accordance with the Regulations for the execution of the Convention; (c) the personnel engaged in the protection of cultural property; (d) the identity cards mentioned in the Regulations for the execution of the Convention.
3. During an armed conflict, the use of the distinctive emblem in any other cases

than those mentioned in the preceding paragraphs of the present Article, and the use for any purpose whatever of a sign resembling the distinctive emblem, shall be forbidden.

4. The distinctive emblem may not be placed on any immovable cultural property unless at the same time there is displayed an authorization duly dated and signed by the competent authority of the High Contracting Party.

Chapter VI: Scope of Application of the Convention

Article 18 - Application of the Convention

1. Apart from the provisions which shall take effect in time of peace, the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by, one or more of them.
2. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.
3. If one of the Powers in conflict is not a Party to the present Convention, the Powers which are parties thereto shall nevertheless remain bound by it in their mutual relations. They shall furthermore be bound by the Convention, in relation to the said Power, if the latter has declared that it accepts the provisions thereof and so long as it applies them.

Article 19 – Conflicts Not of an International Character

1. In the event of an armed conflict not of an international character occurring within the territory of one of the High Contracting



Parties, each party to the conflict shall be bound to apply, as, a minimum, the provision of the present Convention which relate to respect for cultural property.

2. The parties to the conflict shall endeavor to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.
3. The United Nations Educational, Scientific and Cultural Organisation may offer its services to the parties to the conflict.
4. The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

Chapter VII: Execution of the Convention

Article 20 – Regulations for the Execution of the Convention

The procedure by which the present Convention is to be applied is defined in the Regulations for its execution, which constitute an integral part thereof.

Article 21 – Protecting Powers

The present Convention and the Regulations for its execution shall be applied with the cooperation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Article 22 – Conciliation Procedure

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention or the Regulations for its execution.
2. For this purpose, each of the Protecting Powers may, either at the invitation of one

Party, of the Director-General of the United Nations Educational, Scientific and Cultural Organisation, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate on suitably chosen neutral territory. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a neutral Power or a person presented by the Director-General of the United Nations Educational, Scientific and Cultural Organisation, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Article 23 – Assistance of UNESCO

1. The High Contracting Parties may call upon the United Nations Educational, Scientific and Cultural Organisation for technical assistance in organizing the protection of their cultural property, or in connection with any other problem arising out of the application of the present Convention or the Regulations for its execution. The Organisation shall accord such assistance within the limits fixed by its programme and by its resources.
2. The Organisation is authorized to make, on its own initiative, proposals on this matter to the High Contracting Parties.

Article 24 – Special Agreements

1. The High Contracting Parties may conclude special agreements for all matters concerning which they deem it suitable to make separate provision.
2. No special agreement may be concluded which would diminish the protection afforded by the present Convention to cultural property and to the personnel engaged in its protection.



Article 25 – Dissemination of the Convention

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

Article 26 – Translation Reports

1. The High Contracting Parties shall communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organisation, the official translations of the present Convention and of the Regulations for its execution.
2. Furthermore, at least once every four years, they shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfillment of the present Convention and of the Regulations for its execution.

Article 27 – Meetings

1. The Director-General of the United Nations Educational, Scientific and Cultural Organisation may, with the approval of the Executive Board, convene meetings of representatives of the High Contracting Parties. He must convene such a meeting if at least one-fifth of the High Contracting Parties so request.
2. Without prejudice to any other functions which have been conferred on it by the present Convention or the Regulations for its execution, the purpose of the meeting will be to study problems concerning the application of the Convention and of

the Regulations for its execution, and to formulate recommendations in respect thereof.

3. The meeting may further undertake a revision of the Convention or the Regulations for its execution if the majority of the High Contracting Parties are represented, and in accordance with the provisions of Article 39.

Article 28 – Sanctions

The High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.

Final Provisions

Article 29 – Languages

1. The present Convention is drawn up in English, French, Russian and Spanish, the four text being equally authoritative.
2. The United Nations Educational, Scientific and Cultural Organisation shall arrange for translations of the Convention into the other official languages of its General Conference

Article 30 – Signature

The present Convention shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at the Hague from 21 April, 1954 to 14 May 1954.

Article 31 – Ratification

1. The present Convention shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.
2. The instrument of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organisation.



Article 32 – Accession

From the date of its entry into force, the present Convention shall be open for accession by all States mentioned in Article 30 which have not signed it, as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organisation. Accession shall be effected by deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organisation.

Article 33 – Entry Into Force

1. The present Convention shall enter into force three months after five instruments of ratification have been deposited.
2. Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.
3. The situation referred to in Articles 18 and 19 shall give immediate effect to ratifications or accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General of the United Nations Educational, Scientific and Cultural Organisation shall transmit the communications referred to in Article 28 by the speediest method.

Article 34 – Effective Application

1. Each State Party to the Convention on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.
2. This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Convention

Article 35 – Territorial Extension Of The Convention

Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organisation, that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

Article 36 – Relation To Previous Conventions

1. In the relations between Powers which are bound by the Conventions of the Hague concerning the Laws and Customs of War on land (IV) and concerning Naval Bombardment in Time of War (IX), whether those of 29 July, 1899 or those of 13 October, 1907, and which are Parties to the present Convention, this last Convention shall be supplementary to the aforementioned Convention (IX) and to the Regulations annexed to the aforementioned Convention (IV) and shall substitute for the emblem described in Article 5 of the aforementioned Convention (IX) the emblem described in article 16 of the present Convention, in cases in which the present Convention and the Regulation for its execution provide for the use of this distinctive emblem.
2. In the relations between Powers which are bound by the Washington Pact of 15 April, 1935 for the Protection of Artistic and Scientific Institutions and of Historic Monuments (Roerich Pact) and which are Parties to the present Convention, the latter Convention shall be supplementary to the Roerich Pact and shall substitute for the distinguishing flag described in article III of the Pact the emblem defined in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provided for the use of this distinctive emblem.



Article 37 – Denunciation

1. Each High Contracting Party may denounce the present Convention, on its own behalf, or on behalf of any territory for whose international relations it is responsible.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organisation.
3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operation of repatriating cultural property are completed, whichever is the later.

Article 38 – Notifications

The Director-General of the United Nations Educational, Scientific and Cultural Organisation shall inform the States referred to in Articles 30 and 32, as well as the United Nations, of the deposit of all the instrument of ratification, accession or acceptance provided for in Articles 31, 32, and 39 and of the notifications and denunciations provided for respectively in articles 35, 37 and 39.

Article 39 – Revision Of The Convention And Of The Regulations For Its Execution

1. Any High Contracting Party may propose amendments to the present Convention or the Regulations for its execution. The text of any proposed amendment shall be communicated to the Director-General of the United Nations Educational, Scientific and Cultural Organisation who shall transmit it to each High Contracting Party with the request that such Party reply within four months stating whether it: (a) desires that a Conference be convened to consider the proposed amendment; (b) favours the

acceptance of the proposed amendment without a Conference; or (c) favours the rejection of the proposed amendment without a Conference.

2. The Director-general shall transmit the replies, received under paragraph 1 of the present Article, to all High Contracting Parties.
3. If all the High Contracting Parties which have, within the prescribed time-limit, stated their views to the Director-General of the United Nations Educational, Scientific and Cultural Organisation, pursuant to paragraph 1(b) of this Article, inform him that they favour acceptance of the amendment without a Conference, notification of their decision shall be made by the Director-General in accordance with Article 38. The amendment shall become effective for all the High Contracting Parties on the expiry of ninety days from the date of such notification.
4. The Director-General shall convene a Conference of the High Contracting Parties to consider the proposed amendment more than one-third of the High Contracting Parties.
5. Amendments to the Convention or to the Regulations for its execution, dealt with under the provisions of the preceding paragraph, shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.
6. Acceptance by the High Contracting Parties of amendments to the Convention or to the Regulations for its execution, which have been adopted by the Conference mentioned in paragraphs 4 and 5, shall be effected by the deposit of a formal instrument with the Director-general of the United Nations Educational, Scientific and Cultural Organisation.



7. After the entry into force of amendments to the present Convention or to the Regulations for its execution, only the text of the Convention or of the Regulations for its execution thus amended shall remain open for ratification or accession.

Article 40 – Registration

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organisation.

In faith whereof the undersigned, duly authorized, have signed the present Convention.

Done at the Hague, this fourteenth day of May, 1954, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organisation, and certified true copies of which shall be delivered to all the States referred to in Articles 30 and 32 as well as to the United Nations.

1954 (First) Protocol

The Hague, 14 May 1954

The High Contracting Parties are agreed as follows:

- I
 1. Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at the Hague on 14 May, 1954.
 2. Each High Contracting Party undertakes to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be effected automatically upon the importation of the property or, failing this, at the request of the authorities of that territory.
 3. Each High Contracting Party undertakes to return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which is in its territory, if such property has been exported in contravention of the principle laid down in the first paragraph. Such property shall never be retained as war reparations.
 4. The High Contracting Party whose obligation it was to prevent the exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned in accordance with the preceding paragraph.
- II
5. Cultural property coming from the territory of a High Contracting Party and deposited by it in the territory of another High Contracting Party for the purpose of protecting such property against the dangers of an armed conflict, shall be returned by the latter, at the end of hostilities, to the competent authorities of the territory from which it came.
- III
6. The present Protocol shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April, 1954 to 14 May, 1954.
 7. (a) The present Protocol shall be subject to ratification by signatory States in accordance with their respective constitutional procedures. (b) The instrument of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organisation.



8. From the date of its entry into force, the present Protocol shall be open for accession by all States mentioned in paragraph 6 which have not signed it as well as any other States invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organisation. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organisation.
9. The States referred to in paragraphs 6 and 8 may declare, at the time of signature, ratification or accession, that they will not be bound by the provisions of Section I or by those of Section II of the present Protocol.
10. (a) The present Protocol shall enter into force three months after five instruments of ratification have been deposited. (b) Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession. (c) The situations referred to in Articles 18 and 19 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at the Hague on 14 May, 1954, shall give immediate effect to ratifications and accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases, the Director-General of the United Nations Educational, Scientific and Cultural Organisation shall transmit the communications referred to in paragraph 14 by the speediest method.
11. (a) Each State Party to the Protocol on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force. (b) This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Protocol.
12. Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organisation, that the present Protocol shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.
13. (a) Each High Contracting Party may denounce the present Protocol, on its own behalf, or on behalf of any territory for whose international relations it is responsible. (b) The denunciation shall be notified by an instrumenting in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organisation. (c) The denunciation shall take effect one year after receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.
14. The Director-General of the United Nations Educational, Scientific and Cultural Organisation shall inform the states referred to paragraph 6 and 8, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in paragraphs 7, 8 and 15 and the notifications and denunciations provided for respectively in paragraphs 12 and 13.
15. (a) The present Protocol may be revised if revision is requested by more than one-third of the High Contracting Parties. (b) The Director-General of the United Nations Educational, Scientific and Cultural Organisation shall convene a Conference for this purpose. (c) Amendments to the present Protocol shall enter into force only



after they have been unanimously adopted by the High Contracting Parties presented at the Conference and accepted by each of the High Contracting Parties. (d) Acceptance by the High Contracting Parties of amendments to the present Protocol, which have been adopted by the Conference mentioned in sub-paragraphs (b) and (c), shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organisation. (e) After the entry into force of amendments to the present Protocol, only the text of the said Protocol thus amended shall remain open for ratification or accession.

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organisation.

In faith whereof the undersigned, duly authorized, have signed the present Protocol.

Done at the Hague, this fourteenth day of May, 1954, in English, French, Russian and Spanish, the four texts being equally authoritative, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organisation, and certified true copies of which shall be delivered to all the States referred to in paragraphs 6 and 8 as well as to the United Nations.

Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict

The Hague, 26 March 1999
The Parties,

Conscious of the need to improve the protection of cultural property in the event of armed conflict and to establish an enhanced system of protection for specifically designated cultural property;

Reaffirming the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954, and emphasizing the necessity to supplement these provisions through measures to reinforce their implementation;

Desiring to provide the High Contracting Parties to the Convention with a means of being more closely involved in the protection of cultural property in the event of armed conflict by establishing appropriate procedures therefor;

Considering that the rules governing the protection of cultural property in the event of armed conflict should reflect developments in international law;

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of this Protocol;

Have agreed as follows:

Chapter 1 Introduction

Article 1 – Definitions

For the purposes of this Protocol: (a) “Party” means a State Party to this Protocol; (b) “cultural property” means cultural property as defined



in Article 1 of the Convention; (c) “Convention” means the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954; (d) “High Contracting Party” means a State Party to the Convention; (e) “enhanced protection” means the system of enhanced protection established by Articles 10 and 11; (f) “military objective” means an object which by its nature, location, purpose, or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage; (g) “illicit” means under compulsion or otherwise in violation of the applicable rules of the domestic law of the occupied territory or of international law; (h) “List” means the International List of Cultural Property under Enhanced Protection established in accordance with Article 27, subparagraph 1(b); (i) “Director-General” means the Director-General of UNESCO; (j) “UNESCO” means the United Nations Educational, Scientific and Cultural Organisation; (k) “First Protocol” means the Protocol for the Protection of Cultural Property in the Event of Armed Conflict done at The Hague on 14 May 1954.

Article 2 – Relation to the Convention

This Protocol supplements the Convention in relations between the Parties.

Article 3 – Scope of application

1. In addition to the provisions which shall apply in time of peace, this Protocol shall apply in situations referred to in Article 18 paragraphs 1 and 2 of the Convention and in Article 22 paragraph 1.
2. When one of the parties to an armed conflict is not bound by this Protocol, the Parties to this Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to a State party to the conflict which is not bound by it, if the latter accepts the provisions of this Protocol and so long as it applies them.

Article 4 – Relationship between Chapter 3 and other provisions of the Convention and this Protocol

The application of the provisions of Chapter 3 of this Protocol is without prejudice to: (a) the application of the provisions of Chapter I of the Convention and of Chapter 2 of this Protocol; (b) the application of the provisions of Chapter II of the Convention save that, as between Parties to this Protocol or as between a Party and a State which accepts and applies this Protocol in accordance with Article 3 paragraph 2, where cultural property has been granted both special protection and enhanced protection, only the provisions of enhanced protection shall apply.

Chapter 2 General Provisions regarding protection

Article 5 – Safeguarding of cultural property

Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate *in situ* protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.

Article 6 – Respect for cultural property

With the goal of ensuring respect for cultural property in accordance with Article 4 of the Convention: (a) a waiver on the basis of imperative military necessity pursuant to article 4 paragraph 2 of the Convention may only be invoked to direct an act of hostility against cultural property when and for as long as; (i) that cultural property has, by its function, been made into a military objective; and (ii) there is no feasible alternative available to obtain a similar



military advantage to that offered by directing an act of hostility against that objective; (b) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to use cultural property for purposes which are likely to expose it to destruction or damage when and for as long as no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage; (c) the decision to invoke imperative military necessity shall only be taken by an officer commanding a force the equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise; (d) in case of an attack based on a decision taken in accordance with sub-paragraph (a), an effective advance warning shall be given whenever circumstances permit.

Without prejudice to other precautions required by international humanitarian law in the conduct of military operations, each Party to the conflict shall: (a) do everything feasible to verify that the objectives to be attacked are not cultural property protected under Article 4 of the Convention; (b) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental damage to cultural property protected under Article 4 of the Convention; (c) refrain from deciding to launch any attack which may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated; and (d) cancel or suspend an attack if it becomes apparent: (i) that the objective is cultural property protected under Article 4 of the Convention; (ii) that the attack may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated.

Article 7 – Precautions in attack

Without prejudice to other precautions required by international humanitarian law in the conduct of military operations, each Party to the conflict shall: (a) do everything feasible to verify that the objectives to be attacked are not cultural property protected under Article 4 of the Convention; (b) take all feasible precautions in the choice of means and methods of attack with property protected under Article 4 of the Convention; (c) refrain from deciding to launch any attack which may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage and anticipated; and (d) cancel or suspend an attack if it becomes apparent: (i) that the objective is cultural property protected under Article 4 of the Convention; (ii) that the attack may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated.

Article 8 – Precautions against the effects of hostilities

The Parties to the conflict shall, to the maximum extent feasible: (a) remove movable cultural property from the vicinity of military objectives or provide for adequate *in situ* protection; (b) avoid locating military objectives near cultural property.

Article 9 – Protection of cultural property in occupied territory

1. Without prejudice to the provisions of Articles 4 and 4 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory: (a) any illicit export, other removal or transfer of ownership of cultural property; (b) any archaeological excavation, save where this is strictly required to safeguard, record or



preserve cultural property; (c) any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

2. Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be carried out in close co-operation with the competent national authorities of the occupied territory.

Chapter 3 Enhanced Protection

Article 10 – Enhanced protection

Cultural property may be placed under enhanced protection provided that it meets the following three conditions: (a) it is cultural heritage of the greatest importance for humanity; (b) it is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; (c) it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

Article 11 – The granting of enhanced protection

1. Each Party should submit to the Committee a list of cultural property for which it intends to request the granting of enhanced protection.
2. The Party which has jurisdiction or control over the cultural property may request that it be included in the List to be established in accordance with Article 27 sub-paragraph 1(b). This request shall include all necessary information related to the criteria mentioned in Article 10. The Committee may invite a Party to request that cultural property be included in the List.
3. Other Parties, the International Committee of the Blue Shield and other non-governmental organisations with relevant expertise may

recommend specific cultural property to the Committee. In such cases, the Committee may decide to invite a Party to request inclusion of that cultural property in the List.

4. Neither the request for inclusion of cultural property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, nor its inclusion, shall in any way prejudice the rights of the parties to the dispute.
5. Upon receipt of a request for inclusion in the List, the Committee shall inform all Parties of the request. Parties may submit representations regarding such a request to the Committee within sixty days. These representations shall be made only on the basis of the criteria mentioned in article 10. They shall be specific and related to facts. The Committee shall consider the representations, providing the Party requesting inclusion with a reasonable opportunity to respond before taking the decision. When such representations are before the Committee, decisions for inclusion in the List shall be taken, notwithstanding Article 26, by a majority of four-fifth of its members present and voting.
6. In deciding upon a request, the Committee should ask the advice of governmental and non-governmental organisations, as well as of individual experts.
7. A decision to grant or deny enhanced protection may only be made on the basis of the criteria mentioned in Article 10.
8. In exceptional cases, when the Committee has concluded that the Party requesting inclusion of cultural property in the List cannot fulfil the criteria of Article 10 sub-paragraph (b), the Committee may decide to grant enhanced protection, provided that the requesting Party submits a request for international assistance under Article 32.
9. Upon the outbreak of hostilities, a Party to the conflict may request, on an emergency



basis, enhanced protection of cultural property under its jurisdiction or control by communicating this request to the Committee. The Committee shall transmit this request immediately to all Parties to the conflict. In such cases the Committee will consider representations from the Parties concerned on an expedited basis. The decision to grant provisional enhanced protection shall be taken as soon as possible and, notwithstanding Article 26, by a majority of four-fifths of its members present and voting. Provisional enhanced protection may be granted by the Committee pending the outcome of the regular procedure for the granting of enhanced protection, provided that the provisions of Article 10 sub-paragraphs (a) and (c) are met.

10. Enhanced protection shall be granted to cultural property by the Committee from the moment of its entry in the List.
11. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties notification of any decision of the Committee to include cultural property on the List.

Article 12 – Immunity of cultural property under enhanced protection

The parties to a conflict shall ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack or from any use of the property or its immediate surroundings in support of military action.

Article 13 – Loss of enhanced protection

1. Cultural property under enhanced protection shall only lose such protection: (a) if such protection is suspended or cancelled in accordance with Article 14; or (b) if, and for as long as, the property has, by its use, become a military objective.

2. In the circumstances of sub-paragraph 1(b), such property may only be the object of attack if: (a) the attack is the only feasible means of terminating the use of the property referred to in sub-paragraph 1(b); (b) all feasible precautions are taken in the choice of means and methods of attack, with a view to terminating such use and avoiding, or in any event minimizing, damage to the cultural property; (c) unless circumstances do not permit, due to requirements of immediate self-defence: (i) the attack is ordered at the highest operational level of command; (ii) effective advance warning is issued to the opposing forces requiring the termination of the use referred to in sub-paragraph 1(b); and (iii) reasonable time is given to the opposing forces to redress the situation.

Article 14 – Suspension and cancellation of enhanced protection

1. Where cultural property no longer meets any one of the criteria in article 10 of the Protocol, the Committee may suspend its enhanced protection status or cancel that status by removing that cultural property from the List.
2. In the case of a serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action, the Committee may suspend its enhanced protection status. Where such violations are continuous, the Committee may exceptionally cancel the enhanced protection status by removing the cultural property from the List.
3. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties to this Protocol notification of any decision of the Committee to suspend or cancel the enhanced protection of cultural property.
4. Before taking such a decision, the Committee shall afford an opportunity to the Parties to make their views known.



Chapter 4 Criminal responsibility and jurisdiction

Article 15 – Serious violations of this Protocol

1. Any person commits an offence within the meaning of this Protocol if that person intentionally and in violation of the Convention or this Protocol commits any of the following acts: (a) making cultural property under enhanced protection the object of attack; (b) using cultural property under enhanced protection or its immediate surroundings in support of military action; (c) extensive destruction or appropriation of cultural property protected under the Convention and this Protocol; (d) making cultural property protected under the Convention and this Protocol the object of attack; (d) theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.
2. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. When doing so, Parties shall comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act.

Article 16 – Jurisdiction

1. Without prejudice to paragraph 2, each Party shall take the necessary legislative measures to establish its jurisdiction over offences set forth in Article 15 in the following cases: (a) when such an offence is committed in the territory of that State; (b) when the alleged offender is a national of that State; (c) in the case of offences set forth in Article 15 sub-paragraphs (a) to (c), when the alleged offender is present in its territory.

2. With respect to the exercise of jurisdiction and without prejudice to Article 28 of the Convention: (a) this Protocol does not preclude the incurring of individual criminal responsibility or the exercise of jurisdiction under national and international law that may be applicable, or affect the exercise of jurisdiction under customary international law; (b) except in so far as a State which is not Party to this Protocol may accept and apply its provisions in accordance with Article 3 paragraph 2, members of the armed forces and nationals of a State which is not Party to this Protocol, except for those nationals serving in the armed forces of a State which is a party to this Protocol, do not incur individual criminal responsibility by virtue of this Protocol, nor does this Protocol impose an obligation to establish jurisdiction over such persons or to extradite them.

Article 17 – Prosecution

1. The Party in whose territory the alleged offender of an offence set forth in Article 15 sub-paragraphs 1 (a) to (c) is found to be present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities, for the purpose of prosecution, through proceedings in accordance with its domestic law or with, if applicable, the relevant rules of international law.
2. Without prejudice to, if applicable, the relevant rules of international law, any person regarding whom proceedings are being carried out in connection with the Convention or this Protocol shall be guaranteed fair treatment and a fair trial in accordance with domestic law and international law at all stages of the proceedings, and in no cases shall be provided guarantees less favorable to such person than those provided by international law.



Article 18 – Extradition

1. The offences set forth in Article 15 sub-paragraph 1 (a) to (c) shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Protocol. Parties undertake to include such offences in every extradition treaty to be subsequently concluded between them.
2. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, at its option, consider the present Protocol as the legal basis for extradition in respect of offences as set forth in Article 15 sub-paragraphs 1 (a) to (c).
3. Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 15 sub-paragraphs 1 (a) to (c) as extraditable offences between them, subject to the conditions provided by the law of the requested Party.
4. If necessary, offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be treated, for the purposes of extradition between Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the Parties that have established jurisdiction in accordance with article 16 paragraph 1.

Article 19 – Mutual legal assistance

1. Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article 15, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal

assistance that may exist between them. In the absence of such treaties or arrangements, Parties shall afford one another assistance in accordance with their domestic law.

Article 20 – Grounds for refusal

1. For the purpose of extradition, offences set forth in Article 15 sub-paragraphs 1 (a) to (c), and for the purpose of mutual legal assistance, offences set forth in Article 15 shall not be regarded as political offences nor as offences connected with political offences nor as offences inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such offences may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.
2. Nothing in this Protocol shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested Party has substantial grounds for believing that the request for extradition for offences set forth in Article 15 sub-paragraphs 1 (a) to (c) or for mutual legal assistance with respect to offences set forth in Article 15 has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 21 – Measures regarding other violations

Without prejudice to Article 28 of the Convention, each Party shall adopt such legislative, administrative or disciplinary measures as may be necessary to suppress the following acts when committed intentionally: (a) any use of cultural property in violation of the Convention or this Protocol; (b) any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the Convention or this Protocol.



Chapter 5 The protection of cultural property in armed conflicts not of an international character

Article 22 – Armed conflicts not of an international character

1. This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties.
2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.
3. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
4. Nothing in this Protocol shall prejudice the primary jurisdiction of a Party in whose territory an armed conflict not of an international character occurs or, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs the violations set forth in Article 15.
5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs.
6. The application of this Protocol to the situation referred to in paragraph 1 shall not affect the legal status of the parties to the conflict.
7. UNESCO may offer its services to the parties to the conflict.

Chapter 6 Institutional Issues

Article 23 – Meeting of the Parties

1. The Meeting of the Parties shall be convened at the same time as the General Conference of UNESCO, and in co-ordination with the Meeting of the High Contracting Parties, if such a meeting has been called by the Director-general.
2. The Meeting of the Parties shall adopt its Rules of Procedure.
3. The Meeting of the Parties shall have the following functions: (a) to elect the Members of the Committee, in accordance with Article 24 paragraph 1; (b) to endorse the Guidelines developed by the Committee in accordance with Article 27 sub-paragraph 1(a); (c) to provide guidelines for, and to supervise the use of the Fund by the Committee; (d) to consider the report submitted by the Committee in accordance with Article 27 sub-paragraph 1(d); (e) to discuss any problem related to the application of this Protocol, and to make recommendations, as appropriate.
4. At the request of at least one-fifth of the Parties, the Director-General shall convene an Extraordinary Meeting of the Parties.

Article 24 – Committee for the Protection of Cultural Property in the Event of Armed Conflict

1. The Committee for the Protection of Cultural Property in the Event of Armed Conflict is hereby established. It shall be composed of twelve Parties which shall be elected by the Meeting of the Parties.
2. The Committee shall meet once a year in ordinary session and in extra-ordinary sessions whenever it deems necessary.
3. In determining membership of the Committee, Parties shall seek to ensure an equitable representation of the different regions and cultures of the world.



4. Parties members of the Committee shall choose as their representatives persons qualified in the fields of cultural heritage, defence or international law, and they shall endeavor, in consultation with one another, to ensure that the Committee as a whole contains adequate expertise in all these fields.

Article 25 – Terms of office

1. A Party shall be elected to the Committee for four years and shall be eligible for immediate re-election only once.
2. Notwithstanding the provisions of paragraph 1, the term of office of half of the members chose at the time of the first election shall cease at the end of the first ordinary session of the Meeting of the Parties following that at which they were elected. These members shall be chosen by lot by the President of the Meeting after the first election.

Article 26 – Rules of procedure

1. The Committee shall adopt its Rules of Procedures.
2. A majority of the members shall constitute a quorum. Decisions of the Committee shall be taken by a majority of two-thirds of its members voting.
3. Members shall not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.

Article 27 – Functions

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 organisations 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 organisations 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.

Article 28 – Secretariat

The Committee shall be assisted by the Secretariat of UNESCO which shall prepares the Committee's documentation and the agenda for its meetings and shall have the responsibility for the implementation of its decisions.

Article 29 – The Fund for the Protection of Cultural Property in the Event of Armed Conflict

1. A Fund is hereby established for the following purposes: (a) to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, *inter alia*, Article 5, Article 10 sub-paragraph (b) and Article 30; and (b)



- to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, *inter alia*, Article 8 sub-paragraph (a).
2. The Fund shall constitute a trust fund, in conformity with the provisions of the financial regulations of UNESCO.
 3. Disbursements from the Fund shall be used only for such purposes as the Committee shall decide in accordance with the guidelines as defined in article 23 sub-paragraph 3(c). The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.
 4. The resources of the Fund shall consist of:
 - (a) voluntary contributions made by the Parties;
 - (b) contributions, gifts or bequests made by:
 - (i) other States;
 - (ii) UNESCO or other organisations of the United Nations system;
 - (iii) other intergovernmental or non-governmental organisations;
 - (c) public or private bodies or individuals;
 - (d) any interest accruing on the Funds;
 - (e) funds raised by collections and receipts from events organized for the benefits of the Fund;
 - (f) all other resources authorized by the guidelines applicable to the Fund.
2. The Parties shall disseminate this Protocol as widely as possible both in time of peace and in time of armed conflict.
 3. Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, shall be fully acquainted with the text thereof. To this end the Parties shall, as appropriate:
 - (a) incorporate guidelines and instructions on the protection of cultural property in their military regulations;
 - (b) develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organisations, peace time training and educational programmes;
 - (c) communicate to one another, through the Director-General, information on the laws, administrative provisions and measures taken under sub-paragraphs (a) and (b);
 - (d) communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they may adopt to ensure the application of this Protocol.

Chapter 7 Dissemination of Information and International Assistance

Article 30 – Dissemination

1. The Parties shall endeavor by appropriate means, and in particular by educational and information programme, to strengthen appreciation and respect for cultural property by their entire population.

Article 31 – International cooperation

In situations of serious violations of this Protocol, the Parties undertake to act, jointly through the Committee, or individually, in cooperation with UNESCO and the United Nations and in conformity with the Charter of the United Nations.

Article 32 – International assistance

1. A Party may request from the Committee international assistance for cultural property under enhanced protection as well as assistance with respect to the preparation, development or implementation of the laws, administrative provisions and measures referred to in Article 10.
2. A party to the conflict, which is not a Party to this Protocol but which accepts and applies provisions in accordance with Article 3, paragraph 2, may request appropriate international assistance from the Committee.



3. The Committee shall adopt rules for the submission of requests for international assistance and shall define the forms the international assistance may take.
4. Parties are encouraged to give technical assistance of all kinds, through the Committee, to those Parties to the conflict who request it.

Article 32 – Assistance of UNESCO

1. A Party may 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 this Protocol. UNESCO shall accord such assistance within the limits fixed by its programme and by the resources.
2. Parties are encouraged to provide technical assistance at bilateral or multilateral level.
3. UNESCO is authorized to make, on its own initiative, proposals on these matters to the Parties.

Chapter 8 Execution of this Protocol

Article 34 – Protecting Powers

This Protocol shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Article 35 – Conciliation procedure

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of this Protocol.

2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a State not party to the conflict or a person presented by the Director-General, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Article 36 – Conciliation in absence of Protecting Powers

1. In a conflict where no Protecting Powers are appointed the Director-General may lend good offices or act by any other form of conciliation or mediation, with a view to settling the disagreement.
2. At the invitation of one Party or of the Director-General, the Chairman of the Committee may propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict.

Article 37 – Translation and reports

1. The Parties shall translate this Protocol into their official languages and shall communicate these official translations to the Director-General.
2. The Parties shall submit to the Committee, every four years, a report on the implementation of this Protocol.



Article 38 – State responsibility

No provision in this Protocol relating to individual criminal responsibility shall affect the responsibility of States under international law, including the duty to provide reparation.

Chapter 9 Final Clauses

Article 39 – Languages

This Protocol is drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six text being equally authentic.

Article 40 – Signature

This Protocol shall bear the date of 26 March 1999. It shall be opened for signature by all High Contracting Parties at the Hague from 17 May 1999 until 31 December 1999.

Article 41 – Ratification, acceptance or approval

1. This Protocol shall be subject to ratification, acceptance or approval by High Contracting Parties which have signed this Protocol, in accordance with their respective constitutional procedures.
2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General.

Article 42 – Accession

1. This Protocol shall be open for accession by other High Contracting Parties from 1 January 2000.
2. Accession shall be effected by the deposit of an instrument of accession with the Director-General.

Article 43 – Entry into force

1. This Protocol shall enter into force three months after twenty instruments of ratification, acceptance, approval or accession have been deposited.

2. Thereafter, it shall enter into force, for each Party, three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 44 – Entry into force in situations of armed conflict

The situations referred to in Article 18 and 19 of the Convention shall give immediate effect to ratifications, acceptances or approvals of or accessions to this Protocol deposited by the parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General shall transmit the communications referred to in Article 46 by the speediest method.

Article 45 – Denunciation

1. Each Party may denounce this Protocol.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General.
3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Article 46 – Notifications

The Director-General shall inform all High Contracting Parties as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 41 and 42 and of denunciations provided for Article 45.



Article 47 – Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol.

DONE at the Hague, this twenty-sixth day of March 1999, in a single copy which shall be deposited in the archives of the UNESCO, and certified true copies of which shall be delivered to all the High Contracting Parties.



Annex VI: Model Law on the Protection of Cultural Property in the Event of Armed Conflict

MODEL LAW ON THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

**Legislation for common-law States seeking to implement their obligations
under the 1954 Hague Convention for the Protection of Cultural Property
in the Event of Armed Conflict and its 1954 and 1999 Protocols**



INTRODUCTION

This model law has been drafted for consideration by States with a common-law legal tradition. For States with a civil-law legal tradition, it may prove useful as a checklist of provisions that need to be implemented through domestic law.

Some of the provisions of the Geneva Conventions of 1949 and their Additional Protocols of 1977¹ have been supplemented through the adoption of international instruments that provide for the protection of certain categories of property in the event of armed conflict. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention) and its First and Second Protocols are examples of such instruments.

The Hague Convention and its First Protocol were adopted in 1954 following large-scale destruction of cultural property during the Second World War. While the Hague Convention is the first treaty to provide for a system of protection of cultural property in the event of armed conflict, the First Protocol provides for a system of protection specifically adapted to situations in which the territory of one State is occupied by another State. Several conflicts that erupted in the 1990s revealed certain gaps in the protection afforded by the Hague Convention and its First Protocol. This led in 1999 to the drafting of the Second Protocol, which supplements and reinforces the protection system set out in the Hague Convention by, *inter alia*, clarifying the concepts of 'safeguarding' and 'respect', providing for new precautions and instituting a system of enhanced protection for property of the greatest importance for humanity.

Parties to the Hague Convention and its Protocols are responsible for enshrining the protection of cultural property in their domestic legislation, in particular by introducing offences for violations of these instruments.² Acts defined as offences may also be prohibited under the implementing legislation for the Geneva Conventions and/or the Rome Statute. In such cases, States may choose to let the relevant prosecuting body determine under which piece of legislation to prosecute the alleged offender.

This model law seeks to provide guidance on how to incorporate the Hague Convention and its two Protocols into domestic law. This can be a complicated process given the nature of the provisions in each instrument and their potential overlap. For States that have only ratified the Hague Convention, or the Hague Convention and its First Protocol, some provisions in the model law will not be applicable. An effort has therefore been made to highlight those provisions in the model law that specifically implement provisions contained in the Protocols to the Convention. In addition, some provisions that may be useful to States in the practical implementation of the Hague Convention and its Protocols have not been included in this model law, and States may choose to add such provisions when drafting domestic legislation. These include, for instance, provisions concerning defences, search and seizure, and forfeiture, which may be particularly useful in regulating unlawfully exported cultural property. Where such provisions are included in domestic legislation, section 16 should be amended to set out the relevant offences.

Finally, the Hague Convention and its Protocols oblige States to take many administrative steps that are not part of the implementing legislation. In order to ensure the full protection required by the Hague Convention and its Protocols, States must therefore adopt comprehensive regulations pertaining to the implementing legislation. An effort has been made in this model law to highlight some of the provisions that need to be elaborated on in such regulations.

¹ Articles 53 and 85(4)(d) of the First Additional Protocol and Article 16 of the Second Additional Protocol.

² See Article 28 of the Convention and Articles 15 and 21 of the Second Protocol.



CULTURAL PROPERTY (PROTECTION IN ARMED CONFLICT) ACT
[INSERT NUMBER AND YEAR OF ACT]

An Act to implement the obligations of [insert country name] under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, and under the Protocols to that Convention of 1954 and 1999, and to provide for matters incidental thereto.

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SCHEDULES

- 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
- Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 1954 Protocol for the Protection of Cultural Property in the Event of Armed Conflict
- 1999 Second Protocol to the 1954 Hague Convention



Whereas [insert desired preamble].

Be it enacted by the Parliament of [insert country name] as follows:

PART I – PRELIMINARIES

1. Short title and entry into force

1) This Act may be cited as the Protection of Cultural Property in the Event of Armed Conflict Act [insert year].

2) This Act comes into force on [insert date/procedure].

2. Definitions

In this Act –

‘Commanding officer’ means an officer commanding a force equivalent to a battalion³ in size or larger, or a force smaller in size where circumstances do not permit otherwise, and effectively acting as a military commander;

‘Committee’ means the Committee for the Protection of Cultural Property in the Event of Armed Conflict;⁴

‘Convention’ means the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954;

‘Cultural property’ covers, irrespective of origin or ownership:

- (a) movable or immovable property of great importance to the cultural heritage of all peoples, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings that, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; and scientific collections and important collections of books or archives or of reproductions of the property defined above;
- (b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a), such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a); and
- (c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as **‘centres containing monuments’**;

‘Cultural-property emblem’ means the emblem in the form of a shield, pointed below, consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle;

‘Enhanced protection’ means the system of enhanced protection established by Articles 10 and 11 of the Second Protocol to the Hague Convention;⁵

‘First Protocol’ means the Protocol for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954;⁶

³ As the definition of a battalion may vary, depending on the State, from 650 to 800 soldiers, a State may choose to amend this definition accordingly.

⁴ This international Committee, established under Article 24 of the Second Protocol, serves to ensure the proper implementation of that Protocol and to grant enhanced protection for certain cultural property. It is therefore only necessary to include this term if the Act is intended to implement the Second Protocol.

⁵ As the system of enhanced protection is established under the Second Protocol, it is only necessary to include this term if the Act is intended to implement the Second Protocol.

⁶ It is only necessary to include this term if the Act is intended to implement the First Protocol.



'Fund' means the Fund for the Protection of Cultural Property in the Event of Armed Conflict;⁷

'High Contracting Party' means a State party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;

'Identification' means the decision to consider an object, building or site to be cultural property worthy of protection;

'Illicit' means under compulsion or otherwise in violation of the applicable rules of the domestic law of the occupied territory or of international law;⁸

'Inventory' means a list of all protected cultural property that is drawn up and made available to the national bodies concerned with the protection of cultural property, both civilian and military;

'List' means the International List of Cultural Property under Enhanced Protection;⁹

'Military objective' means an object that, by its nature, location, purpose or use, makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage;

'Minister' means the Minister of [insert Minister with responsibility for this Act] or his or her delegate;

'Party' means a State party to the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict;

'Regulations' means the Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict;

'Second Protocol' means the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 26 March 1999;¹⁰

'Special protection' means the system of special protection established under Articles 8-11 of the 1954 Hague Convention and Articles 11-16 of the Regulations for the Execution of the Convention, and granted to a limited number of:

- refuges intended to shelter movable cultural property in the event of armed conflict;
- centres containing monuments; and
- other immovable property of great importance.

3. Application

Apart from the provisions of this Act that apply in times of peace, this Act shall apply in the event of an international armed conflict, including all cases of partial or total occupation, and in the event of a non-international armed conflict.¹¹

4. Relationship between Convention and Second Protocol¹²

1) If cultural property has been granted both special protection and enhanced protection, the provisions of special protection will be replaced by the provisions of enhanced protection.

7 This Fund is established under the Second Protocol, therefore it is only necessary to include this definition if this Act is intended to implement the Second Protocol.

8 Illicit export, removal or transfer of ownership of cultural property is prohibited in the context of occupation and dealt with in the Second Protocol. Therefore, it is only necessary to include this term if the Act is intended to implement the Second Protocol.

9 This List refers to a list of property under enhanced protection, which is established by the Second Protocol. It is, therefore, only necessary to include this definition if this Act is intended to implement the Second Protocol.

10 It is only necessary to include this term if the Act is intended to implement the Second Protocol.

11 The Convention specifies in Articles 18 and 19 that its provisions apply in the event of an international armed conflict, including occupation, but that in the event of a non-international armed conflict, all States Parties are bound to comply, as a minimum, with the provisions relating to respect for cultural property. The Second Protocol specifies in Article 22 that its provisions shall also apply in the event of a non-international armed conflict. In addition, Rules 38-40 of the ICRC's study, *Customary International Humanitarian Law*, provide that the obligations undertaken by States to avoid damaging cultural property, to avoid exposing it except where imperative military necessity so requires, and to refrain from seizing or stealing it, all apply in both international and non-international armed conflicts. It is therefore suggested that all provisions of this Act be extended to both international and non-international armed conflict. States may also elect to extend the provisions of this Act to situations of internal disturbances and tensions, as some national jurisdictions have begun to do in their draft legislation.

12 This section need only be included where a State intends to incorporate the Second Protocol into its domestic legislation.



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2) In mutual relations with High Contracting Parties to the Convention alone, [insert country name] remains bound solely by the Convention. In mutual relations with States party to the Convention and the Second Protocol, [insert country name] is bound by both instruments.

5. Act binding on the State

This Act binds the State.

PART II – GENERAL PROTECTION OF CULTURAL PROPERTY

6. Safeguarding cultural property in times of peace

1) The Minister shall, in times of peace and in consultation with the relevant Ministries, prepare for the safeguarding of cultural property situated within the borders of [insert country name] against the foreseeable effects of an armed conflict, including through the following non-exhaustive measures:¹³

- (a) designating those competent authorities, including within the armed forces of [insert country name], responsible for the safeguarding of cultural property;
- (b) ensuring wide dissemination of knowledge regarding the provisions of the Convention and Protocols among both military personnel and the general population;¹⁴
- (c) identifying cultural property and preparing inventories, as defined in the regulations for this Act;
- (d) planning emergency measures for the protection of cultural property against fire or structural collapse;
- (e) preparing for the removal of movable cultural property or the provision of adequate *in situ* protection of such property;
- (f) incorporating guidelines or instructions on the protection of cultural property in military doctrine, procedures, regulations and training materials;¹⁵ and
- (g) marking cultural property with the cultural-property emblem as set forth in Articles 6, 10, 16 and 17 of the Convention and Article 20 of the Regulations.¹⁶

7. Precautionary measures during armed conflict¹⁷

1) In the event of armed conflict, the Minister shall, in consultation with the relevant Ministries, take all feasible precautions to remove cultural property from the vicinity of military objectives or provide for adequate *in situ* protection, as defined in the regulations for this Act.

2) In the event of armed conflict, the Minister shall, in consultation with the relevant Ministries, take all feasible precautions to avoid locating military objectives near cultural property.

13 While the Convention requires States Parties to undertake to prepare in times of peace for the safeguarding of cultural property, it is the Second Protocol that provides clarity on these preparatory measures. It is therefore only necessary to enumerate these measures if the Act is intended to implement the Second Protocol. However, as these measures are examples of means of complying with an obligation under the Convention, it is recommended that, for the purpose of clarity, they be included even where the Act is not intended to implement the Second Protocol.

14 While not included in the list of safeguarding measures, this activity is derived from Article 25 of the Convention and Article 30 of the Second Protocol.

15 While not included in the list of safeguarding measures, this activity is derived from Article 7(1) of the Convention and Article 30 of the Second Protocol, which require States Parties to ensure that military authorities are acquainted with the system of protection of cultural property.

16 Although not required under the Convention or Protocols, it has been suggested by UNESCO that this measure be included in domestic legislation, and that it be elaborated on in domestic regulations for that legislation.

17 The Second Protocol includes precautions in attack and against the effect of hostilities in Articles 7 and 8 respectively, so it is only necessary to include this section if the Act is intended to implement the Second Protocol.



3) In the event of armed conflict, the Minister shall remind the relevant Ministries to take all feasible precautions to avoid attacking cultural property and to avoid or minimize excessive incidental damage to cultural property.

8. Respect for cultural property

1) The Minister, together with the Minister of Defence,¹⁸ shall ensure that cultural property is not used in a manner that is likely to expose it to destruction or damage in the event of an armed conflict, or to any act of hostility directed against such property.

2) A commanding officer of the armed forces of [insert country name] may invoke imperative military necessity,¹⁹ and accordingly waive the obligation to respect cultural property, where and for as long as:

- (a) the cultural property in question has been made into a military objective;
- (b) there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against that objective;
- (c) the cultural property in question is used for purposes that are likely to expose it to destruction or damage, where no choice is possible between such use of the cultural property and another feasible method for obtaining a similar advantage; and
- (d) effective advance warning of attack is given where circumstances permit.

3) Personnel engaged in the protection of cultural property shall be respected and allowed to continue to carry out their duties as far as is consistent with the interests of security.

4) For the purposes of this section, respect for cultural property shall refer to cultural property located within and outside the borders of [insert country name],²⁰ and shall extend to the immediate surroundings of the property and to the means that are in use for the protection of the property.

9. Protection of cultural property in occupied territory

1) In the event of occupation during an armed conflict, the Minister shall, in consultation with the relevant Ministries, prevent the export of cultural property from the territory that [insert country name] is occupying. Any cultural property directly or indirectly imported into [insert country name] shall be taken into custody by [insert relevant body] as defined in the regulations for this Act.²¹

2) Where necessary, the Minister shall, in consultation with the relevant Ministries, take the measures required to preserve damaged cultural property in the occupied territory.

10. Return of cultural property

1) The Minister may, on application by the relevant foreign authority, accept into custody foreign cultural property for safekeeping.

2) The Minister shall, in consultation with the relevant Ministries, ensure that cultural property deposited with [insert country name] for protection is returned at the end of hostilities to the competent authorities of the territory from which it came.

¹⁸ An important aspect of this Act is to establish the necessary links between the civilian and military authorities and existing protection systems in order to ensure that the rules applicable in armed conflict are known and observed.

¹⁹ The Second Protocol goes further than the Convention by setting out the conditions under which military necessity will be defined as imperative. It notes that the doctrine of 'imperative military necessity' may only be invoked where the cultural property in question has been made into a military objective and where there is no feasible alternative to obtaining a similar military advantage. It is therefore strictly necessary to add these conditions only where the Act is intended to implement the Second Protocol. However, it is important to remember that during the negotiation of the Second Protocol, this extended interpretation of the waiver in case of imperative military necessity was not controversial. For this reason, it is suggested that the conditions for imperative military necessity be included even where this Act is not intended to implement the Second Protocol.

²⁰ The Convention only requires that respect be extended to cultural property within the borders of States party to the Convention, but States may wish to take this opportunity to extend the principle of respect to cultural property in all territories.

²¹ Provisions relating to the protection of cultural property in the event of armed conflict were not included in the Convention but rather in its First Protocol. It is therefore not necessary to include this section if the Act is not intended to implement the First Protocol.



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3) The Minister shall, in consultation with the relevant Ministries, ensure that cultural property on the territory of [insert country name] and illegally exported from territories occupied by [insert country name] is returned at the end of hostilities and is not retained as war reparations. Where [insert country name] was responsible for preventing such export, the authorities shall pay an indemnity to the holders in good faith of such cultural property.²²

PART III – SPECIAL AND/OR ENHANCED PROTECTION OF CULTURAL PROPERTY

11. Special protection²³

1) The Minister may apply to have a limited amount of immovable cultural property placed under special protection, provided:

- (a) the property consists of refuges intended to shelter movable cultural property or centres containing monuments and other immovable cultural property of very great importance;
- (b) the property is situated at an adequate distance from large industrial centres constituting a vulnerable point or important military objectives; and
- (c) the property is not used for military purposes.

2) For the purpose of paragraph 11(1)(c), a centre containing immovable property is used for military purposes when it is used for the movement of military personnel or material, even in transit. The same shall apply when activities directly connected with military operations, the stationing of military personnel or the production of war material, are carried out within the centre.

3) For the purpose of paragraph 11(1)(c), property guarded by armed custodians specially empowered to do so, or property having, in its vicinity, police forces normally responsible for the maintenance of public order, shall not be deemed to be used for military purposes.

4) No act of hostility may be directed against any cultural property under special protection, and such property may not be used for military purposes, except in exceptional cases of unavoidable military necessity and only for as long as that necessity continues or when a party to the conflict uses property under special protection for unauthorized purposes.

5) The Minister shall define in the regulations for this Act the necessary procedures to apply for the registration of such cultural property with the International Register of Cultural Property under Special Protection.

AND/OR

Enhanced protection²⁴

1) The Minister may apply to have certain cultural property placed under enhanced protection, provided:

- (a) the property is considered as cultural heritage of the greatest importance for humanity, in that it has exceptional cultural significance, is unique and its damage would constitute an irretrievable loss for humanity;²⁵

²² While all cultural property should be returned to its rightful owner after an armed conflict, there is a specific provision in Article 3 of the First Protocol requiring that cultural property from occupied territories not be retained as war reparations.

²³ Where this Act is intended to implement the Second Protocol, it may not be necessary to include the chapter on special protection as the latter is in general effectively replaced by the system of enhanced protection provided for under the Second Protocol. Chapter 3 should therefore in most cases only provide for one system of protection, depending on the ambit of this Act. See Article 4(b) of the Second Protocol, which states that where cultural property has been granted both special and enhanced protection, only the provisions of enhanced protection shall apply. However, where a State has ratified both the Convention and the Second Protocol, there may be cases where cultural property granted special protection is not given enhanced protection, even though it is entitled to it. In such cases, a State may choose to include both systems of protection in this Act.

²⁴ As the system of enhanced protection is established under the Second Protocol, it is only necessary to include this chapter if the Act is intended to implement the Second Protocol. In such cases, it will replace the section on special protection.

²⁵ The phrase “greatest importance for humanity” is not taken from the Second Protocol but rather from the UNESCO *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*.



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- (b) the property is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historical value and ensuring the highest level of protection; and
 - (c) the property is not used for military purposes or to shield military sites, and a declaration by the competent State authorities has been made to the effect that it shall not be so used.
- 2) Cultural property under enhanced protection shall be immune from attack and from any use of the property or its immediate surroundings in support of military action.
- 3) Cultural property under enhanced protection shall lose its protection where the following requirements are met:
- (a) protection is suspended or cancelled by the Committee owing to the conditions of protection listed in subsection (1) no longer being met; and/or
 - (b) protection is suspended or cancelled by the Committee in the case of a serious violation of subsection (2); and/or
 - (c) if and for as long as the property has, through its use, become a military objective and:
 - (i) the attack is the only feasible means of terminating the military use of the property;
 - (ii) all feasible precautions have been taken in the choice of means and methods of attack; and
 - (iii) the attack is ordered by the highest operational level of command²⁶ and effective advance warning and reasonable time for redress is given to the opposing forces, unless the requirements of immediate self-defence do not permit.
- 4) The Minister shall define in the regulations for this Act the necessary procedures to apply for such cultural property to be incorporated into the List.

PART IV – CULTURAL-PROPERTY EMBLEM

12. Protection of cultural-property emblem

The cultural-property emblem is protected in the manner provided for in this Act and in the Schedules to this Act.²⁷

13. Use of cultural-property emblem

- 1) Use of the emblem to facilitate the recognition of cultural property must be authorized by the Minister, in accordance with [existing Geneva Conventions/emblem legislation], and a copy of such authorization, duly dated and signed, shall accompany the use of the emblem on cultural property.²⁸
- 2) The emblem may²⁹ be used alone to identify the following:
- (a) cultural property not under special protection;
 - (b) personnel engaged in the protection of cultural property, including through identity cards; and/or
 - (c) cultural property under enhanced protection.³⁰

²⁶ If this is unclear, it may be better to replace it with the term 'commanding officer,' which is defined in this Act.

²⁷ This section may not be necessary where the cultural-property emblem is already protected under relevant legislation on the use of protective emblems, e.g. legislation implementing the Geneva Conventions, but it is suggested that it be included nonetheless for reasons of clarity.

²⁸ Use of the emblem is regulated by Article 17 of the Convention.

²⁹ Cultural property under general protection *may* be marked with the cultural property-emblem so as to facilitate its recognition.

³⁰ The Second Protocol does not specify how the cultural-property emblem should be used for recognition of enhanced protection. However, according to the UNESCO *Guidelines for the Implementation of the Second Protocol*, as cultural property under enhanced protection is by definition cultural property, States are entitled to mark such property by displaying the emblem once. The 6th Meeting of States Parties to the Second Protocol will, in 2015, decide on the possibility of a new emblem to mark cultural property under enhanced protection.



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3) The emblem shall³¹ be repeated three times in a triangular formation to identify the following:

- (a) immovable cultural property under special protection;
- (b) transport for cultural property under special protection and in urgent cases; and/or
- (c) improvised refuges under special protection.

14. Trademarks and saving clause

1) The filing and registration of trademark applications, trade names, associations, commercial or merchandise brands and industrial models and designs making use of or incorporating the cultural-property emblem shall be in violation of this Act and shall be refused registration.

2) Persons making use of the cultural-property emblem, or of any sign constituting an imitation thereof, prior to the entry into force of this Act shall be permitted to continue such use for a maximum period of [insert period of time] after its entry into force.

PART V – PROHIBITIONS AND OFFENCES

15. Prohibited conduct³²

1) A person commits an offence if he or she commits one of the following serious violations in the context of an armed conflict:³³

- (a) makes cultural property under enhanced protection the object of attack, where there is no exception under military necessity;
- (b) uses cultural property under enhanced protection or its immediate surroundings in support of military action;
- (c) causes extensive destruction or appropriation of protected cultural property;
- (d) makes cultural property the object of attack; or
- (e) steals, pillages, vandalizes or misappropriates protected cultural property.

2) A person commits an offence if he or she commits one of the following violations:³⁴

- (a) illicitly exports, removes or transfers ownership of cultural property from occupied territory;
- (b) conducts archaeological excavation of cultural property in an occupied territory, except where strictly required to safeguard, record or preserve cultural property;
- (c) makes alterations to or changes the use of cultural property in occupied territory in order to conceal or destroy cultural, historical or scientific evidence;

³¹ Cultural property under special protection *must* bear the cultural-property emblem so as to facilitate its recognition.

³² In adopting this model provision, States may wish to amend the language to reflect national definitions of existing domestic offences.

³³ These offences are listed in Article 15 of the Second Protocol as serious violations. They are separated from other offences as they involve special measures relating to jurisdiction. While the first two serious violations need only be included where the Act is intended to establish a system of enhanced protection, the other three serious violations can be included even where the Act is only intended to implement the Convention.

³⁴ The offences in section 15(2)(a)-(c) are listed in Article 9 of the Second Protocol, and as such need only be included where the Act is intended to implement the Second Protocol. However, it is suggested that all five offences listed in section 15(2) be included, even where the Act is only intended to implement the Convention and the First Protocol.



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- (d) uses the cultural-property emblem or a sign resembling the cultural-property emblem in any cases other than those provided for in part 4 above; or
 - (e) uses cultural property in any manner that violates the provisions of the Schedules to this Act.³⁵
- 3) It is an offence to assist, aid, abet, encourage or induce, in any way, anyone to engage in conduct referred to in subsections 15(1) and 15(2).

16. Offences and penalties

- 1) Any person who contravenes subsection 15(1) shall be guilty of an offence and liable upon conviction to:
- (a) in the case of an individual, imprisonment for a term not exceeding [insert number] years or to a fine not exceeding [insert amount] or both.
 - (b) in the case of a body corporate/legal person, a fine not exceeding [insert amount].
- 2) Any person who contravenes subsection 15(2) shall be guilty of an offence and liable upon conviction to:
- (a) in the case of an individual, imprisonment for a term not exceeding [insert number] years or to a fine not exceeding [insert amount] or both.
 - (b) in the case of a body corporate/legal person, a fine not exceeding [insert amount].
- 3) Where an offence under subsection 16(1) or 16(2) that is committed by a body corporate/legal person is proved to have been committed with the consent and connivance of, or to be attributable to any negligence on the part of, any director, manager or other similar officer of the body corporate/legal person, or any person who was purporting to act in such capacity, such person, and the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished, upon conviction, in accordance with paragraphs 16(1)(a) or 16(2)(a) above.

17. Offences by commanders and superiors³⁶

- 1) If an offence listed in section 15 is committed by forces that are under the effective command and control of a military commander or by subordinates who are under the effective authority and control of a superior, the commander or superior in question commits the same offence if it is proved that:
- (a) the offence was committed as a result of the commander or superior's failure to exercise proper control over the forces or subordinates;
 - (b) the commander or superior either knew or ought reasonably to have known that the forces or subordinates were committing or about to commit the offence; and
 - (c) the commander or superior failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of the offence or to submit the matter to the competent authorities for investigation and prosecution.
- 2) In such cases the commander or superior shall be guilty of an offence and liable upon conviction to imprisonment for a term not exceeding [insert period of time] or to a fine not exceeding [insert amount] or both.

³⁵ Although this is a generic offence, it is required by Article 28 of the Convention and Article 21 of the Second Protocol, and serves as a catch-all phrase for offences such as acts of reprisal against cultural property or the marking of immovable property with the cultural-property emblem without attaching a copy of the necessary authorization.

³⁶ Superior responsibility is required by Article 15(2) of the Second Protocol, which extends criminal responsibility to persons other than those who directly commit the act, and Article 28 of the Convention, which extends criminal responsibility to those who order a breach to be committed.



18. Extraterritorial application of this Act³⁷

1) Where an offence listed in paragraphs 15(1)(a)-(c) is committed on the territory of [insert country name] or where the alleged offender is a national³⁸ of [insert country name] or a body corporate/legal person incorporated under the laws of [insert country name] or where the alleged offender is present on the territory of [insert country name], the authorities shall submit the case without delay to the [insert name of competent court] for the purpose of prosecution. Alternatively, the authorities may extradite the alleged offender, in accordance with [relevant domestic legislation].³⁹

2) Where an offence listed in paragraphs 15(1)(d)-(e) is committed on the territory of [insert country name] or where the alleged offender is a national of [insert country name] or a body corporate/legal person incorporated under the laws of [insert country name], the authorities shall submit the case without delay to the [insert name of competent court] for the purpose of prosecution.⁴⁰

3) Where an offence listed in subsection 15(2) is committed, the ordinary jurisdictional requirements for prosecution in [insert country name] shall apply.

PART VI - ADMINISTRATION OF THIS ACT

19. International assistance⁴¹

1) Where necessary, the Minister may request assistance from the Committee, UNESCO or other States party to the Second Protocol, through the procedure defined in the regulations for this Act.

2) Where feasible, the Minister may choose to provide direct bilateral or multilateral technical assistance to other States party to the Second Protocol, or to inform the Committee where and to what extent it is in a position to provide technical assistance to other States party to the Second Protocol.

20. National Commission for the implementation of this Act

The Minister may establish a National Commission responsible for the implementation of the provisions of this Act, and shall define in the regulations for this Act the responsibilities and powers of the Commission.⁴²

21. Regulations⁴³

1) The Minister shall establish regulations providing for such other matters as are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, in order to carry out or give effect to this Act, including setting out procedures for:

- (a) identifying and preparing an inventory of cultural property;
- (b) illustrating the form of the cultural-property emblem as described in the Convention;
- (c) marking buildings and monuments with the cultural-property emblem, and regulating the marking of armlets, identity cards, flags and other objects, all in good time;

³⁷ Instead of referring to extradition in this section, States may prefer to amend existing domestic legislation dealing with extradition to include the offences listed in section 15(1)(a)-(c) as extraditable acts.

³⁸ A State may wish to extend this provision to cover permanent residents and nationals.

³⁹ For the purpose of extradition, these offences may not be regarded as political offences, and so a request for extradition based on such offences may not be refused on the sole ground that it concerns a political offence (see Article 20 of the Second Protocol). This may necessitate a change to a State's domestic legislation or to bilateral extradition treaties entered into by the State.

⁴⁰ Where the ordinary jurisdiction of a State's courts extends to offences committed on the territory of the State or by a national of the State or a body corporate/legal person incorporated in the State, it will not be necessary to include subsection 18(2). In such a case, subsection 18(3) can be extended to include reference to offences committed under paragraphs 14(1)(d)-(e).

⁴¹ This section need only be included where a State intends to incorporate the Second Protocol into domestic legislation.

⁴² Where applicable, the authorities may delegate the powers of such a commission to the existing National Committee for the Implementation of International Humanitarian Law.

⁴³ Many of the suggested areas requiring regulation are derived from the Regulations to the Convention, which form an integral part of the protection regime and should also be reflected in a State's domestic framework. Some are directly derived from the First and Second Protocols, and therefore need only be included where a State has ratified those instruments.



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- (d) removing cultural property from the vicinity of military objectives or providing for adequate *in situ* protection;
- (e) ensuring registration of [special/enhanced] protection, including emergency enhanced protection during armed conflict;
- (f) adopting the necessary measures to access and contribute to the Fund for the Protection of Cultural Property in the Event of Armed Conflict;
- (g) defining the responsibilities and functions of the National Commission described in section 20;
- (h) appointing a representative for cultural property if [insert country name] is engaged in an armed conflict;
- (i) regulating improvised refuges for cultural property and the transport of cultural property;
- (j) regulating cultural property taken into custody from an occupied territory;
- (k) regulating the interaction between the authorities and the Committee, including the submission of State reports to the Committee; and
- (l) applying for international and technical assistance.

22. Effect of this Act on [relevant Rome Statute/Geneva Conventions legislation]

The provisions of this Act shall not be construed as limiting, amending or otherwise altering any provision of [relevant Rome Statute/Geneva Conventions legislation], or as exempting any person from any duty or obligation imposed by [relevant Rome Statute/Geneva Conventions legislation] or prohibiting any person from complying with any provision of [relevant Rome Statute/Geneva Conventions legislation].

SCHEDULES

- 1) 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 2) Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 3) 1954 Protocol for the Protection of Cultural Property in the Event of Armed Conflict
- 4) 1999 Second Protocol to the 1954 Hague Convention

Annex VII: Information Document of the Workshop



General Information

Title: Pacific Workshop on the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its Two Protocols

Organizers: UNESCO in cooperation with the Fijian authorities

Date: 8 – 10 November 2016

Venue: Southern Cross Hotel, Suva, Fiji

Description:

This Workshop will provide an opportunity for government officials who are in charge of the UNESCO Conventions in culture and disaster risk reduction of cultural heritage sites/cities and institutions such as museums, libraries, and archives in Pacific member states to learn the principles and international cooperation mechanisms of the Hague Convention and its Protocols through presentations by UNESCO and those of the regional and international representatives of Blue Shield, a coalition of NGOs in the field of cultural heritage and institutions.

Objectives:

1. To obtain knowledge of the Hague Convention and its Protocols and their benefits and implications for states parties
2. To develop an action plan with a view to strengthening the protection of cultural heritage and institutions in the Pacific
3. Increase ratification of the Hague Conventions and its Protocols by Pacific member states

Outcomes:

1. Enhanced understanding by Pacific member states of the Hague Convention and its Protocols
2. Action plan
3. Increased ratifications

Guidelines for country presentation

Country delegate is requested to prepare a PowerPoint presentation consisting of 7 slides as follows, and send it to UNESCO (a.takahashi@unesco.org & r.porcelli@unesco.org) by 30 October 2016;

Slide 1: Name of country and presenter

Slide 2: Information on a national focal point on cultural heritage protection matters (i.e., name of officials involved in cultural heritage protection and promotion as well as their contact information)

Slide 3: List of national laws and legislation (and a link to their online source, if available) pertaining to:

- General National Heritage Laws, related to moveable, immovable, and intangible cultural heritage
- The 1954 Hague Convention, related to the protection of cultural heritage and institutions (e.g. museums, libraries, and archives) from natural and human-induced disasters



- Offences and Punishment, related to cultural property (e.g., theft, vandalism, damage, destruction, etc.)
- All other law related to the protection and promotion of cultural heritage

Slide 4: Current status on the implementation of the 1972 World Heritage Convention including the management of World Heritage sites in the country if any

Slide 5: Current status in Disaster Risk Reduction of cultural heritage and institutions (museums, libraries, and archives)

Slide 6: Challenges faced

Slide 7: Proposal for Action Plan to be developed at the Workshop

Information for delegates:

- The Organizer will cover airfare and accommodation necessary for delegates' travel to attend the Workshop.
- Airport pickup will be provided by the Organizer.
- Single rooms at Southern Cross Hotel (63 Gordon Street, Suva, Fiji) are booked for country delegates and accommodation fee will be directly paid by the Organizer.
- Morning/afternoon tea and lunch will be covered by the Organizer.
- Delegates will receive app. USD 60 per day as pocket money upon registration on the morning of the 1st day of the Workshop.

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Observers

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NGO - Blue Shield

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UNESCO

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Pacific Workshop on the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its Two Protocols (Suva, Fiji, 8-10 November 2016)

Time	Day 1 - Tuesday 8 November 2016	Day 2 – Wednesday 9 November 2016	Day 3 - Thursday 10 November 2016
8:30	Registration	Recap	Recap
9:00-10:00	Opening Session Opening prayer Opening remarks (Fiji) Opening remarks (UNESCO)	Session 3: Developing national legislation UNESCO in Apia (Ronald Porcelli)	Session 6: Preparing Action Plan Group 1 (Vanuatu, PNG, Fiji) Group 2 (Marshall Islands, FSM) Group 3 (Tonga, Samoa, Niue) Q and A
10:00-10:30	Group photo - Morning tea	Morning tea	Morning tea
10:30-11:30	Session 1: Keynote Presentations UNESCO in Apia (Akatsuki Takahashi and Ronald Porcelli) Blue Shield International (Peter Stone)	Session 4: NGO Report Blue Shield Pasifika (BSP) Response by Blue Shield International Q and A	Session 7: Presentation of an Action Plan by Group
11:30-12:30	Session 2: Country Report Vanuatu Tonga Samoa	Session 5: Preparing policy briefing and instrument of ratification UNESCO in Apia (Akatsuki Takahashi)	Session 9: A Way Forward Discussions on regional actions Closing Session
12:30-13:30	Lunch	Lunch	Lunch
13:30-14:30	PNG Palau Marshall Islands	Study Visit – DRR of Cultural Institutions in Suva (The National Archives of Fiji, The University of the South Pacific, Grand Pacific Hotel/TBD, etc.)	
14:30-15:00	Afternoon tea		
15:00-17:00	Niue FSM Fiji Q and A		
Evening	Reception at the Fiji Museum		



Annex VIII: Final report of the Preparatory Meeting on the Establishment of Blue Shield Pasifika (Suva, Fiji, 5 – 6 April 2016)



Apia Office
Office for the Pacific States



PREPARATORY MEETING ON THE ESTABLISHMENT OF BLUE SHIELD PASIFIKA

.....
SUVA, FIJI, 5 – 6 APRIL 2016





**PREPARATORY
MEETING**
ON THE **ESTABLISHMENT**
OF **BLUE SHIELD PASIFIKA**
.....
SUVA, FIJI, 5 – 6 APRIL 2016





Photo: Participants of the Preparatory Meeting On the Establishment of Blue Shield Pasifika



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Acronyms

BSA	Blue Shield Australia
BSP	Blue Shield Pasifika
DRR	Disaster Risk Reduction
ICA	International Council of Archives
ICBS	International Committee of Blue Shield
ICOM	International Council of Museums
ICOMOS	International Council of Monuments and Sites
ICORP	International Committee on Risk Preparedness
IFLA	International Federation of Library Associations
NAF	National Archives of Fiji
OCACPS	Oceania Centre for Arts, Culture and Pacific Studies
PARBICA	Pacific Regional Branch of the International Council on Archives
PDNA	Post-Disaster Needs Assessment
PIALA	Pacific Island Association of Libraries, Archives and Museums
PIF	Pacific Islands Forum
PIMA	Pacific Islands Museums Association
SIDS	Small Island Developing States
USP	University of the South Pacific
WCDDR	World Conference for Disaster Risk Reduction



Summary

A MONTH AFTER TROPICAL CYCLONE WINSTON struck Fiji, UNESCO held a regional preparatory meeting to establish the Pacific branch of the 'Blue Shield', a coalition of international non-governmental organizations (NGOs) that engage in disaster risk reduction (DRR) activities to protect cultural heritage and institutions from risks associated with natural and human-induced disasters. The meeting took place on 5 and 6 April 2016 at the National Archives of Fiji (NAF) office in Suva, Fiji.

The preparatory meeting brought together representatives of the regional chapters of the four NGOs that make up the International Committee of Blue Shield (ICBS), namely, the International Council of Monuments and Sites (ICOMOS), the International Council of Museums (ICOM), the International Council of Archives (ICA) and the International Federation of Libraries Association (IFLA). The regional chapters that participated in the meeting were: ICOMOS Pasifika, the Pacific Regional Branch of the International Council on Archives (PARBICA), the Pacific Island Association of Libraries, Archives and Museums (PIALA) and the Pacific Island Museums Association (PIMA). International resource persons also participated in the meeting, as representatives of three NGOs in Asia: Blue Shield Australia (BSA), the Asia-Pacific Alliance of ICOM and the International Committee on Risk Preparedness (ICORP) of ICOMOS.

The meeting was held as part of the UNESCO project titled, 'Empowerment of Pacific Small Island Developing States in Disaster Risk Reduction of Cultural Heritage and Institutions: Promotion of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts and its two Protocols and the Sendai Framework for Disaster Risk Reduction (2015-2030)'. The three main objectives of the meeting were: to share good practices in DRR for cultural heritage and institutions (museums, archives and libraries) in Pacific Small Island Developing States promoted by NGOs in the Pacific; to gain a better understanding of the role of the Blue Shield within the framework of the 1954 Hague Convention and its Two Protocols and the Sendai Framework for DRR (2015-2030); and to prepare an action plan for establishing a Blue Shield branch in the Pacific region.

The participants discussed DRR strategies and the challenges relating to heritage protection faced by NGOs in the Pacific region. One challenge highlighted at the meeting was climate change. As the President of



SUMMARY

PIALA, Atarino Helieisar, observed, 'Our member institutions keep the Pacific collections, which are composed of unique items on Pacific cultures and peoples that cannot be found elsewhere. These collections are increasingly exposed to risks and threats triggered by climate change.'

The meeting participants benefited from the presence of international resource persons, including from Blue Shield Australia, which has a decade of experience in promoting DRR for cultural heritage and institutions. In explaining the purpose of BSA, the Secretary, Cameron Auty, noted that 'the Blue Shield is for culture an equivalent to the Red Cross for humanitarian assistance'.

Following a review of Blue Shield mechanisms and regional field studies relating to cultural heritage, collections and rescue operations, the meeting participants discussed the importance of preparedness, cooperation, immediate disaster response, training and awareness, noting that all of these are key to DRR in the region.

During the meeting, the participants prepared an action plan for a Pacific branch of the Blue Shield, and agreed on the establishment of an interim Blue Shield Pasifika (BSP) with a view to establishing it formally during the regional Blue Shield conference planned for 2017 in Australia.



Meeting Proceedings

»»» Day 1

Opening Session



Photo: Opeti Alefaio delivering the Welcome Remarks.

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OPETA ALEFAIO, DIRECTOR OF THE National Archives of Fiji (NAF) and President of the Pacific Regional Branch of the International Council on Archives (PARBICA), delivered the Welcome Remarks, extending a welcome to the participants from across the Pacific region to Suva.

Observing that powerful Tropical Cyclone Winston had struck Fiji in late February 2016, just over a month before the meeting, Mr Alefaio noted the relevance of the meeting's topic, namely, Disaster Risk Reduction (DRR) for cultural heritage and institutions in Pacific Small Island Developing States (SIDS).

Mr Alefaio emphasized the importance for society of documentary heritage as historical records of the peoples of the Pacific, and explained the role of the NAF, noting that the NAF was established in 1954 as the 'Central Archives of Fiji and the Western Pacific High Commission' and became the 'National Archives' when Fiji attained independence in 1970.

He wished the participants every success in achieving the objectives of the meeting, and the meeting participants were then invited to introduce themselves. Each of the participants explained her/his professional role in the area of cultural heritage and institutions in the Pacific.

Akatsuki Takahashi, Programme Specialist for Culture with the UNESCO Office for the Pacific States, then introduced the meeting's topic and



outlined the programme. Ms Takahashi also explained the meeting's three objectives: to share good practices in DRR for cultural heritage and institutions (museums, archives and libraries) in Pacific SIDS; to gain a better understanding the role of the Blue Shield within the framework of the Hague Convention and the Sendai Framework; and to develop an action plan for establishing a Blue Shield branch in the Pacific region: Blue Shield Pasifika (BSP).

Ms Takahashi went on to explain that the meeting was part of a project titled 'Empowerment of Pacific Small Island Developing States in Disaster Risk Reduction of cultural heritage and institutions: Promotion of the 1954 Convention and its two Protocols (The Hague Convention) and the Sendai Framework for DRR 2015-2030', which was approved under UNESCO's Regular Programme. Ms Takahashi then provided an overview of the two international frameworks that were relevant to the meeting, namely, the Sendai Framework for DRR 2015-2030, and the UNESCO 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols (The Hague Convention).

She explained that the Sendai Framework for DRR 2015-2030 is an internationally-agreed framework that was approved at the Third World Conference on DRR, which was held in Sendai, Japan, in March 2015. The Sendai Framework has seven targets, aiming to bring about substantial reductions in disaster-related deaths, as well as reductions in the number of people affected by disasters, economic losses, damage to critical infrastructure and disruptions to basic services such as health and education. The framework also seeks to increase the number of countries with national and local risk reduction strategies, to bolster the DRR capacity of developing countries and to increase coverage of early warning systems. She drew the participants' attention to the four priority areas of the Sendai Framework: Priority 1 – Understanding disaster risk, Priority 2 – Strengthening disaster risk governance to manage disaster risk, Priority 3 – Investing in DRR for resilience and Priority 4 – Enhancing disaster preparedness for effective response and to 'Build Back Better' (BBB) in recovery, rehabilitation and reconstruction. This information was significant as the participants were later asked to develop an action plan based on the four priority areas.

Ms Takahashi noted the important contribution of a series of activities carried out by the cultural heritage community prior to and during the Third World Conference on DRR, including the International Expert Meeting on Cultural Heritage and Disaster Resilient Communities (Tokyo, March 2015). The recommendations of that expert meeting fed into the Sendai Framework, resulting in substantial references to cultural heritage and to traditional/indigenous/local knowledge and practices and their relationship with DRR. She also noted that the Outcome Document of the UNESCO Regional Conference on



Harmonizing Actions to Reduce Risks for Cultural Heritage in Asia and the Pacific (Penang, December 2015) now serves as a strategy for implementing the Sendai Framework in the heritage sector.

Ms Takahashi then outlined the history, main principles and international cooperation mechanisms of the Hague Convention, and developments since the adoption of the Second Protocol in 1999, along with updates in terms of synergies between the World Heritage Convention and the Second Protocol. She explained that none of the Pacific SIDS were parties to the Hague Convention and its two Protocols and that a Pacific workshop on these legal instruments was planned for November 2016.

She noted that the Blue Shield was a special emblem of the Hague Convention and also the name of a coalition of international NGOs addressing DRR for cultural heritage and institutions, against risks associated with natural and human-induced disasters.

Ms Takahashi concluded her presentation by expressing her hope that the meeting would result in an action plan, based on the Sendai Framework priority areas, which could serve as a guide for future cooperation between Pacific SIDS in the area of DRR for cultural heritage and institutions.



Photo: Meeting participants examining documentary heritage at the NAF office.

©NAF

During the morning break, the meeting participants took part in a guided tour of the NAF building. They had a chance to examine some of the precious documentary heritage kept at the NAF office, including the Records of the Indian Indentured Labourers, which were submitted to UNESCO's Memory of the World Register by Fiji, Guyana, Suriname, and Trinidad and Tobago and were included in the register in 2011. The participants were also able to interact with NAF staff, who were engaged in various archival tasks, including conservation treatments, digitalization and communication/information services.



Session 1: Introduction – What is the Blue Shield?



Photo: Cameron Auty describing Blue Shield Australia.

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SESSION 1 OF THE MEETING aimed to increase understanding of the purpose and activities of the Blue Shield. In this session, Cameron Auty, Secretary of Blue Shield Australia (BSA) described the organization's activities for disaster preparedness. He explained that BSA was established in 2005 by four pillar organizations: Australia's International Council on Monuments and Sites (ICOMOS), the International Council of Museums (ICOM) Australia, the Council of Australian Archives and Records Authorities (CAARA) and the Australian Library and Information Association (ALEA). Besides its four pillar organizations, it has six associate members. BSA has four meetings each year and is funded through membership fees. Project groups are led by the pillar organizations, and project officers are employed where needed. He also noted that Australia has over 5,000 collecting institutions that are vulnerable to diverse types of disasters, ranging from bushfires to cyclones and floods.

BSA's regions of activity are primarily Australia and the Asia-Pacific region, and its activities include advocacy, training, conferences/events and mutual aid cooperatives. With an ability to engage with governments, BSA submitted enquiries for the renewal of the Protection of Movable Cultural Heritage Act (1986), and has been working towards Australia's ratification of the Second Protocol of the Hague Convention.

BSA organizes annual campaigns every May Day, which was designated by the American Society of Archivists as a day for the safeguarding of archives. BSA also provides cultural first aid as an emergency response,



and also supports recovery efforts in affected countries (for example, book donations to libraries in Vanuatu following Tropical Cyclone Pam in 2015). BSA's conferences and events are important in promoting its visibility and raising its profile. Its training activities are organized on request and are conducted by harnessing a network of cultural organizations and professionals. Mr Auty noted that links to defence and emergency services are yet to be fully explored, and fundraising and IT infrastructure are other areas to be developed. Mr Auty noted that a challenge facing BSA is the nature of the BSA network, which is an informal network of professionals with various capacities and differing levels of commitment.

Concluding his presentation, Mr Auty extended BSA's full support to establishing Blue Shield Pasifika. He noted the need to be aware of resource levels and to select members who can leverage capacity, and noted that it is important to set clear responsibilities and to aim to achieve a few discrete projects, especially in the initial phase. Information sheets on the BSA operating guidelines were distributed among the meeting participants along with questions relating to governance, so as to stimulate discussion on the topic.

Responding to the presentation, one of the participants raised a question about BSA's membership fees. Mr Auty replied that the fees are based on the institutional contribution in compliance with the provision set out in its operating guidelines. When questioned about the relationship between BSA and the International Committee of the Blue Shield (ICBS), Mr Auty answered that BSA maintains communication with ICBS for coordination and direction at the international level.



Box 1: Questions relating to the management and governance of Blue Shield Pasifika



Questions relating to the management and governance of Blue Shield Pasifika

What will Blue Shield Pasifika's areas of responsibility and influence be?

- What is BSA's responsibility for Australia and influence across South East Asia and the Pacific?

Who will be invited to associate member status?

- When will this be decided?

What will be the meeting frequency of Blue Shield Pasifika?

- How will meeting logistics be handled? Who will host teleconferences?
- Will there be capacity for annual face-to-face meetings?

Who will be the Blue Shield Pasifika Secretariat?

- What is the best physical location for the secretariat to be based?

How will Blue Shield Pasifika's banking needs be fulfilled?

- In which country should accounts be held?
- How will this affect cross-border projects?
- Does the Secretariat need citizenship in the country in which accounts are held?

Will Blue Shield Pasifika seek Incorporation or similar legal status?

- Does this work across borders?

Who will host and manage the Blue Shield Pasifika website?

- Will it be commercially hosted? Or will one Pillar take on permanent responsibility?
- Will the Secretariat have responsibility to update and run the site? Or will it be shared?

Who will manage Blue Shield Pasifika's social media presence?

- Which social media platforms will be used?



Session 2: Presentations of NGO activities on DRR

SESSION 2 OF THE MEETING was devoted to presentations by the regional chapters of three NGOs (ICOMOS Pasifika, PARBICA and PIALA) regarding their activities in the areas of cultural heritage, museums, archives and libraries.

ICOMOS Pasifika



Photo: Christophe Sand presenting an overview of ICOMOS Pasifika.

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Representing ICOMOS Pasifika, Christophe Sand provided an overview of the organization, explaining that it was established as a regional scientific committee of ICOMOS, so as to provide an opportunity for heritage experts in Pacific SIDS to become ICOMOS members, considering that SIDS often have difficulty in securing five professionals per country: the minimum requirement for establishing a national committee of ICOMOS. As of April 2016, ICOMOS Pasifika had 15 members, including government officials engaged in heritage preservation and cultural professionals such as archaeologists and architects. Mr Sand elaborated the definition of cultural heritage in the Pacific islands context, noting that it embraces both intangible and tangible heritage, including places of worship, community infrastructure, 'tabu' (protected/sacred) spaces and village meeting places. He noted a growing concern among ICOMOS members with regard to the risks and threats, such as climate change, to heritage sites in the Pacific region, and listed capacity building and fundraising as challenges facing ICOMOS Pasifika.



PARBICA

Photo: Opeta Alefaio describing the activities of PARBICA.

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Opeta Alefaio presented an overview of PARBICA and its activities, noting that PARBICA is a Pacific regional chapter of the International Council on Archives (ICA) and is funded by membership fees, which vary depending on the organizations. He observed that New Zealand and Australia are members of PARBICA and provide significant financial assistance to the organization.

DRR-related activities implemented by PARBICA include a records management training session held in Tonga in 2011, a disaster preparedness workshop held prior to the ICA congress in 2012 and a disaster preparedness and response workshop held prior to the PARBICA Congress in 2014. PARBICA has rich web-based resources that complement its face-to-face trainings.

Mr Alefaio noted that PARBICA plans to organize, in cooperation with the National Archives of Australia, a workshop on disaster preparedness for effective governance on archives in the Indo-Pacific Region, which will be held in Canberra, Australia, in 2016 or 2017. Mr Alefaio also mentioned PARBICA's intention to approach the Pacific Islands Forum (PIF) in order to encourage governments in the Pacific region to commit to the preservation of archives and to develop relevant regulatory frameworks.



PIALA



Photo: Atarino Helleisar speaking to the meeting participants about the role of PIALA.

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Representing the Pacific Island Association of Libraries, Archives and Museums (PIALA), Atarino Helleisar explained that the organization was established in 1991 as a regional association to address the needs of Pacific librarians, archivists, museum staff and other information professionals. PIALA focuses particularly on Micronesia, including Palau, Guam, the Northern Mariana Islands, the Federated States of Micronesia and the Republic of the Marshall Islands.

Mr Helleisar described PIALA's activities, which include participatory learning, training in preventive conservation and cultural first aid. He expressed his high hopes for the ongoing Pacific Digital Library (PDL) project, which is expected to assist in safeguarding the Pacific collections, which include unique items that cannot be found elsewhere. He noted that despite their cultural significance, these collections are increasingly under threat from extreme weather events and violent cyclones triggered by climate change.

Mr Helleisar then presented several pending projects that aim to strengthen DRR in member institutions. These projects include activities such as awareness-raising among community leaders; the development and upgrading of DRR policies; improvements to physical infrastructure; digitalization; and identification of refuges for the emergency evacuation of collections.

In response to the presentation, some participants sought clarification on the mandate of PIALA, which is a member of IFLA but includes museums as its members. Mr Helleisar responded that in Micronesia the functions of museums are often ensured by libraries, and several countries have cultural centres that have multiple functions. A representative of the Pacific Islands Museums Association (PIMA) confirmed this, noting that there is close cooperation between PIALA and PIMA through museum experts who are members of both organizations.



Session 3: Establishing Blue Shield Pasifika

Photo: Yuji Kurihara explaining plans to establish a Japanese National Committee of the Blue Shield.

©NAF



YUJI KURIHARA, THE DIRECTOR OF Administration at Tokyo National Museum, Secretary-General of the National Institute for Cultural Heritage, and Vice-President of the Asia-Pacific Alliance of ICOM, represented ICOM-Japan at the meeting and gave a presentation explaining plans to establish a Japanese National Committee of the Blue Shield.

He began by describing the cultural property rescue project that was launched by the Agency for Cultural Affairs in response to the Great East Japan Earthquake that struck Japan on 11 March 2011. Over 700 cultural properties, including national treasures, were damaged in the disaster, and some 1,300 museums, libraries and community centres were affected. Mr Kurihara emphasized the importance of government leadership in the rescue project and praised the active participation of over 6,000 volunteers, who included heritage and museum experts as well as local residents. Mr Kurihara also described the rescue operations for the museums located in the evacuation zone around the Fukushima Nuclear Plant.

Mr Kurihara explained that the rescue project launched after the earthquake in 2011 led to recognition of the need for a permanent structure that could enhance disaster preparedness and promote DRR for cultural heritage and institutions in Japan. This was a driving force behind the establishment of a national task force for the Japanese Cultural Heritage Disaster Risk Mitigation Network (CH-DRAM Net). Since its launch in July 2014, CH-DRAM Net has implemented various activities, including a series of meetings within the framework of the



World Conference on DRR held in Sendai in March 2015. As for its future activities, the CH-DRAM plans to support DRR training for cultural professionals and organizations, construct a rescue base, strengthen its network and promote international cooperation in this area.

Mr Kurihara said that he considered the CH-DRAM Net as a foundation for a Japanese Committee of the Blue Shield. He noted that the use of Blue Shield name and emblem would assist cultural professionals and organizations in Japan to strengthen advocacy for DRR in the cultural sector within the country, while enhancing the sharing of knowledge and experiences with similar organizations outside Japan. The likely members of the Japanese committee are: ICOM Japan, the Japan Library Association, the Japan Society of Archives Institutions, Japan ICOMOS, the National Film Centre and the National Museum of Modern Arts.

Mr Kurihara concluded his presentation by suggesting a strengthened partnership between the Asia-Pacific Alliance of ICOM and PIMA. He also invited the participants to join the ICOM General Conference planned for Kyoto in 2019.

Following Mr Kurihara's presentation, the meeting participants watched a video produced for the World Conference on DRR about the cultural heritage rescue project that was launched in response to the 2011 earthquake in Japan.



Photo: Kanefusa Masuda presenting the findings of a field visit in Fiji.

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ICORP

Kanefusa Masuda, a member of Japan ICOMOS and ICOMOS-ICORP, presented information about the International Committee on Risk Preparedness (ICORP), explaining that it is a focal point at ICOMOS for Blue Shield activities. Mr Masuda also described the preliminary findings



of a field verification visit to Navala Village in Ba Province, Fiji, that was carried out within the framework of a Post-Disaster Needs Assessment (PDNA) following Tropical Cyclone (TC) Winston in February 2016.

A PDNA is an exercise carried out after disasters to collect information on damage and loss, so as to have a better understanding of the impact of the disasters on the nation and community and to determine a recovery strategy and priorities. The assessment of damage relating to the culture sector is usually included under the social sector cluster or as a cross-cutting theme. TC Winston was one of the most severe cyclones that has ever hit Fiji and caused widespread destruction in the country. At the request of the Fiji government, ICORP launched the PDNA process on 29 March 2016.

Mr Masuda explained that Navala Village is the only traditional settlement remaining in Fiji that has a significant concentration of Fijian bure (traditional houses). In this village, the traditional knowledge and skills necessary for bure building are still held by elders and youth alike. The field verification visit found that the strong winds of TC Winston affected most of the traditional houses in the village as well as the vegetation surrounding the village, from which the raw materials necessary for bure building are sourced. He recommended that appropriate assistance be provided to support the restoration of the affected bure using Build Back Better (BBB) measures, while documenting this process to support the process of education and transmission of traditional house building knowledge and skills, which are important intangible cultural heritage for the people of Fiji. According to Mr Masuda, an approach that strikes a balance between modernization of the living environment in the village and preservation of both tangible and intangible heritage is both possible and strongly recommended.

Session 4: Preparing the Action Plan

The meeting participants used Session 4 as an opportunity to further discuss the issues and to prepare draft action plans, with the assistance of the international experts present. Three documents to guide the preparation of the action plans were distributed among the participants, namely, the Chart of the Sendai Framework for DRR 2015-2030, the Recommendations of the International Expert Meeting on Cultural Heritage and Disaster Resilient Communities (Tokyo, March 2015), and the Outcome Document of UNESCO Regional Conference on Harmonizing Actions to Reduce Risks for Cultural Heritage in Asia and the Pacific (Penang, December 2015).



»»» Day 2

Field Visit

IN THE MORNING OF THE second day, the participants undertook a field visit to the Fiji Museum and to the Pacific Heritage Hub at the University of the South Pacific (USP) in Suva.

Fiji Museum



Photo: Meeting participants visiting the Fiji Museum.

©UNESCO/A.Takahashi

After a customary welcome ceremony, Ratu Jone Baleinvalu at the Fiji Museum explained that the museum building was constructed some 60 years ago and an extension was built in the 1970s. He then briefed the visitors on the museum's DRR plan, noting that it includes a broad range of preparedness measures such as ongoing maintenance and care of the building, setting up an alarm system, compiling a comprehensive inventory of museum collections, conducting fire drills, disaster reporting and emergency communication, and cultural first aid training for staff. The visitors then participated in a guided tour of the exhibitions and storage rooms of the museum.



Photo: Meeting participants visiting the University of the South Pacific.

©UNESCO/A.Takahashi

Pacific Heritage Hub/USP

David Gegeo, Acting Director of the Oceania Centre for Arts, Culture and Pacific Studies (OCACPS) at USP, extended a warm welcome to the visitors. Temalesi Waqainabete, Capacity Building Officer with the Pacific Heritage Hub (PHH), then presented an overview of the PHH and its activities. The participants then visited the Art Gallery and its storage rooms, and exchanged views on the DRR measures implemented by the USP.

Session 5: Presenting the Action Plan

IN THIS SESSION, THE PARTICIPANTS shared their draft action plans and discussed them. Under each priority of the Sendai Framework, the participants identified several actions that addressed the needs at the national and regional levels. The participants then consolidated their plans into a single action plan (Box 2).

Box 2: Action Plan for DRR for cultural heritage and institutions in Pacific SIDS (2016-2022)

	Understanding disaster risk
Priority 1	Support the development of a regional knowledge base of cultural heritage, institutions (museums, archives and libraries) and their collections through establishing a cultural heritage register, database and inventory that provide baseline data and information to contribute to the monitoring of the implementation of the Sendai Framework in Pacific SIDS.
	Support a multi-hazard risk assessment of cultural heritage, institutions and collections in Pacific SIDS, analyse and promote its findings to address vulnerabilities and high-risk elements.
	Support the strengthening of information management for risk preparedness, including making digital copies and storing backup copies in safe locations, in cooperation with relevant agencies.
	Support community-based research on indigenous/traditional/local knowledge of and women's participation in DRR and climate change adaptation as related to cultural heritage and movable cultural objects.



Priority 2	Strengthening disaster risk governance to manage disaster risk
	Build and strengthen networking between regional NGOs and BSA to share resources, including governance documents.
	Support the building of a regional and national platform for DRR for the culture sector through multi-stakeholder consultations involving governments and NGOs in the areas of culture and communities.
Priority 3	Advocate for ratification of the Hague Convention and its Protocols to build a solid framework and high level visibility for DRR across the region.
	Investing in disaster risk reduction for resilience
	Assist national authorities in developing a DRR strategy for World Heritage properties, archaeological sites, historic cities and cultural institutions as part of their management plans.
Priority 4	Build a solid institutional framework for Blue Shield Pasifika (BSP), including secure funding, firm commitments from pillar organizations, resourceful associate members and reliable infrastructure, with a view to its formal launch at the regional Blue Shield Conference planned for 2017 in Australia.
	Advocate for investment in DRR for resilience of cultural heritage and institutions through the empowerment of regional organizations and networks, enhanced structural measures, capacity building and a digitalization programme.
	Enhancing disaster preparedness for effective response and to Build Back Better in recovery, rehabilitation and reconstruction
Priority 4	Enhance the communication and information activities of BSP relating to DRR for cultural heritage and institutions.
	Support the capacity building of cultural professionals and organizations in DRR and PDNA.
	Support the establishment of effective communication and coordination protocols between governments, BSP, emergency response services and the military for enhanced DRR for cultural heritage and institutions.



Session 6: A way forward – Regional cooperation and partnership

In this session the participants agreed to set up an interim Blue Shield Pasifika (BSP), with a view to its formal establishment at the BSA regional conference planned for 2017 in Australia. Furthermore, they decided that the Fiji Museum would coordinate the phase of establishing BSP, in close cooperation with the pillar organizations that were present at the meeting and with UNESCO's assistance.

Closing Session

Akatsuki Takahashi, Programme Specialist for Culture with the UNESCO Office for the Pacific States, delivered the Closing Remarks. She thanked the speakers and explained that two speakers: Tarisi Vunidilo, the Secretary-General of PIMA, and Sipiriano Nemani from the Department of Heritage and Arts of Fiji, had been unable to attend. She noted that their presentations would nevertheless be included in the meeting's final report.

In summing up the themes of the meeting, Ms Takahashi reiterated the importance of the mission of the professionals working in cultural authorities, heritage sites and cultural organizations in taking responsibility for disaster risk reduction for cultural heritage and institutions. She also emphasized the importance of multisectoral collaboration and partnerships among those engaged in this specialized field. She noted that the Blue Shield, the 'cultural Red Cross', could facilitate such cooperation and the sharing of expertise.

She concluded her remarks by expressing her gratitude to the participants for their active participation and to the FNA for its hospitality.



Annexes

»»»» Annex I: Presentations by representatives of regional NGOs

PARBICA



Disaster Preparedness Activities

- 2011 Tonga Records Management Training
- 2012 ICA Congress Pre-congress Disaster Preparedness Workshop
- 2014 PARBICA Congress – Disaster Preparedness and Response Workshop



Indo-Pacific Disaster Preparedness Workshop Proposal

- Through the National Archives of Australia
- Disaster Preparedness for Effective Governance – Archives in the Indo-Pacific region
 - Pacific and South East Asia



PARBICA web based resources

- <http://www.parbica.org/sharing/resources/disaster-preparedness/index.aspx>
- Drawing from
 - Heritage Collections Council
 - Te papa Museum
 - UNESCO
 - The Australian Institute for the Conservation of Cultural Materials
 - National Archives and Records Administration (USA)
 - National Archives of Australia
 - National Library of Australia
 - International Council of Museums
 - State Records of South Australia



Vinaka Vakalevu





PIALA



PIALA's Activities & Its Focus on Disaster Risk Reduction of Cultural Heritage in the Pacific

PIALA



- Pacific Islands Association of Libraries, Archives, and Museums
- Established in 1991
- A regional association was formed to address the needs of Pacific librarians, archivists, museum staff and other information professionals, with a special geographic focus on Micronesia.

How PIALA address DRR of Cultural Heritage in Micronesia

- Participatory Learning
 - The focus of participatory learning is to engage people in discovery and problem solving for disaster risk reduction.

OUTCOMES

- What is PIALA
- Short History of PIALA
- How PIALA address Disaster Risk Reduction on Cultural Heritage in Micronesia.

PIALA Member States

- Republic of Palau
- Territory of Guam
- Commonwealth of the Northern Mariana Islands
- Federated States of Micronesia
 - Chuuk, Pohnpei, Yap and Kosrae States
- Republic of the Marshall Islands
- Others

How PIALA address DRR of Cultural Heritage in Micronesia

Leaders for Pacific Libraries Project

- ◆ 3 years IMLS Grant directed by PREL
- ◆ Focus mainly on DRR
 - ◆ Helping Preserve Heritage Collection throughout the Western and Pacific States & Territories and Book Repair
 - ◆ Digitization



Trainings Activities

- Helping preserve heritage collections
 - ❖ Planning and Collaboration to Improve Disaster Preparedness
 - ❖ Book Repair



Pacific Digital Library (PDL)

- Is a collaborative digital library development project created by a team of Pacific Islander librarians
- A 3-week training workshop in Pohnpei, Federated States of Micronesia (FSM)



The "Pacific Digital Librarians" team who attended the Symposium for the Pacific Digital Library.

Pacific Digital Library (PDL)

- Target and Hope:
 - Hope to get many more locally-produced materials digitized
- This intensive training in the Greenstone Digital Library software resulted in the PDL www.pacificdigitallibrary.org

Activities for Disaster Risk Reduction

- Libraries, Archives, Museums:
 - Disaster Preparedness and Recovery Plan
 - Update
 - Practice



Activities for Disaster Risk Reduction

- Libraries, Archives, Museums:
 - Laws & Regulations



Activities for Disaster Risk Reduction

- Libraries:
 - Close Stacks:
 - Limited access to the Public
 - Local Publications:
 - Scanned and place electronically or online
 - Place copies in other libraries



Other Ways:

- Culture & Customs:
 - Invite Speaker from local communities (eg. Library week)
 - Recorded
 - Librarians in the local communities
 - Interview
 - Recorded
 - Video
 - Tapes
 - Cell Phones



Thank You!



PIMA

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**Activities on Disaster Risk Reduction of Cultural Heritage
PREPARATORY MEETING FOR BLUE-SHIELD PACIFIC**
Presented by Taru Vainulu
PIMA Secretary-General
Tuesday April 5 2016

Presentation Format

- Welcome
- Part 1: Background of PIMA
- Part 2: Regional Museum Issues
- Workshops & Trainings
- Part 3: Case Study: Museum of Samoa (Exhibition)
- Part 4: Lessons Learnt
- Part 5: The Way Forward

WELCOME

- Kia Ora and Bula vinaka from PIMA SG, Taru!
- I wish I could join you all in Suva
- I am happy to share with you some work PIMA has been doing to date!

PART 1 BACKGROUND OF PIMA

Map of Oceania

PIMA Executive Board and Secretariat

```

graph TD
    Chair[Chair (Quam)] --- Secretary[Secretary (Quam)]
    Chair --- Treasurer[Treasurer (Taru)]
    Chair --- BM1[Board Member (Taru)]
    Chair --- BM2[Board Member (Pipi)]
    Chair --- BM3[Board Member (Tingel)]
    Chair --- BM4[Board Member (Taru)]
    Secretary --- ExecSec[Executive Secretary (Taru)]
  
```



What is PIMA?

PIMA is the first regional, multilingual, multicultural, non-profit collective of heritage institutions working towards the shared goal of assisting the peoples of the Pacific Islands to safeguard and promote their living & traditional heritage.

© The Pacific Islands Forum Secretariat, Honiara, 2010

PIMA's Vision




Working together, preserving, celebrating and nurturing the heritage of the peoples of the Pacific Islands

© The Pacific Islands Forum Secretariat, Honiara, 2010

What does PIMA do?

- Training & capacity building
- Advocacy
- Community Engagement
- Regional policy development
- Standard setting
- PIMA Code of Ethics

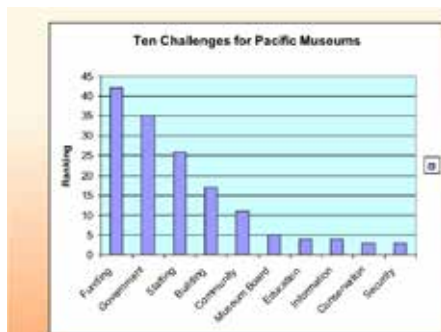
- Develops community participation in heritage management
- Advocates for development of regional cultural resource management policies and practices
- Provides and encourages regional and global linkages to support the safeguarding of Pacific Island heritage
- Provides a forum for exchange of skills and ideas



© The Pacific Islands Forum Secretariat, Honiara, 2010

REGIONAL MUSEUM NEEDS ANALYSIS

© The Pacific Islands Forum Secretariat, Honiara, 2010



Top 10 Challenges for Pacific Museums

@Pacific museum directors were asked to rank their 5 biggest challenges
 @9 museums, plus the UNESCO Office for the South Pacific (Samoa) responded
 @10 issues emerged; with 5 clearly most important
 @Issues were nominated by respondents themselves, and not suggested by PIMA
 @PIMA then ranked the issues numerically with the 1st challenge given 5 points, down to the 5th challenge with one point

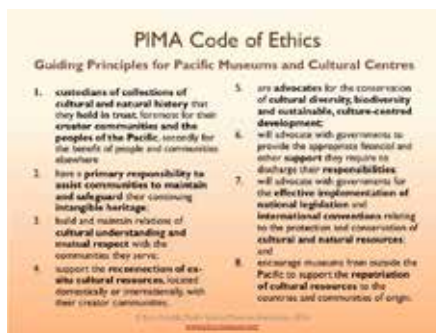
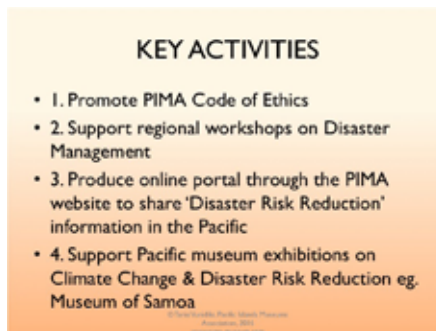
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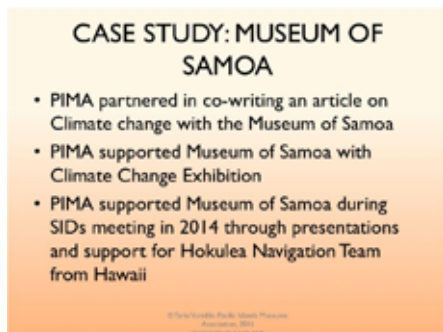
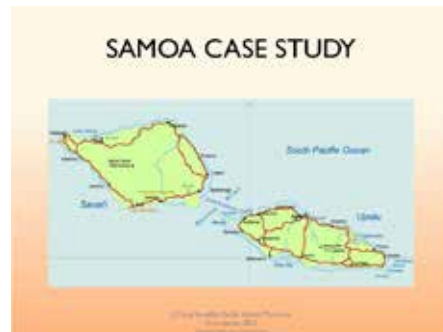
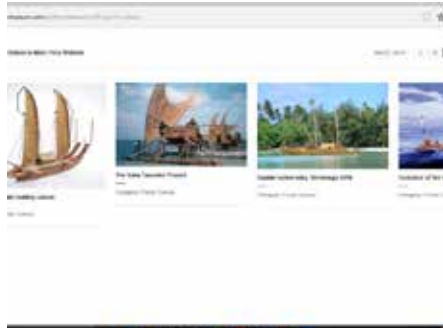
Discussion of results in order of rank

- Funding – availability of funds was clearly the most dominant issue
- Government – support from govt. both through core funding, good cultural policy and strong legislation
- Staffing – recruitment, training and retention of suitable museum workers
- Building – location, size, adequate facilities, maintenance – some countries such as Nauru, Yap, Tuvalu, Tonga and Tokelau have no building at all
- Community – lack of engagement with the museum. Some museums struggle with the perception that museums are western, foreign or 'just for tourists'

Outcomes of research

- The survey identifies that Pacific museum directors know what they need, and that their main challenges are **adequate funding, support from their own governments, staff development and suitable buildings**
- Other challenges include security issues, illicit trading of artifacts and competition from art dealers
- Country specific issues such as political instability, environmental factors, post-colonial influences







EXHIBITIONS FROM NZ AND NEW YORK

SHIFTING PARADIGM

© The Pacific Islands Museum of Natural History, Auckland, 2011

ENTANGLED ISLANDS EXHIBITION (Collaboration with Auckland Museum)

© The Pacific Islands Museum of Natural History, Auckland, 2011

PART 4

LESSONS LEARNT

© The Pacific Islands Museum of Natural History, Auckland, 2011

KEY LESSONS

- PIMA has the potential to work closely with regional museums when given key support funding
- PIMA has pool of regional experts who can work with local communities in re-building programs
- PIMA has the ability to deliver pre-disaster workshops to local communities through local museums

© The Pacific Islands Museum of Natural History, Auckland, 2011

KEY LESSONS

- PIMA can partner with local museums to produce vernacular resources on disaster risk reduction on cultural heritage sites
- PIMA can continue to promote positive case studies on their online portal
- PIMA looks forward to more collaboration with other regional organisations

© The Pacific Islands Museum of Natural History, Auckland, 2011

PART 5

THE WAY FORWARD

© The Pacific Islands Museum of Natural History, Auckland, 2011

Museum Matrix Business Plans

Area	Key Issues	Key Objectives	Key Actions
Collection	Inventory, Accession, Conservation, Research, Exhibition, Education, Outreach, Fundraising, Marketing, Administration	Develop and maintain a comprehensive collection of objects, documents, and other materials of cultural significance	Conduct regular inventory and accessioning; Implement conservation and research programs; Develop and maintain exhibition and education programs; Engage in outreach and fundraising activities; Develop and implement marketing and administration strategies
Exhibition	Collection, Research, Education, Outreach, Fundraising, Marketing, Administration	Develop and maintain a comprehensive collection of objects, documents, and other materials of cultural significance	Conduct regular inventory and accessioning; Implement conservation and research programs; Develop and maintain exhibition and education programs; Engage in outreach and fundraising activities; Develop and implement marketing and administration strategies
Education	Collection, Research, Exhibition, Outreach, Fundraising, Marketing, Administration	Develop and maintain a comprehensive collection of objects, documents, and other materials of cultural significance	Conduct regular inventory and accessioning; Implement conservation and research programs; Develop and maintain exhibition and education programs; Engage in outreach and fundraising activities; Develop and implement marketing and administration strategies
Outreach	Collection, Research, Exhibition, Education, Fundraising, Marketing, Administration	Develop and maintain a comprehensive collection of objects, documents, and other materials of cultural significance	Conduct regular inventory and accessioning; Implement conservation and research programs; Develop and maintain exhibition and education programs; Engage in outreach and fundraising activities; Develop and implement marketing and administration strategies
Fundraising	Collection, Research, Exhibition, Education, Outreach, Marketing, Administration	Develop and maintain a comprehensive collection of objects, documents, and other materials of cultural significance	Conduct regular inventory and accessioning; Implement conservation and research programs; Develop and maintain exhibition and education programs; Engage in outreach and fundraising activities; Develop and implement marketing and administration strategies
Marketing	Collection, Research, Exhibition, Education, Outreach, Fundraising, Administration	Develop and maintain a comprehensive collection of objects, documents, and other materials of cultural significance	Conduct regular inventory and accessioning; Implement conservation and research programs; Develop and maintain exhibition and education programs; Engage in outreach and fundraising activities; Develop and implement marketing and administration strategies
Administration	Collection, Research, Exhibition, Education, Outreach, Fundraising, Marketing	Develop and maintain a comprehensive collection of objects, documents, and other materials of cultural significance	Conduct regular inventory and accessioning; Implement conservation and research programs; Develop and maintain exhibition and education programs; Engage in outreach and fundraising activities; Develop and implement marketing and administration strategies

© The Pacific Islands Museum of Natural History, Auckland, 2011

Practical ways to get involved

- Join PIMA!!
- Develop and/or join a Friend of the Museum group
- Buddy up with other Pacific museums – through your collection strengths or staff experiences
- Link with PIMA to fund or support training activities
- Conduct cooperative research on ethnological and material culture issues
- Be involved with staff exchanges and attachments
- Develop and tour relevant exhibitions among Pacific museums
- Endorse and promote PIMA's Code of Ethics
- Share information about funding opportunities or grants
- Visit other Pacific museums as a learning experience



SUPPORTING NEW MUSEUM INITIATIVES

It's a building as new museum

It's an artist's impression of the new museum

Will be ready for the 2016 Festival of Pacific Arts

Fa'afetai & Pili - building and enhancing tourist economy and jobs

Lack awareness of Samoa, Kiribati, Tonga and Niue's Pleistocene and Cultural Centre to be built in the near future



© 2010-2011 Pacific Community
Honiarua, SOLOMON ISLANDS

VINAKA VAKALEVU!!!!

Fa'afetai, Malo, Mahalo,
TENA KOUTOU KATOA!
Email: tarisi.vunidilo@gmail.com

© 2010-2011 Pacific Community
Honiarua, SOLOMON ISLANDS



>>>> Annex II: Presentations by Resource Persons

Cameron Auty: BSA Operating Guidelines

Title of Document	BSA Operating Guidelines
Version	1.3 (08-12-2014)
Author	Collections Council of Australia* (see final section)
Date of initial edit	1 December 2014
Editor	Detlev Lueth (BSA Chair & ICA/CAARA rep)
Date for Review	Every two years from date of BSA Committee approval
Approvals	Approved by BSA Committee 08-12-2014

Contents

1. Name and relationships
2. Definitions
3. Objects of the association
4. Powers of the association
5. Membership
6. The committee
7. The seal
8. Meetings

Committee meetings

General meetings



9. Communications

Meeting paper

External communications

10. Dispute resolution

11. Financial management and reporting

12. Prohibition against securing profits for members

13. Winding up

14. Application of surplus assets

15. Rules

1. Name and relationships

- 1.1 The name of the association is Blue Shield Australia, referred to herein as 'BSA' or 'the association'.
- 1.2 BSA is a federation of the Australian representatives of four of the pillar bodies of the International Committee of the Blue Shield (ICBS) (i.e. ICA, ICOM, ICOMOS, and IFLA).
- 1.3 BSA is recognised by the International Committee of the Blue Shield as its Australian national committee.
- 1.4 BSA is recognised as the Australian national committee of the Blue Shield by The Blue Shield formerly known as the ICBS and ANCBS.

2. Definitions

'ANCBS' means the Association of National Committees of the Blue Shield.

'Associate member' means the nominated representative, by invitation, of an Australian organisation that is not a pillar body but that is actively involved with the protection of cultural heritage and / or with Australia's response to emergencies and armed conflict.

'BSA' means Blue Shield Australia.

'Committee' means the committee of management of the association and consists of the members of the association

'Full member' means the appointed representative of the four pillar bodies as they exist in Australia, appointed in accordance with section 5.4.



'ICA' means the International Council on Archives.

'ICBS' means the International Committee of the Blue Shield

'ICOM' means the International Council of Museums.

'ICOMOS' means the International Council on Monuments and Sites.

'IFLA' means the International Federation of Library Associations and Institutions.

'Member' means a person appointed to one of the membership categories identified in Rule 5.1.

'Nominating organisation' means a pillar body or other organisation that nominates a Full member, Proxy or Associate member to the association.

'Pillar bodies' means the four organisations identified by The Blue Shield committee and also represented by Australian counterpart organisations (i.e. ICA, ICOM, ICOMOS, and IFLA).

'Proxy' means the alternate for a Full member, appointed in accordance with section 5.4.

'Secretariat' means a member of the BSA committee or another person who has been appointed by the BSA committee to act as the Secretariat and record and assist with implementing the decisions taken by the BSA committee.

'Year' means the Australian Taxation Office's financial year, 1st July-30th June.

3. Objects of the association

The objects of the association are:

- 3.1** To serve as the Australian national committee of The Blue Shield.
- 3.2** To promote the protection of cultural property (as defined in the Hague Convention) against threats of all kinds.
- 3.3** To intervene strategically with decision makers and relevant organisations to prevent and to respond to disasters of all kinds.
- 3.4** To contribute to efforts to protect the world's cultural heritage threatened by disasters of all kinds.
- 3.5** To contribute to efforts to prepare the Australian community (*) to respond to threats to cultural heritage in times of disaster of all kinds.



(*) BSA acknowledges that 'community' includes the staff and volunteers of cultural heritage organisations, emergency management specialists, and the broader community as applicable.

4. Powers of the association

4.1 As the association is not incorporated, its powers relate to the pillar bodies and are subject to the willingness of these bodies to commit their resources to support the activities of the association.

4.2 The association's activities focus principally on Australia's areas of responsibility (#) and influence (§).

(#) BSA adopts the Australian Government's definition of Areas of Responsibility, being continental Australia (including Tasmania) and the off-shore territories

(§) BSA adopts the Australian Government's definition of Areas of Influence, being SE Asia and the SW Pacific.

5. Membership

5.1 The Members of the association are:

- Full members
- Associate members

5.2 Full members are the appointed representatives of the four Australian pillar bodies, namely:

- For the International Council on Archives: the Australian members of the ICA, meeting under the auspices of the Council of Australasian Archives and Records Authorities
- For the International Council of Museums: ICOM Australia
- For the International Council on Monuments and Sites: Australia ICOMOS
- For the International Federation of Library Associations and Institutions: the Australian Library and Information Association

Note: At the international level, a fifth pillar body is recognised: the Coordinating Council of Audio-visual Archives Associations. There is no direct representative of this pillar body in Australia, where audio-visual archives are held in collections that are effectively represented by the Council of Australasian Archives and Records Authorities, ICOM Australia, and the Australian Library and Information Association.



- 5.3** Each full member may be represented by a Proxy appointed in accordance with section 5.4. A Proxy may participate as an Observer at meetings where the Full member appointed by that pillar body is also present.
- 5.4** Each pillar body shall appoint its representatives (the Full member and a Proxy) in accordance with its own procedures. If no representative has been appointed by a pillar body, BSA will regard the pillar body's President as the representative.
- 5.5** The Committee may invite any appropriate organisation that is not a pillar body but that is actively involved with the protection of cultural heritage and / or with Australia's response to emergencies and armed conflict to join as an Associate member and to nominate a representative to receive communications and attend General Meetings of the association.
- 5.6** All members shall contribute to resourcing the BSA to the best of their ability.
- 5.7** A member shall be a natural person.
- 5.8** Resignations and replacements of members should be managed by the nominating organisations.
- 5.9** In the event that a member engages in conduct detrimental to the interests of the association, the BSA Chair will advise the head of the relevant nominating organisation and request that the matter be resolved in accordance with the rules of that organisation.
- 5.10** A committee membership register will be maintained by the BSA Secretariat to record the name and contact details for each member, plus the dates of the meetings attended by the member.

6. The Committee

- 6.1** The affairs of the association shall be managed and controlled by a Committee consisting of the four Full members.
- 6.2** The Committee has control of any funds contributed by the pillar bodies or received in the name of the association from other sources.
- 6.3** The Committee has authority to interpret the meaning of these rules and any other matter relating to the affairs of the association on which these rules are silent.
- 6.4** The Committee is chaired by a Full member, in accordance with a



rotating schedule (see 6.7).

- 6.5** The deputy Chair is normally the representative of the pillar that is scheduled to hold the chair in the following year.
- 6.6** The Chair's term of office is normally two years.
- 6.7** The sequence for rotation of the Chair is normally alphabetical:

ICA

ICOM

ICOMOS

IFLA

The sequence from 1 July 2013 is:

ICA, 2013 – 2015

ICOM, 2015 – 2017

ICOMOS, 2017 – 2019

IFLA, 2019 - 2021

- 6.8** A member of the Committee having a direct or indirect pecuniary interest in the activities of the association must disclose the nature and extent of that interest to the Committee, and shall not vote with respect to that activity.
- 6.9** The office of a Committee member shall become vacant if a committee member is:
- permanently incapacitated by ill health;
 - absent without apology from more than two consecutive meetings in a financial year; or
 - no longer the duly appointed representative of a pillar body.
- 6.10** The BSA 'Secretariat' will record and assist with implementing the decisions taken by the BSA committee.
- 6.11** The Committee has the power to co-opt individuals to assist it in its work, and to define the rights and responsibilities of each co-opted individual. Such an individual is not required to be a member of the association.



7. The seal

As the association is not incorporated, it does not have a common seal.

8. Meetings

8.1 The association may convene Committee Meetings and General Meetings.

8.2 The Committee may invite other persons to attend its meetings as guests or observers.

8.3 A quorum for any meeting of the BSA committee shall be achieved when three of the four pillar bodies are represented.

8.4 When the appointed BSA Secretariat is not also a BSA committee member they do not have voting rights.

Committee meetings

8.5 The Committee shall meet for the dispatch of business at least four times per year. Meetings may be convened by teleconference. If possible, at least one face-to-face meeting should be convened each year.

8.6 Questions arising at any meeting of the Committee shall be decided by a majority of votes. Each pillar body is entitled to one vote. In the event of equality of votes the Chair shall have a casting vote in addition to a deliberative vote.

8.7 Questions arising out-of-session may be decided by email consultation, and shall be decided by a majority of votes. Such decisions shall be ratified at the next formal meeting. Each pillar body is entitled to one vote. In the event of equality of votes the matter shall be referred to a meeting of the Committee.

General meetings

8.8 The Committee may call a General Meeting of all members.

8.9 Questions arising at any General Meeting shall be decided by a majority of votes. Each Full member and each Associate member is entitled to one vote. In the event of equality of votes the Chair shall have a casting vote in addition to a deliberative vote.



9. Communications

Meeting papers

9.1 The following timetable is recommended for the normal management of meeting papers:

Time		Task	
		Secretariat	Members
Prior to the meeting	10 working days	Call for input to the Agenda	
	3 working days (minimum)	Circulate Agenda and associated papers by email	
		Upload Agenda and associated papers	
At the meeting			Amend Agenda if required
After the meeting	10 working days (maximum)	Circulate draft Minutes	Respond to all by email with any major corrections
At the next meeting			Amend Minutes if required
			Confirm Minutes
			Confirm dot-point summary for web-publishing
Following that meeting		Circulate the confirmed Minutes to all members, to Observer Organisations, to the ANCBS and ICBS, and to other parties as required.	

External communications

9.2 The primary channel for BSA communications is its website.

9.3 The BSA social media accounts will be updated and maintained by the appointed BSA Secretariat and nominated accounts owners.



9.4 Target audiences for BSA communications include:

9.4.1 The pillar bodies and their representatives on the Committee

9.4.2 Associate members and their representatives

9.4.3 Mutual aid cooperatives (usually governed by Memoranda of Understanding) as and where they exist throughout Australia (e.g. DisACT)

9.4.4 Other Blue Shield committees (internationally, and in Australia's Areas of Influence).

9.4.5 The Blue Shield formerly known as the ICBS and ANCBS

9.4.6 Organisations that focus on emergency preparedness, response and recovery:

(a) in Australia

(b) in Australia's Areas of Influence (e.g. the Asia Disaster Preparedness Centre)

9.4.7 The Australian National Commission for UNESCO

10. Dispute resolution

10.1 The dispute resolution procedure set out in this rule applies to disputes under these Rules between:

- One member and another
- A member and the association

10.2 The parties to the dispute must meet and discuss the matter in dispute and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

10.3 If the parties are unable to resolve the dispute at the meeting the parties may choose to meet and discuss the dispute before an independent third person agreed to by the parties.

10.4 In this rule 'member' includes any person who was a member not more than six months before the dispute occurred.

10.5 Where the Committee exercises any power of adjudication in relation to a dispute between the members, or a dispute between itself and members of the association, the rules of natural justice must be observed.



11. Financial management and reporting

- 11.1 The BSA committee delegates to the appointed BSA Secretariat the management of and reporting on the BSA funds.
- 11.2 The BSA Secretariat must table BSA bank statements at all BSA meetings and the committee must approve all BSA financial transactions.
- 11.3 As and when required under relevant legislation the BSA Secretariat must arrange to have the BSA financial accounts audited.

12. Prohibition against securing profits for members

The funds of the association shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to members or their associates except as bona fide remuneration of a member for services rendered or expenses incurred on behalf of the association.

13. Winding up

The Committee, with the assistance of the pillar bodies, shall determine the process to be followed should the association need to be wound up.

14. Application of surplus assets

The Committee, with the assistance of the pillar bodies, shall determine the process to be followed for the application of funds if a surplus remains after the winding up of the association.

15. Rules

These rules may be altered (including any alteration to the association's name) by resolution of the Committee, and should be reviewed every two years in conjunction with the change of Chair.



NOTE:

***Collections Council of Australia (2004-2010)**

The Collections Council of Australia (CCA) was established by the former Cultural Ministers Council in 2004 to represent Australia's diverse archives, galleries, libraries and museums. CCA was the administrative support body (for organisation of board meetings & Minutes record) for all early BSA meetings over several years. Following the closure of the CCA in April 2010, the Department has become the custodian and copyright holder of several resources developed by the CCA for collecting organisations.

Further information and archived records of CCA activities may be found on the Australian Government's website (Arts) – as accessed 3/12/14: <http://arts.gov.au/collections/collections-council-of-australia>



Yuji Kurihara

Preparatory Meeting for the Establishment of the Blue Shield Pacific (April 5, 2016, Suva, Fiji)

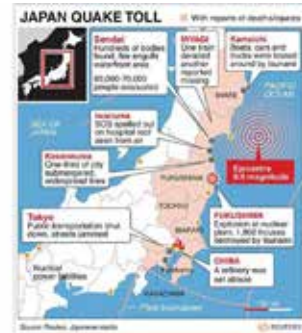


Towards the establishment of Japanese National Committee of Blue Shield

1. The Cultural Property Rescue Project as a National Initiative

Yuji Kurihara

ICOM-JAPAN
Director of Administration, Tokyo National Museum
Secretary General, National Institutes for Cultural Heritage



Damage to Registered Cultural Properties in the Great East Japan Earthquake

744 damaged cultural properties, including:

- National Treasures 5
- Important Cultural Properties 160
- Special Historic Sites 6
- Historic Sites 90
- Special Places of Scenic Beauty 5
- Places of Scenic Beauty 17
- Natural Monuments 16

- Important Preservation District Groups of Traditional Buildings 6
- Important Tangible Folk Cultural Properties 4
- Others 445



Tsugan-ji Temple
National Treasure



Matsushima
Special Place of Scenic Beauty



Damage to Museum Facilities in the Great East Japan Earthquake

Number of damaged facilities:	
Museums	236
Libraries	251
Community Centers	894



Cultural Property Rescue Project

Objectives

Expediently ensure the safety of any cultural properties damaged by the earthquake, and prevent destruction or loss of cultural properties.

Measures

Rescuing, conserving, and temporarily housing objects in the storage facilities of museums in the same or surrounding prefectures.

Targets

Primarily movable cultural properties such as paintings, decorative art objects, sculptures, or tangible folk cultural properties regardless of national or local designation.



A total of 6,000 or more participants joined the Cultural Property Rescue Project under the auspices of the Agency for Cultural Affairs. Government sponsored activities took place more than 40 locations around Miyagi Pref. If we include the individual activities of NGOs such as the Historical Materials Network and of museums in each prefecture, rescue activities were carried out in over 200 locations.





2. The Long Term Conservation and Repair of Damaged Cultural Properties

27



Conservation of damaged cultural properties by students of Tohoku University of Art & Design

28

Rescue Operations in the Museums within the Evacuation Zone around the Nuclear Plant (Fukushima, beginning September 2012)



Radiation Dosimetry in the Ouma Town Folklore Tradition Museum



Tomoka Town Historical Museum



Radiation Dosimetry in the Futaba Town Historical Museum

29

Cultural Properties left in the Futaba Town Historical Museum (June 2013)



Former High School Building (Temporary Storage)



30



New Temporary Storage Facilities built at the Fukushima Prefectural Cultural Center, Shirakawa Branch



3. Building the Cultural Heritage Disaster Risk Mitigation(CH-DRM) Network



Committee for the Rescue of Cultural Properties Affected by the 2011 Earthquake off the Pacific Coast of Tohoku and Related Disasters, which was dissolved at the end of fiscal year 2012.

Establishment of the Headquarters of the National Task Force for the Japanese Cultural Heritage Disaster Risk Mitigation Network (CH-DRM Net)

(July 2014)



Main Missions of the Network

1. System development
2. Research and surveys
3. Human resource development

Main Activities in 2015

1. Holding Promotion Meetings of the National Task Force for the Japanese Cultural Heritage Disaster Risk Mitigation Network (March 10 and November 5, Tokyo)



Main Activities in 2015

2. Holding the Expert Meeting of the National Task Force for the Japanese Cultural Heritage Disaster Risk Mitigation Network (March 10 and November 5, Tokyo)





Main Activities in 2015

3. Holding the Nationwide Historical Materials Network (Shiyo Net) Research Exchange Conference (February 14–15, 2015, Kobe) (March 19–20, 2016, Fukushima)



48

Main Activities in 2015

4. Holding the Workshop on Emergency Measures for Damaged Cultural Heritage (March 3–5 and November 17, Nara)



49

5. Holding an Exhibition and Symposium at the Tokyo National Museum on the Great Tsunami of March 11, 2011 and the Restoration of Cultural Properties (January 14–March 11, 2015)



50

Main Activities in 2015

6. Holding an International Expert Meeting on the theme "Cultural Heritage and Disaster Resilient Communities" within the framework of the 3rd UN World Conference on Disaster Risk Reduction (WCDRR) (March 11–18, 2015)



51

**Tokyo Strategy Meeting
March 11–13, 2015**



52

**Tokyo Symposium
March 13, 2015**



53

**Official Working Session on
Resilient Cultural Heritage
March 15, 2015**



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**Sendai Symposium
March 14, 2015**



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Sendai Framework for Disaster Risk Reduction, 2015-2030

- Priority 1: Understanding disaster risk
- Priority 2: Strengthening disaster risk governance to manage disaster risk
- Priority 3: Investing in disaster risk reduction for resilience
- Priority 4: Enhancing disaster preparedness for effective response, and to "Build Back Better" in recovery, rehabilitation, and reconstruction

Main Activities in 2015

7. Joso City Flood damage administration document Rescue Project (September, 2015~)



Main Activities in 2015

8. Comparative Study about Disaster Risk Management of Cultural Heritage (October 22-24, 2015 ; Kobe University)



Dr. Casace Carlo (Istituto Superiore per la Conservazione ed il Restauro (ISCR))



Main Activities Planned for after 2016

- Research on the establishment of a Cultural Heritage Risk Mitigation System
- Construction of a cultural heritage database
- Training disaster response and know-how for the cultural properties rescue program
- Construction of a Rescue Base for disaster risk mitigation
- Building a network of disaster museums
- Supporting active participation in international conferences



ICOM-UMAC (Manila)



ICOM-ICMS (Zhengzhou)



AAM (Atlanta)

4. Towards the establishment of Japanese National Committee of Blue Shield

International Committee of the Blue Shield

The Blue Shield is the symbol used to identify cultural sites protected by the Hague Convention (1954). It is also the name of the International Committee of the Blue Shield (ICBS) that works to protect world cultural heritage threatened by natural and human-made disasters.



- ICOM
- IFLA
- ICA
- ICOMOS
- CCAAA





blue shield
International

ICBS
International
Committee of the
Blue Shield

ANCBS
The Association
of National
Committees of
the Blue Shield

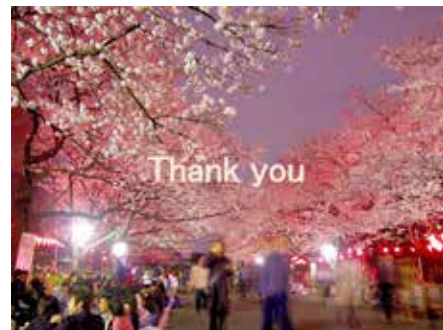
MLA Corporation



**ICOM General Conference
in 2019**

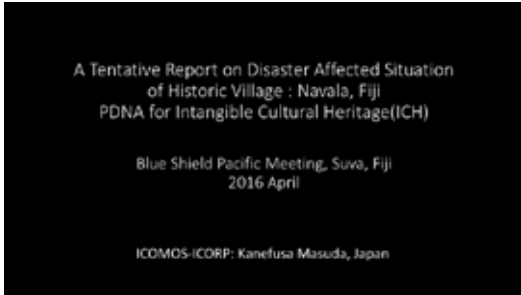


Welcome to Kyoto!





Kanefusa Masuda









World Heritage "The Historic Villages of Shirakawa-go and Gokayama"



+ World Heritage "The Historic Villages of Shirakawa-go and Gokayama"



>>> Annex III: Presentation by the UNESCO Office for the Pacific States

Akatsuki Takahashi



Preparatory Meeting for the Establishment of Blue Shield Pasifika

Akatsuki Takahashi, PhD
Programme Specialist for Culture
UNESCO Office for the Pacific States

Chiefs' Nakamal at Port Vila

Before



After



Chiefs' Nakamal at Port Vila



Objectives

1. To share good practices in Disaster Risk Reduction (DRR) of cultural heritage and institutions (museums, libraries and archives) developed and promoted by professional NGOs in the Pacific.
2. To have a better understanding of the role of Blue Shield within the framework of the Sendai Framework for DRR (2015-2030) and the UNESCO Hague Convention and its Protocols.
3. To develop an action plan for DRR of cultural heritage and institutions in Pacific SIDS.

Professional NGOs in Culture

- ICOMOS: International Council of Monuments and Sites
- ICOM: International Council of Museums
- ICA: International Council for Archives
- IFLA: International Federation of Libraries Association



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The Sendai Framework for Disaster Risk Reduction 2015-2030 As Outcome Document of the 3rd World Conference on Disaster Risk Reduction (Sendai, March 2015)



7 Global Targets

Reduce	Increase
1. Mortality	5. Countries with national and local DRR strategies
2. Affected people	6. International cooperation to developing countries
3. Economic loss	7. Availability and access to multi-hazard early warning systems
4. Damage to critical infrastructure and disruption of basic services	

"Culture" in the Sendai Framework for DRR (2015-2030)

- Reference to **cultural heritage** - paragraph 5, 24(d), 30(d).
- Reference to **traditional, indigenous and local knowledge and practices** – para 7, 24(i), 27(h), 36(v).
- Disaster Risk Reduction Plan of heritage sites and collecting institutions integral part of a regional/national DRR Plan.
- Implement, and monitor progress, to achieve the agreed 7 targets (2015-2030).

Tokyo Recommendation (March 2015) and Penang Outcome Document (Dec 2015)
Identifying actions in 4 Priority Areas of the Sendai Framework

1. **Understanding disaster risks**
Establish register of built heritage and inventory of ICH and TK
Develop information management system - Heritage Risk Map
2. **Strengthening disaster risk governance to manage disaster risk**
Promote UNESCO Conventions – Hague Convention and its Protocols
Promote PDNA of the culture sector
3. **Invest in DRR for resilience**
Develop DRR strategy of cultural heritage/institutions and capacity
Strengthen partnership with civil society "Blue Shield"
4. **Enhance disaster preparedness for effective response and to "Build Back Better" in recovery and rehabilitation**
Establish effective communication/coordination protocol with NDMO

Lessons Learned from PDNA following TC Pam

- Need to promote/improve PDNA Guidelines for Culture.
- Need to develop working relationship between National Disaster Management Office (NDMO) and the cultural authorities.
- National heritage register and ICH inventory established to provide baseline data before disasters should occur.
- Standard template for rapid damage assessment of cultural heritage.
- Develop DRR strategy of cultural heritage/institutions... by taking into account traditional knowledge systems.
- Have at least one World Heritage site and ICH element... to allow countries to access emergency assistance from the WH and ICH Fund.
- Develop network among cultural institutions - **Blue Shield**.



International Committee of Blue Shield (ICBS)

Establishment: 1995

Background: UN Decade for Disaster Reduction (1990-1999). Increased conflicts and civil wars during 1990s.

Mission: Working together to prepare for, and respond to, emergency situations in case of armed conflict or natural disasters that could affect cultural heritage.

Principles: Joint actions, independence, neutrality, professionalism, respect of cultural identity, work on a not-for-profit basis.

Composed of: 5 international NGOs in culture (ICOMOS, ICOM, IFLA, ICA, CCAAA). Around 20 national committees.

International role: Advisory body to the 1999 Second Protocol to the **Hague Convention**.

National Committees of Blue Shield (As of Feb 2016)





The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

- First international treaty predominantly applicable in the event of **armed conflicts** building on preparedness in peace time.
- States Parties (126).
- 2nd Protocol to prevent the export of cultural property from **occupied territory**, requiring the return of such property.
- States Parties (103).



Indication of heritage protected under the Hague Convention with Blue Shield

The Blue Shield emblem on a historic building in Wiener Neustadt, Austria



Indicating heritage protected under the Hague Convention with Blue Shield

Monument of the Memory and Truth, Cuernavaca Park, San Salvador. Marking with the emblem of the Blue Shield



Special Protection System under the 1954 Hague Convention

Article 8: Special Protection – refuges to shelter movable cultural property in the event of armed conflict, centres containing monuments, other immovable cultural property of **very great importance**

- (a) Are situated at an adequate distance from any large industrial centre or from important military objective
- (b) Are not used for military purposes

Article 11: Withdrawal of immunity – unavoidable military necessity

Article 16 Special Emblem – **Blue Shield**



	Protection of Cultural Property in the Event of Armed Conflicts and its First Protocol (1954) and 2 nd Protocol (1999)
	Fighting against the illicit Trafficking of Cultural Property (1970)
	Protection of the World Cultural and Natural Heritage (1972)
	Protection of the Underwater Cultural Heritage (2001)
	Safeguarding of the Intangible Cultural Heritage (2003)
	Protection and Promotion of the Diversity of Cultural Expressions (2005)

The World Heritage Convention (1972)



- Protection of natural and cultural, and mixed sites.
- States Parties (191).
- World Heritage Committee.
- World Heritage List (1007 properties)
- World Heritage List in Danger (46 properties)

Heritage Protection during Civil Conflicts



International Criminal Court (1998)



Tribunal to prosecute individuals for genocide, crimes against Humanity, war crimes, etc.

Rome Statute Article 8: War crimes intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, **historic monuments**, hospitals and places where the sick and wounded are collected, provided they are not military objectives;



Advancement of International Law



Parties to the 2nd Protocol to the Hague Convention (Total 68)

- **Africa (7)**: Mali, Benin, Niger, Nigeria, Equator Guinea, Gabon, South Africa.
- **Arab State (9)**: Morocco, Palestine, Oman, Jordan, Bahrain, Saudi Arabia, Egypt, Libya, Qatar.
- **Asia-Pacific (5)**: NZ, Cambodia, Japan, Tajikistan, Iran.
- **Europe 1 (12)**: Belgium, Germany, Italy, Netherlands, Canada, Luxemburg, Greece, Finland, Switzerland, Austria, Spain, Cyprus.
- **Europe 2 (18)**: Poland, Georgia, BSH, Check Republic, Montenegro, Romania, Armenia, Croatia, Hungary, Estonia, Slovenia, Slovakia, Serbia, Macedonia, Lithuania, Azerbaijan, Belarus, Bulgaria.
- **LAC (17)**: Colombia, Dominica, Barbados, Chile, Uruguay, Brazil, Peru, Guatemala, Paraguay, Ecuador, Costa Rica, Mexico, Honduras, El Salvador, Argentine, Nicaragua, Panama.

Improvements by the 2nd Protocol (1999)

- Safeguarding of cultural property in time of peace (Article 5)
- Definition of imperative military necessity (Article 6)
- **Enhanced Protection (Article 10)**
- Provisional Enhanced Protection (Article 11.5)
- Criminal responsibility and jurisdiction (Chapter 4)
- Protection of cultural properties in armed conflicts of non-international character (Article 22)
- Establishment of a Committee (Article 24)
- **Role of international NGOs (ICBS, ICRC, etc.) (Article 11, Article 24)**
- Fund (Article 29)
- Dissemination (Article 30)

Criteria for Enhanced Protection by Article 10 of the 2nd Protocol (1999)

- a) It is cultural heritage of **the greatest importance for humanity**,
- b) It is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the **highest level of protection**; (Special consideration: Article 11.8)
- c) It is **not used for military purposes** or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

Support of 80 % (not 100 %) of the Parties to the 2nd Protocol.

Cyprus
Choirokolia
Painted Churches in the Troodos region
Paphos



Italy
Castel del Monte



Lithuania
Kernavė Archaeological Site



Azerbaijan
Walled City of Baku with the Shirvanshah's Palace
and Maiden Tower





Azerbaijan
Gobustan archaeological site



Belgium
House and workshop of Victor Horta



Belgium
Neolithic flint mines at Spiennes (Mons)



Belgium
The Plantin-Moretus House-Workshops-Museum Complex and
the Business Archives of the Officina Plantiniana



9th Session of the Intergovernmental Committee Meeting of the 2nd Protocol (Paris, December 2014) and the General Assembly of States Parties (Paris, December 2015)

New emblem to be put on heritage placed under Enhanced Protection.



Recap - Conditions for Enhanced Protection
by Article 10 of the 2nd Protocol

- a) It is cultural heritage of the greatest importance for humanity;
- b) It is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; (Special consideration: Article 11.8);
- c) It is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.



Model Declaration

On behalf of ... I hereby declare that, in conformity with Article 10 of the 2nd Protocol, the (cultural property for which enhanced protection was requested) will not be used for military purposes or to shield military sites".

Signed by Government Representative



9th Session of the Intergovernmental Committee Meeting of the 2nd Protocol
(Paris, December 2014)

- The Committee issued a statement strongly urging States Parties to the 2nd Protocol to submit requests to the Committee for granting enhanced protection to cultural property, and **first and foremost, cultural properties inscribed on the World Heritage List.**
- With regard to Syria and Iraq, the Committee called upon them to ratify the 2nd Protocol at the earliest opportunity and submit their requests to the Committee for granting enhanced protection to cultural property on an emergency basis.
- The Committee condemned the repeated deliberate attacks against cultural property around the world in particular Syria and Iraq.

39th Session of the World Committee Meeting
(Bonn, June 2015)

- Decision 9 COM 13 (Dec 2014) of the Committee of the 2nd Protocol (Request proposal on the revision of nomination form for simultaneous nomination)
- Item 5: WHC-15/39 COM/SD World Heritage and Sustainable Development
- Item 11 – WHC-15/39 COM/11 Revision of the Operational Guidelines
- Meeting of the Chairpersons of the Committees of UNESCO Culture Conventions (Bonn, 29 June 2015) – Bonn Declaration on World Heritage
- 4 Core Dimensions: Environmental Sustainability strengthening measures to secure heritage systems through Inclusive Social Development, Inclusive Economic Development, Peace and Security
- Decision 39 COM 11 – Para 9: welcomes the reflections on the interaction between the 2, further requests the WHC Centre and the Advisory Bodies to consider options for further developing concrete synergies and coordinating reporting mechanisms between the two for the next revision of the Operational Guidelines in 2017 and while revising the Periodic Reporting Format. (Annex 5: Nomination Form, Annex 7: Periodic Reporting Form)

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3. To develop an action plan for DRR of cultural heritage and institutions in Pacific SIDS.



Capacity Building



First Training Course on Disaster Risk Management of Cultural Heritage (Port Vila, October 2015)

Pacific Action Plan

In 4 Priority Areas of the Sendai Framework

1. **Understanding disaster risks**
Establish register of built heritage and inventory of ICH and TK
Develop information management system - Heritage Risk Map
2. **Strengthening disaster risk governance to manage disaster risk**
Promote UNESCO Conventions – Hague Convention and its Protocols
Promote PDNA of the culture sector
3. **Invest in DRR for resilience**
Develop DRR strategy of cultural heritage/institutions and capacity
Strengthen partnership with civil society "Blue Shield"
4. **Enhance disaster preparedness for effective response and to "Build Back Better" in recovery and rehabilitation**
Establish effective communication/coordination protocol with NDMD

Thank you.



»»» Annex IV: Sendai Framework for Disaster Risk Reduction 2015-2030

A/CONF.224/CRP.1

18 March 2015

Original: English only

Sendai Framework for Disaster Risk Reduction 2015-2030



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I. Preamble

1. The present post-2015 framework for disaster risk reduction was adopted at the Third World Conference on Disaster Risk Reduction, held from 14 to 18 March 2015 in Sendai, Miyagi, Japan, which represented a unique opportunity for countries to:

(a) Adopt a concise, focused, forward-looking and action-oriented post-2015 framework for disaster risk reduction;

(b) Complete the assessment and review of the implementation of the Hyogo Framework for Action 2005-2015: Building Resilience of Nations and Communities to Disasters;¹

(c) Consider the experience gained through the regional and national strategies/institutions and plans for disaster risk reduction and their recommendations, as well as relevant regional agreements under the implementation of the Hyogo Framework for Action;

(d) Identify modalities of cooperation based on commitments to implement a post-2015 framework for disaster risk reduction;

(e) Determine modalities for the periodic review of the implementation of a post-2015 framework for disaster risk reduction.

2. During the World Conference, States also reiterated their commitment to disaster risk reduction and the building of resilience² to disasters to be addressed with a renewed sense of urgency in the context of sustainable development and poverty eradication and, as appropriate, to be integrated into policies, plans, programmes, and budgets at all levels and considered within relevant frameworks.

The Hyogo Framework for Action: lessons learned, gaps identified and future challenges

3. Since the adoption of the Hyogo Framework for Action in 2005, as documented in national and regional progress reports on its implementation as well as in other global reports, progress has been achieved in reducing disaster risk at local, national, regional and global levels by countries and other relevant stakeholders, leading to a decrease in mortality in the case of some hazards.³ Reducing disaster risk is a cost effective investment in preventing future losses.

¹ A/CONF.206/6 and Corr.1, chap. I, resolution 2.

² Resilience is defined as: "The ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions", United Nations Office for Disaster Risk Reduction (UNISDR), "2009 UNISDR Terminology on Disaster Risk Reduction", Geneva, May 2009 (<http://www.unisdr.org/we/inform/terminology>).

³ Hazard is defined in the Hyogo Framework for Action as: "A potentially damaging physical event, phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation. Hazards can include latent conditions that may represent future threats and can have different origins: natural (geological, hydrometeorological and biological) or induced by human processes (environmental degradation and technological hazards).



Effective disaster risk management contributes to sustainable development. Countries have enhanced their capacities in disaster risk management. International mechanisms for strategic advice, coordination and partnership development for disaster risk reduction, such as the Global Platform for Disaster Risk Reduction and the regional platforms for disaster risk reduction, as well as other relevant international and regional forums for cooperation have been instrumental in the development of policies and strategies and the advancement of knowledge and mutual learning. Overall, the Hyogo Framework for Action has been an important instrument for raising public and institutional awareness, generating political commitment and focusing and catalysing actions by a wide range of stakeholders at all levels.

4. Over the same 10-year time frame, however, disasters have continued to exact a heavy toll, and as a result the well-being and safety of persons, communities and countries as a whole have been affected. Over 700 thousand people lost their lives, over 1.4 million were injured and approximately 23 million were made homeless as a result of disasters. Overall, more than 1.5 billion people were affected by disasters in various ways. Women, children and people in vulnerable situations were disproportionately affected. The total economic loss was more than \$1.3 trillion. In addition, between 2008 and 2012, 144 million people were displaced by disasters. Disasters, many of which are exacerbated by climate change and increasing in frequency and intensity, significantly impede progress towards sustainable development. Evidence indicates that exposure of persons and assets in all countries has increased faster than vulnerability⁴ has decreased, thus generating new risk and a steady rise in disasters losses with a significant economic, social, health, cultural and environmental impact in the short, medium and long term, especially at the local and community level. Recurring small-scale disasters and slow-onset disasters particularly affect communities, households and small and medium-sized enterprises and constitute a high percentage of all losses. All countries — especially developing countries where the mortality and economic losses from disasters are disproportionately higher — are faced with increasing levels of possible hidden costs and challenges to meet financial and other obligations.

5. It is urgent and critical to anticipate, plan for and reduce disaster risk in order to more effectively protect persons, communities and countries, their livelihoods, health, cultural heritage, socioeconomic assets and ecosystems, and thus strengthen their resilience.

6. Enhanced work to reduce exposure and vulnerability, thus preventing the creation of new disaster risks, and accountability for disaster risk creation are needed at all levels. More dedicated action needs to be focused on tackling underlying disaster risk drivers, such as the consequences of poverty and inequality, climate change and variability, unplanned and rapid urbanization, poor land management and compounding factors such as demographic change, weak institutional arrangements, non-risk-informed policies, lack of regulation and incentives for private disaster risk reduction investment, complex supply chains, limited availability of technology, unsustainable uses of natural resources, declining ecosystems, pandemics and epidemics. Moreover, it is necessary to continue

⁴ Vulnerability is defined in the Hyogo Framework for Action as: “The conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards”.



strengthening good governance in disaster risk reduction at the national, regional and global levels and improving preparedness and national coordination for disaster response, rehabilitation and reconstruction, and to use post-disaster recovery and reconstruction to “Build Back Better” supported by strengthened modalities of international cooperation.

7. There has to be a broader and a more people-centred preventive approach to disaster risk. Disaster risk reduction practices need to be multi-hazard and multisectoral based, inclusive and accessible in order to be efficient and effective. While recognizing their leading, regulatory and coordination role, Governments should engage with relevant stakeholders, including women, children and youth, persons with disabilities, poor people, migrants, indigenous peoples, volunteers, the community of practitioners and older persons in the design and implementation of policies, plans and standards. There is a need for the public and private sectors and civil society organizations, as well as academia and scientific and research institutions, to work more closely together and to create opportunities for collaboration, and for businesses to integrate disaster risk into their management practices.

8. International, regional, subregional and transboundary cooperation remains pivotal in supporting the efforts of States, their national and local authorities as well as communities and businesses to reduce disaster risk. Existing mechanisms may require strengthening in order to provide effective support and achieve better implementation. Developing countries, in particular the least developed countries, small island developing States, landlocked developing countries and African countries, as well as middle-income countries facing specific challenges, need special attention and support to augment domestic resources and capabilities through bilateral and multilateral channels to ensure adequate, sustainable, and timely means of implementation in capacity-building, financial and technical assistance and technology transfer, in accordance with international commitments.

9. Overall, the Hyogo Framework for Action has provided critical guidance in efforts to reduce disaster risk and contributed to the progress towards the achievement of the Millennium Development Goals. Its implementation has, however, highlighted a number of gaps in addressing the underlying disaster risk factors, in the formulation of goals and priorities for action,⁵ in the need to foster disaster resilience at all levels and in ensuring adequate means of implementation. The gaps indicate a need to develop an action-oriented framework that Governments and relevant stakeholders can implement in a supportive and complementary manner, and which helps to identify disaster risks to be managed and guides investment to improve resilience.

10. Ten years after the Hyogo Framework for Action, disasters continue to undermine efforts to achieve sustainable development.

11. The intergovernmental negotiations on the post-2015 development agenda, financing for development, climate change and disaster risk reduction provide the

⁵ The Hyogo Framework priorities for action 2005-2015 are: (1) ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation; (2) identify, assess and monitor disaster risks and enhance early warning; (3) use knowledge, innovation and education to build a culture of safety and resilience at all levels; (4) reduce the underlying risk factors; and (5) strengthen disaster preparedness for effective response at all levels.



international community with a unique opportunity to enhance coherence across policies, institutions, goals, indicators, and measurement systems for implementation, while respecting their respective mandates. Ensuring credible links, as appropriate, between these processes will contribute to building resilience and achieving the global goal to eradicate poverty.

12. It is recalled that the outcome of the UN Conference on Sustainable Development 2012, “The Future We Want”, which called for disaster risk reduction and building of resilience to disasters to be addressed with a renewed sense of urgency in the context of sustainable development and poverty eradication and, as appropriate, to be integrated at all levels. The Conference also reaffirms all the principles of the Rio Declaration on Environment and Development.

13. Addressing climate change as one of the drivers of disaster risk, while respecting the mandate of the United Nations Framework Convention on Climate Change⁶, represents an opportunity to reduce disaster risk in a meaningful and coherent manner throughout the inter-related intergovernmental processes.

14. Against this background, and in order to reduce disaster risk, there is a need to address existing challenges and prepare for future ones by focusing on: monitoring, assessing and understanding disaster risk and sharing such information and how it is created; strengthening disaster risk governance and coordination across relevant institutions and sectors and the full and meaningful participation of relevant stakeholders at appropriate levels; investing in the economic, social, health, cultural and educational resilience of persons, communities and countries and in the environment, also through technology and research; enhancing multi-hazard early warning systems, preparedness, response, recovery, rehabilitation and reconstruction. To complement national action and capacity, there is a need to enhance international cooperation between developed and developing countries and between States and international organizations.

15. The present framework will apply to the risk of small-scale and large-scale, frequent and infrequent, sudden and slow-onset disasters, caused by natural or man-made hazards as well as related environmental, technological and biological hazards and risks. It aims to guide the multi-hazard management of disaster risk in development at all levels as well as within and across all sectors.

II. Expected outcome and goal

16. While some progress in building resilience and reducing losses and damages has been achieved, a substantial reduction of disaster risk requires perseverance and persistence, with a more explicit focus on people and their health and livelihoods, and regular follow-up. Building on the Hyogo Framework for Action, the present framework aims to achieve the following outcome over the next 15 years:

The substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries

⁶ The climate change issues mentioned in the present framework remain within the mandate of the United Nations Framework Convention on Climate Change under the competences of the Parties to the Convention.



The realization of this outcome requires the strong commitment and involvement of political leadership in every country at all levels in the implementation and follow-up of this framework and in the creation of the necessary conducive and enabling environment.

17. To attain the expected outcome, the following goal must be pursued:

Prevent new and reduce existing disaster risk through the implementation of integrated and inclusive economic, structural, legal, social, health, cultural, educational, environmental, technological, political and institutional measures that prevent and reduce hazard exposure and vulnerability to disaster, increase preparedness for response and recovery, and thus strengthen resilience

The pursuance of this goal requires the enhancement of the implementation capacity and capability of developing countries, in particular the least developed countries, small island developing States, landlocked developing countries and African countries, as well as middle-income countries facing specific challenges, including the mobilization of support through international cooperation for the provision of means of implementation in accordance with their national priorities.

18. To support the assessment of global progress in achieving the outcome and goal of this framework, seven global targets have been agreed. These targets will be measured at the global level and will be complemented by work to develop appropriate indicators.

National targets and indicators will contribute to the achievement of the outcome and goal of this framework.

The seven global targets are:

(a) Substantially reduce global disaster mortality by 2030, aiming to lower average per 100,000 global mortality between 2020-2030 compared to 2005-2015.

(b) Substantially reduce the number of affected people globally by 2030, aiming to lower the average global figure per 100,000 between 2020-2030 compared to 2005-2015.⁷

(c) Reduce direct disaster economic loss in relation to global gross domestic product (GDP) by 2030.

(d) Substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030.

(e) Substantially increase the number of countries with national and local disaster risk reduction strategies by 2020.

(f) Substantially enhance international cooperation to developing countries through adequate and sustainable support to complement their national actions for implementation of this framework by 2030.

⁷ Categories of affected people will be elaborated in the process for post Sendai work decided by the Conference.



(g) Substantially increase the availability of and access to multi-hazard early warning systems and disaster risk information and assessments to the people by 2030.

III. Guiding principles

19. Drawing from the principles contained in the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action⁸ and the Hyogo Framework for Action, the implementation of the present framework will be guided by the following principles, while taking into account national circumstances, and consistent with domestic laws as well as international obligations and commitments:

(a) Each State has the primary responsibility to prevent and reduce disaster risk, including through international, regional, subregional, transboundary and bilateral cooperation. The reduction of disaster risk is a common concern for all States and the extent to which developing countries are able to effectively enhance and implement national disaster risk reduction policies and measures in the context of their respective circumstances and capabilities can be further enhanced through the provision of sustainable international cooperation;

(b) Disaster risk reduction requires that responsibilities be shared by central Governments and relevant national authorities, sectors and stakeholders, as appropriate to their national circumstances and system of governance;

(c) Managing the risk of disasters is aimed at protecting persons and their property, health, livelihoods and productive assets, as well as cultural and environmental assets, while promoting and protecting all human rights, including the right to development;

(d) Disaster risk reduction requires an all-of-society engagement and partnership. It also requires empowerment and inclusive, accessible and non-discriminatory participation, paying special attention to people disproportionately affected by disasters, especially the poorest. A gender, age, disability and cultural perspective in all policies and practices; and the promotion of women and youth leadership; in this context, special attention should be paid to the improvement of organized voluntary work of citizens;

(e) Disaster risk reduction and management depends on coordination mechanisms within and across sectors and with relevant stakeholders at all levels, and it requires the full engagement of all State institutions of an executive and legislative nature at national and local levels and a clear articulation of responsibilities across public and private stakeholders, including business and academia, to ensure mutual outreach, partnership, complementarity in roles and accountability and follow-up;

(f) While the enabling, guiding and coordinating role of national and federal State Governments remain essential, it is necessary to empower local authorities and local communities to reduce disaster risk, including through resources, incentives and decision-making responsibilities, as appropriate;

⁸ A/CONF.172/9, chap. I, resolution 1, annex I.



(g) Disaster risk reduction requires a multi-hazard approach and inclusive risk-informed decision-making based on the open exchange and dissemination of disaggregated data, including by sex, age and disability, as well as on the easily accessible, up-to-date, comprehensible, science-based, non-sensitive risk information, complemented by traditional knowledge;

(h) The development, strengthening and implementation of relevant policies, plans, practices and mechanisms need to aim at coherence, as appropriate, across sustainable development and growth, food security, health and safety, climate change and variability, environmental management and disaster risk reduction agendas. Disaster risk reduction is essential to achieve sustainable development;

(i) While the drivers of disaster risk may be local, national, regional or global in scope, disaster risks have local and specific characteristics that must be understood for the determination of measures to reduce disaster risk;

(j) Addressing underlying disaster risk factors through disaster risk-informed public and private investments are more cost-effective than primary reliance on post-disaster response and recovery, and contribute to sustainable development;

(k) In the post-disaster recovery, rehabilitation and reconstruction phase it is critical to prevent the creation of and to reduce disaster risk by “Building Back Better” and increasing public education and awareness of disaster risk;

(l) An effective and meaningful global partnership and the further strengthening of international cooperation, including the fulfilment of respective commitments of official development assistance by developed countries, are essential for effective disaster risk management;

(m) Developing countries, in particular the least developed countries, small island developing States, landlocked developing countries and African countries, as well as middle-income and other countries facing specific disaster risk challenges need adequate, sustainable and timely provision of support, including through finance, technology transfer and capacity-building from developed countries and partners tailored to their needs and priorities, as identified by them.

IV. Priorities for action

20. Taking into account the experience gained through the implementation of the Hyogo Framework for Action, and in pursuance of the expected outcome and goal, there is a need for focused action within and across sectors by States at local, national, regional and global levels in the following four priority areas:

1. Understanding disaster risk;
2. Strengthening disaster risk governance to manage disaster risk;
3. Investing in disaster risk reduction for resilience;
4. Enhancing disaster preparedness for effective response, and to “Build Back Better” in recovery, rehabilitation and reconstruction.

21. In their approach to disaster risk reduction, States, regional and international organizations and other relevant stakeholders should take into consideration the key



activities listed under each of these four priorities and should implement them, as appropriate, taking into consideration respective capacities and capabilities, in line with national laws and regulations.

22. In the context of increasing global interdependence, concerted international cooperation, an enabling international environment and means of implementation are needed to stimulate and contribute to developing the knowledge, capacities and motivation for disaster risk reduction at all levels, in particular for developing countries.

Priority 1. Understanding disaster risk

23. Policies and practices for disaster risk management should be based on an understanding of disaster risk in all its dimensions of vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment. Such knowledge can be leveraged for the purpose of pre-disaster risk assessment, for prevention and mitigation and for the development and implementation of appropriate preparedness and effective response to disasters.

National and local levels

24. To achieve this, it is important to:

(a) Promote the collection, analysis, management and use of relevant data and practical information. Ensure its dissemination, taking into account the needs of different categories of users, as appropriate;

(b) Encourage the use of and strengthening of baseline and periodically assess disaster risks, vulnerability, capacity, exposure, hazard characteristics and their possible sequential effects at the relevant social and spatial scale on ecosystems in line with national circumstances;

(c) Develop, update periodically and disseminate, as appropriate, location-based disaster risk information, including risk maps, to decision makers, the general public and communities at risk to disaster in an appropriate format by using, as applicable, geospatial information technology;

(d) Systematically evaluate, record, share and publicly account for disaster losses and understand the economic, social, health, education, environmental and cultural heritage impacts, as appropriate, in the context of event-specific hazard-exposure and vulnerability information;

(e) Make non-sensitive hazard exposure, vulnerability, risk, disasters and loss disaggregated information freely available and accessible, as appropriate;

(f) Promote real-time access to reliable data, make use of space and in situ information, including geographic information systems (GIS), and use information and communications technology innovations to enhance measurement tools and the collection, analysis and dissemination of data;

(g) Build the knowledge of government officials at all levels, civil society, communities and volunteers, as well as the private sector, through sharing experiences, lessons learned, good practices and training and education on disaster risk reduction, including the use of existing training and education mechanisms and peer learning;



(h) Promote and improve dialogue and cooperation among scientific and technological communities, other relevant stakeholders and policymakers in order to facilitate a science-policy interface for effective decision-making in disaster risk management;

(i) Ensure the use of traditional, indigenous and local knowledge and practices, as appropriate, to complement scientific knowledge in disaster risk assessment and the development and implementation of policies, strategies, plans and programmes of specific sectors, with a cross-sectoral approach, which should be tailored to localities and to the context;

(j) Strengthen technical and scientific capacity to capitalize on and consolidate existing knowledge, and to develop and apply methodologies and models to assess disaster risks, vulnerabilities and exposure to all hazards;

(k) Promote investments in innovation and technology development in long-term, multi-hazard and solution-driven research in disaster risk management to address gaps, obstacles, interdependencies and social, economic, educational and environmental challenges and disaster risks;

(l) Promote the incorporation of disaster risk knowledge, including disaster prevention, mitigation, preparedness, response, recovery and rehabilitation, in formal and non-formal education, as well as in civic education at all levels, as well as in professional education and training;

(m) Promote national strategies to strengthen public education and awareness in disaster risk reduction, including disaster risk information and knowledge, through campaigns, social media and community mobilization, taking into account specific audiences and their needs;

(n) Apply risk information in all its dimensions of vulnerability, capacity and exposure of persons, communities, countries and assets, as well as hazard characteristics, to develop and implement disaster risk reduction policies;

(o) Enhance collaboration among people at the local level to disseminate disaster risk information through the involvement of community-based organizations and non-governmental organizations.

Global and regional levels

25. To achieve this, it is important to:

(a) Enhance the development and dissemination of science-based methodologies and tools to record and share disaster losses and relevant disaggregated data and statistics, as well as to strengthen disaster risk modelling, assessment, mapping, monitoring and multi-hazard early warning systems;

(b) Promote the conduct of comprehensive surveys on multi-hazard disaster risks and the development of regional disaster risk assessments and maps, including climate change scenarios;

(c) Promote and enhance, through international cooperation, including technology transfer, access to and the sharing and use of non-sensitive data, information, as appropriate, communications and geospatial and space-based technologies and related services. Maintain and strengthen in situ and remotely-sensed earth and climate observations. Strengthen the utilization of media, including



social media, traditional media, big data and mobile phone networks to support national measures for successful disaster risk communication, as appropriate and in accordance with national laws;

(d) Promote common efforts in partnership with the scientific and technological community, academia and the private sector to establish, disseminate and share good practices internationally;

(e) Support the development of local, national, regional and global user-friendly systems and services for the exchange of information on good practices, cost-effective and easy-to-use disaster risk reduction technologies and lessons learned on policies, plans and measures for disaster risk reduction;

(f) Develop effective global and regional campaigns as instruments for public awareness and education, building on the existing ones (for example, the “One Million Safe Schools and Hospitals” initiative, the “Making Cities Resilient: my city is getting ready!” campaign, the United Nations Sasakawa Award for Disaster Reduction and the annual United Nations International Day for Disaster Reduction), to promote a culture of disaster prevention, resilience and responsible citizenship, generate understanding of disaster risk, support mutual learning, share experiences. Encourage public and private stakeholders to actively engage in such initiatives, and develop new ones at local, national, regional and global levels;

(g) Enhance the scientific and technical work on disaster risk reduction and its mobilization through the coordination of existing networks and scientific research institutions at all levels and all regions with the support of the UNISDR Scientific and Technical Advisory Group in order to: strengthen the evidence-base in support of the implementation of this framework; promote scientific research of disaster risk patterns, causes and effects; disseminate risk information with the best use of geospatial information technology; provide guidance on methodologies and standards for risk assessments, disaster risk modelling and the use of data; identify research and technology gaps and set recommendations for research priority areas in disaster risk reduction; promote and support the availability and application of science and technology to decision-making; contribute to the update of the 2009 UNISDR Terminology on Disaster Risk Reduction; use post-disaster reviews as opportunities to enhance learning and public policy; and disseminate studies;

(h) Encourage the availability of copyrighted and patented materials including through negotiated concessions as appropriate.

(i) Enhance access to and support for innovation and technology as well as in long-term, multi-hazard and solution-driven research and development in disaster risk management.

Priority 2. Strengthening disaster risk governance to manage disaster risk

26. Disaster risk governance at the national, regional and global levels is of great importance for an effective and efficient management of disaster risk. Clear vision, plans, competence, guidance and coordination within and across sectors as well as participation of relevant stakeholders are needed. Strengthening disaster risk governance for prevention, mitigation, preparedness, response, recovery, and rehabilitation is therefore necessary and fosters collaboration and partnership across mechanisms and institutions for the implementation of instruments relevant to disaster risk reduction and sustainable development.



National and local levels

27. To achieve this, it is important to:

(a) Mainstream and integrate disaster risk reduction within and across all sectors. Review and promote the coherence and further development, as appropriate, of national and local frameworks of laws, regulations and public policies, which, by defining roles and responsibilities, guide the public and private sectors to: (i) address disaster risk in publically owned, managed or regulated services and infrastructures; (ii) promote and provide incentives, as relevant, for actions by persons, households, communities and businesses; (iii) enhance relevant mechanisms and initiatives for disaster risk transparency, which may include financial incentives, public awareness-raising and training initiatives, reporting requirements and legal and administrative measures; and (iv) put in place coordination and organizational structures;

(b) Adopt and implement national and local disaster risk reduction strategies and plans, across different timescales with targets, indicators and time frames, aimed at preventing the creation of risk, the reduction of existing risk and the strengthening of economic, social, health and environmental resilience;

(c) Carry out an assessment of the technical, financial and administrative disaster risk management capacity to deal with the identified risks at local and national level;

(d) Encourage the establishment of necessary mechanisms and incentives to ensure high levels of compliance with existing safety-enhancing provisions of sectoral laws and regulations, including those addressing land use and urban planning, building codes, environmental and resource management and health and safety standards, and update them, where needed, to ensure an adequate focus on disaster risk management;

(e) Develop and strengthen, as appropriate, mechanisms to follow-up, periodically assess and publicly report on progress on national and local plans. Promote public scrutiny and encourage institutional debates, including by parliamentarians and other relevant officials, on progress reports of local and national plans for disaster risk reduction;

(f) Assign, as appropriate, clear roles and tasks to community representatives within disaster risk management institutions and processes and decision-making through relevant legal frameworks. Undertake comprehensive public and community consultations during the development of such laws and regulations to support their implementation;

(g) Establish and strengthen government coordination forums composed of relevant stakeholders at national and local levels, such as national and local platforms for disaster risk reduction, and a designated national focal point for implementing the post-2015 framework. It is necessary for such mechanisms to have a strong foundation in national institutional frameworks with clearly assigned responsibilities and authority to, inter alia, identify sectoral and multisectoral disaster risk, build awareness and knowledge of disaster risk through sharing and dissemination of non-sensitive disaster risk information and data, contribute to and coordinate reports on local and national disaster risk, coordinate public awareness campaigns on disaster risk, facilitate and support local multi-sectoral cooperation



(e.g. among local governments), contribute to the determination of and reporting on national and local disaster risk management plans and all policies relevant for disaster risk management. These responsibilities should be established through laws, regulations, standards and procedures;

(h) Empower local authorities, as appropriate, through regulatory and financial means to work and coordinate with civil society, communities and indigenous peoples and migrants in disaster risk management at the local level;

(i) Encourage parliamentarians to support the implementation of disaster risk reduction through developing new or amending relevant legislation and setting budget allocations;

(j) Promote the development of quality standards, such as certifications and awards for disaster risk management, with the participation of the private sector, civil society, professional associations, scientific organizations and the United Nations;

(k) Formulate public policies, where applicable, aimed at addressing the issues of prevention or relocation, where possible, of human settlements in disaster risk zones, subject to national law and legal systems.

Global and regional levels

28. To achieve this, it is important to:

(a) Guide action at the regional level through agreed regional and subregional strategies and mechanisms for cooperation for disaster risk reduction, as appropriate in the light of this framework, in order to foster more efficient planning, create common information systems and exchange good practices and programmes for cooperation and capacity development, in particular to address common and transboundary disaster risks;

(b) Foster collaboration across global and regional mechanisms and institutions for the implementation and coherence of instruments and tools relevant to disaster risk reduction, such as for climate change, biodiversity, sustainable development, poverty eradication, environment, agriculture, health, food and nutrition and others, as appropriate;

(c) Actively engage in the Global Platform for Disaster Risk Reduction, the regional and subregional platforms for disaster risk reduction and the thematic platforms in order to forge partnerships, periodically assess progress on implementation and share practice and knowledge on disaster risk-informed policies, programmes and investments, including on development and climate issues, as appropriate, as well as promote the integration of disaster risk management in other relevant sectors. Regional intergovernmental organizations should play an important role in the regional platforms for disaster risk reduction;

(d) Promote transboundary cooperation to enable policy and planning for the implementation of ecosystem-based approaches with regard to shared resources, such as within river basins and along coastlines, to build resilience and reduce disaster risk, including epidemic and displacement risk;

(e) Promote mutual learning and exchange of good practices and information through, inter-alia, voluntary and self-initiated peer reviews among interested states;



(f) Promote the strengthening of, as appropriate, international voluntary mechanisms for monitoring and assessment of disaster risks, including relevant data and information, benefiting from the experience of the Hyogo Framework for Action Monitor. Said mechanisms may promote the exchange of non-sensitive information on disaster risks to the relevant national Government bodies and stakeholders in the interest of sustainable social and economic development;

Priority 3. Investing in disaster risk reduction for resilience

29. Public and private investment in disaster risk prevention and reduction through structural and non-structural measures are essential to enhance the economic, social, health and cultural resilience of persons, communities, countries and their assets, as well as the environment. These can be drivers of innovation, growth and job creation. Such measures are cost-effective and instrumental to save lives, prevent and reduce losses and ensure effective recovery and rehabilitation.

National and local levels

30. To achieve this, it is important to:

(a) Allocate the necessary resources, including finance and logistics, as appropriate, at all levels of administration for the development and the implementation of disaster risk reduction strategies policies, plans, laws and regulations in all relevant sectors;

(b) Promote mechanisms for disaster risk transfer and insurance, risk sharing and retention and financial protection, as appropriate, for both public and private investment in order to reduce the financial impact of disasters on governments and societies, in urban and rural areas;

(c) Strengthen, as appropriate, disaster resilient public and private investments, particularly through: structural, non-structural and functional disaster risk prevention and reduction measures in critical facilities, in particular schools and hospitals and physical infrastructures; building better from the start to withstand hazards through proper design and construction, including the use of the principles of universal design and the standardization of building materials; retrofitting and rebuilding; nurturing a culture of maintenance; and taking into account economic, social, structural, technological and environmental impact assessments;

(d) Protect or support the protection of cultural and collecting institutions and other sites of historical, cultural heritage and religious interest;

(e) Promote the disaster risk resilience of work places through structural and non-structural measures;

(f) Promote the mainstreaming of disaster risk assessments into land-use policy development and implementation, including urban planning, land degradation assessments and informal and non-permanent housing, and the use of guidelines and follow-up tools informed by anticipated demographic and environmental changes;

(g) Promote the mainstreaming of disaster risk assessment, mapping and management into rural development planning and management of, inter alia, mountains, rivers, coastal flood plain areas, drylands, wetlands and all other areas prone to droughts and flooding, including through the identification of areas that are



safe for human settlement and at the same time preserving ecosystem functions that help reduce risks;

(h) Encourage the revision of existing or the development of new building codes, standards, rehabilitation and reconstruction practices at the national or local levels, as appropriate, with the aim of making them more applicable in the local context, particularly in informal and marginal human settlements, and reinforce the capacity to implement, survey and enforce such codes, through an appropriate approach, with a view to fostering disaster-resistant structures;

(i) Enhance the resilience of national health systems, including by integrating disaster risk management into primary, secondary and tertiary health care, especially at the local level; developing the capacity of health workers in understanding disaster risk and applying and implementing disaster risk reduction approaches in health work; and promoting and enhancing the training capacities in the field of disaster medicine; and supporting and training community health groups in disaster risk reduction approaches in health programmes, in collaboration with other sectors, as well as in the implementation of the International Health Regulations (2005) of the World Health Organization;

(j) Strengthen the design and implementation of inclusive policies and social safety-net mechanisms, including through community involvement, integrated with livelihood enhancement programmes, and access to basic health care services, including maternal, newborn and child health, sexual and reproductive health, food security and nutrition, housing and education, towards the eradication of poverty, to find durable solutions in the post-disaster phase and to empower and assist people disproportionately affected by disasters;

(k) People with life threatening and chronic disease, due to their particular needs, should be included in the design of policies and plans to manage their risks before, during and after disasters, including having access to life-saving services;

(l) Encourage the adoption of policies and programmes addressing disaster-induced human mobility to strengthen the resilience of affected people and that of host communities as per national laws and circumstances;

(m) Promote, as appropriate, the integration of disaster risk reduction considerations and measures in financial and fiscal instruments;

(n) Strengthen the sustainable use and management of ecosystems and implement integrated environmental and natural resource management approaches that incorporate disaster risk reduction;

(o) Increase business resilience and protection of livelihoods and productive assets throughout the supply chains. Ensure continuity of services and integrate disaster risk management into business models and practices;

(p) Strengthen the protection of livelihoods and productive assets, including livestock, working animals, tools and seeds;

(q) Promote and integrate disaster risk management approaches throughout the tourism industry, given the often heavy reliance on tourism as a key economic driver.



Global and regional levels

31. To achieve this, it is important to:

(a) Promote coherence across systems, sectors and organizations related to sustainable development and to disaster risk reduction in their policies, plans, programmes and processes;

(b) Promote the development and strengthening of disaster risk transfer and sharing mechanisms and instruments in close cooperation with partners in the international community, business, international financial institutions and other relevant stakeholders;

(c) Promote cooperation between academic, scientific and research entities and networks and the private sector to develop new products and services to help reduce disaster risk, in particular those that would assist developing countries and their specific challenges;

(d) Encourage the coordination between global and regional financial institutions with a view to assessing and anticipating the potential economic and social impacts of disasters;

(e) Enhance cooperation between health authorities and other relevant stakeholders to strengthen country capacity for disaster risk management for health, the implementation of the International Health Regulations (2005) and the building of resilient health systems;

(f) Strengthen and promote the collaboration and capacity-building for the protection of productive assets including livestock, working animals, tools and seeds;

(g) Promote and support the development of social safety nets as disaster risk reduction measures linked to and integrated with livelihood enhancement programmes in order to ensure resilience to shocks at the household and community levels;

(h) Strengthen and broaden international efforts aimed at eradicating hunger and poverty through disaster risk reduction;

(i) Promote and support collaboration among relevant public and private stakeholders to enhance the resilience of business to disasters.

Priority 4. Enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction

32. The steady growth of disaster risk, including the increase of people and assets exposure, combined with the lessons learned from past disasters, indicates the need to further strengthen disaster preparedness for response, take action in anticipation of events, integrate disaster risk reduction in response preparedness and that ensure capacities are in place for effective response and recovery at all levels. Empowering women and persons with disabilities to publicly lead and promote gender equitable and universally accessible response, recovery rehabilitation and reconstruction approaches are key. Disasters have demonstrated that the recovery, rehabilitation and reconstruction phase, which needs to be prepared ahead of the disaster, is a critical opportunity to build back better, including through integrating disaster risk



reduction into development measures, making nations and communities resilient to disasters.

National and local levels

33. To achieve this, it is important to:

(a) Prepare or review and periodically update disaster preparedness and contingency policies, plans and programmes with the involvement of the relevant institutions, considering climate change scenarios and their impact on disaster risk, and facilitating, as appropriate, the participation of all sectors and relevant stakeholders;

(b) Invest in, develop, maintain and strengthen people-centred multi-hazard, multisectoral forecasting and early warning systems, disaster risk and emergency communications mechanisms, social technologies and hazard-monitoring telecommunications systems. Develop such systems through a participatory process. Tailor them to the needs of users, including social and cultural requirements, in particular gender. Promote the application of simple and low-cost early warning equipment and facilities and broaden release channels for natural disaster early warning information;

(c) Promote the resilience of new and existing critical infrastructure, including water, transportation and telecommunications infrastructure, educational facilities, hospitals and other health facilities, to ensure that they remain safe, effective and operational during and after disasters in order to provide life-saving and essential services;

(d) Establish community centres for the promotion of public awareness and the stockpiling of necessary materials to implement rescue and relief activities;

(e) Adopt public policies and actions that support the role of public service workers to establish or strengthen coordination and funding mechanisms and procedures for relief assistance and to plan and prepare for post-disaster recovery and reconstruction;

(f) Train the existing workforce and voluntary workers in disaster response and strengthen technical and logistical capacities to ensure better response in emergencies;

(g) Ensure the continuity of operations and planning, including social and economic recovery, and the provision of basic services in the post-disaster phase;

(h) Promote regular disaster preparedness, response and recovery exercises, including evacuation drills, training and the establishment of area-based support systems, with a view to ensuring rapid and effective response to disasters and related displacement, including access to safe shelter, essential food and non-food relief supplies, as appropriate to local needs;

(i) Promote the cooperation of diverse institutions, multiple authorities and related stakeholders at all levels, including affected communities and business, in view of the complex and costly nature of post-disaster reconstruction, under the coordination of national authorities;

(j) Promote the incorporation of disaster risk management into post-disaster recovery and rehabilitation processes, facilitate the link between relief,



rehabilitation and development. Use opportunities during the recovery phase to develop capacities that reduce disaster risk in the short, medium and long term, including through the development of measures such as land use planning, structural standards improvement and the sharing of expertise, knowledge, post-disaster reviews and lessons learned. Integrate post-disaster reconstruction into the economic and social sustainable development of affected areas. This should also apply to temporary settlements for persons displaced by disaster;

(k) Develop guidance for preparedness for disaster reconstruction, such as on land use planning and structural standards improvement, including by learning from the recovery and reconstruction programmes over the decade since the adoption of the Hyogo Framework for Action, and exchanging experiences, knowledge and lessons learned;

(l) Consider the relocation of public facilities and infrastructures to areas outside the risk range, wherever possible, in the post-disaster reconstruction process, in consultation with the people concerned, as appropriate;

(m) Strengthen the capacity of local authorities to evacuate persons living in disaster-prone areas;

(n) Establish a mechanism of case registry and a database of mortality caused by disaster in order to improve the prevention of morbidity and mortality;

(o) Enhance recovery schemes to provide psychosocial support and mental health services for all people in need;

(p) Review and strengthen, as appropriate, national laws and procedures on international cooperation, based on the guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance.

Global and regional levels

34. To achieve this, it is important to:

(a) Develop and strengthen, as appropriate, coordinated regional approaches and operational mechanisms to prepare for and ensure rapid and effective disaster response in situations that exceed national coping capacities;

(b) Promote the further development and dissemination of instruments, such as standards, codes, operational guides and other guidance instruments to support coordinated action in disaster preparedness and response and facilitate information sharing on lessons learned and best practices for policy practice and post-disaster reconstruction programmes;

(c) Promote the further development of and investment in effective, nationally-compatible, regional multi-hazard early warning mechanisms, where relevant, in line with the Global Framework for Climate Services, and facilitate the sharing and exchange of information across all countries;

(d) Enhance international mechanisms, such as the International Recovery Platform, for the sharing of experience and learning among countries and all relevant stakeholders;

(e) Support, as appropriate, relevant United Nations entities to strengthen and implement global mechanisms on hydrometeorological issues, in order to raise



awareness and improve understanding of water-related disaster risks and their impact on society, and advance strategies for disaster risk reduction upon request of States;

(f) Support regional cooperation to deal with disaster preparedness, including through common exercise and drills;

(g) Promote regional protocols to facilitate sharing of response capacities and resources during and after disasters;

(h) Train the existing workforce and volunteers in disaster response.

V. Role of stakeholders

35. While States have the overall responsibility for reducing disaster risk, it is a shared responsibility between Governments and relevant stakeholders. In particular, non-state stakeholders play an important role as enablers in providing support to States, in accordance with national policies, laws and regulations, in the implementation of the framework at local, national, regional and global levels. Their commitment, goodwill, knowledge, experience and resources will be required.

36. When determining specific roles and responsibilities for stakeholders, and at the same time building on existing relevant international instruments, States should encourage the following actions on the part of all public and private stakeholders:

(a) Civil society, volunteers, organized voluntary work organizations and community-based organizations to: participate, in collaboration with public institutions, to, inter alia, provide specific knowledge and pragmatic guidance in the context of the development and implementation of normative frameworks, standards and plans for disaster risk reduction; engage in the implementation of local, national, regional and global plans and strategies; contribute to and support public awareness, a culture of prevention and education on disaster risk; and advocate for resilient communities and an inclusive and all-of-society disaster risk management which strengthen the synergies across groups, as appropriate. On this point, it should be noted that:

(i) Women and their participation are critical to effectively managing disaster risk and designing, resourcing and implementing gender-sensitive disaster risk reduction policies, plans and programmes; and adequate capacity building measures need to be taken to empower women for preparedness as well as build their capacity for alternate livelihood means in post-disaster situations;

(ii) Children and youth are agents of change and should be given the space and modalities to contribute to disaster risk reduction, in accordance with legislation, national practice and educational curricula;

(iii) Persons with disabilities and their organizations are critical in the assessment of disaster risk and in designing and implementing plans tailored to specific requirements, taking into consideration, inter alia, the principles of universal design;



(iv) Older persons have years of knowledge, skills and wisdom, which are invaluable assets to reduce disaster risk, and they should be included in the design of policies, plans and mechanisms, including for early warning;

(v) Indigenous peoples, through their experience and traditional knowledge, provide an important contribution to the development and implementation of plans and mechanisms, including for early warning;

(vi) Migrants contribute to the resilience of communities and societies and their knowledge, skills and capacities can be useful in the design and implementation of disaster risk reduction.

(b) Academia, scientific and research entities and networks to: focus on the disaster risk factors and scenarios, including emerging disaster risks, in the medium and long term; increase research for regional, national and local application; support action by local communities and authorities; and support the interface between policy and science for decision-making;

(c) Business, professional associations and private sector financial institutions, including financial regulators and accounting bodies, as well as philanthropic foundations, to: integrate disaster risk management, including business continuity, into business models and practices via disaster risk-informed investments, especially in micro, small and medium-sized enterprises; engage in awareness-raising and training for their employees and customers; engage in and support research and innovation as well as technological development for disaster risk management; share and disseminate knowledge, practices and non-sensitive data; and actively participate, as appropriate and under the guidance of the public sector, in the development of normative frameworks and technical standards that incorporate disaster risk management;

(d) Media to: take an active and inclusive role at local, national, regional and global levels in contributing to the raising of public awareness and understanding, and disseminate accurate and non-sensitive disaster risk, hazard and disaster information, including on small-scale disasters, in a simple, transparent, easy-to-understand and accessible manner, in close cooperation with national authorities; adopt specific disaster risk reduction communication policies; support, as appropriate, early warning systems and life-saving protective measures; and stimulate a culture of prevention and strong community involvement in sustained public education campaigns and public consultations at all levels of society, in accordance with national practices.

37. With reference to the General Assembly resolution 68/211 of 20 December 2013, commitments by relevant stakeholders are important to identify modalities of cooperation and implement this framework. Those commitments should be specific and time-bound in order to support the development of partnerships at local, national, regional and global levels and the implementation of local and national disaster risk reduction strategies and plans. All stakeholders are encouraged to publicize their commitments and their fulfilment in support of the implementation of the framework, or of the national and local disaster risk management plans, through the website of the United Nations Office for Disaster Risk Reduction (UNISDR).



VI. International cooperation and global partnership

General considerations

38. Given their different capacities as well as the linkage between the level of support provided to them and the extent to which they will be able to implement the present framework, developing countries require enhanced provisions of means of implementation, including adequate, sustainable, and timely resources, through international cooperation and global partnership for development, and continued international support, to strengthen their efforts to reduce disaster risk.

39. International cooperation for disaster risk reduction includes a variety of sources and is a critical element in supporting the efforts of developing countries to reduce disaster risk.

40. In addressing economic disparity and disparity in technological innovation and research capacity among countries it is crucial to enhance technology transfer involving a process of enabling and facilitating flows of skill, knowledge, ideas, know-how and technology from developed to developing countries in the implementation of the present framework.

41. Disaster-prone developing countries, in particular the least developed countries, small island developing States, landlocked developing countries and African countries, as well as middle-income countries facing specific challenges, warrant particular attention in view of their higher vulnerability and risk levels, which often greatly exceed their capacity to respond to and recover from disasters. Such vulnerability requires the urgent strengthening of international cooperation and ensuring genuine and durable partnerships at the regional and international levels in order to support developing countries to implement this framework in accordance with their national priorities and needs. Similar attention and appropriate assistance should also be extended to other disaster-prone countries with specific characteristics, such as archipelagic countries, as well as countries with extensive coastlines.

42. Disasters can disproportionately affect small island developing States, due to their unique and particular vulnerabilities. The effects of disasters, some of which have increased in intensity and have been exacerbated by climate change, impede their progress towards sustainable development. Given the special case of small island developing States, there is a critical need to build resilience and to provide particular support through the implementation of the outcome of the SIDS Accelerated Modalities of Action (SAMOA) Pathway⁹ in the area of disaster risk reduction.

43. African countries continue to face challenges related to disasters and increasing risks, including those related to enhancing resilience of infrastructure, health and livelihoods. These challenges require increased international cooperation and the provision of adequate support to African countries, to allow for the implementation of this framework.

⁹ General Assembly resolution 69/15, annex.



44. North-South cooperation, complemented by South-South and triangular cooperation, has proven to be key to reducing disaster risk and there is a need to strengthen cooperation in both areas further. Partnerships play an additional important role by harnessing the full potential of countries and supporting their national capacities in disaster risk management and in improving the social, health and economic well-being of individuals, communities and countries.

45. Efforts by developing countries offering South-South and triangular cooperation should not reduce North-South cooperation from developed countries as they complement North-South cooperation.

46. Financing from a variety of international sources, public and private transfer of reliable, affordable, appropriate and modern environmentally sound technology, on concessional and preferential terms as mutually agreed; capacity-building assistance for developing countries; and enabling institutional and policy environments at all levels are critically important means of reducing disaster risk.

Means of implementation

47. To achieve this, it is necessary to:

(a) Reaffirm that developing countries need enhanced provision of coordinated, sustained, and adequate international support for disaster risk reduction, in particular for the least developed countries, small island developing States, landlocked developing countries and African countries, as well as middle-income countries facing specific challenges, through bilateral and multilateral channels, including through enhanced technical and financial support, and technology transfer on concessional and preferential terms as mutually agreed, for the development and strengthening of their capacities;

(b) Enhance access of states, in particular developing countries to finance, environmentally sound technology, science and inclusive innovation, as well as knowledge and information-sharing through existing mechanisms, namely bilateral, regional and multilateral collaborative arrangements, including the United Nations and other relevant bodies;

(c) Promote the use and expansion of thematic platforms of cooperation such as global technology pools and global systems to share know-how, innovation and research and to ensure access to technology and information in disaster risk reduction.

(d) Incorporate disaster risk reduction measures into multilateral and bilateral development assistance programmes within and across all sectors, as appropriate, related to poverty reduction, sustainable development, natural resource management, environment, urban development and adaptation to climate change;

Support from international organizations

48. To support the implementation of this framework, the following is necessary:

(a) The United Nations and other international and regional organizations, international and regional financial institutions and donor agencies engaged in disaster risk reduction are requested, as appropriate, to enhance the coordination of their strategies in this regard;



(b) The entities of the United Nations system, including the funds and programmes and the specialized agencies, through the United Nations Plan of Action on Disaster Risk Reduction for Resilience, United Nations Development Assistance Frameworks and country programmes to promote the optimum use of resources and to support developing countries, at their request, in the implementation of this framework, in coordination with other relevant frameworks, such as the International Health Regulations (2005), including through the development and the strengthening of capacities, and clear and focused programmes that support the priorities of States in a balanced, well-coordinated and sustainable manner, within their respective mandates;

(c) The United Nations Office for Disaster Risk Reduction (UNISDR), in particular, to support the implementation, follow-up and review of this framework through: preparing periodic reviews on progress, in particular for the Global Platform and, as appropriate, in a timely manner with the follow-up process at the United Nations, supporting the development of coherent global and regional follow-up and indicators and in coordination, as appropriate, with other relevant mechanisms for sustainable development and climate change and updating the existing web-based Hyogo Framework for Action Monitor accordingly; participating actively in the work of the Inter-Agency and Expert Group on Sustainable Development Indicators; generating evidence-based and practical guidance for implementation in close collaboration with States, and through mobilization of experts; reinforcing a culture of prevention in relevant stakeholders, through supporting development of standards by experts and technical organizations, advocacy initiatives, and dissemination of disaster risk information, policies and practices, as well as providing education and training on disaster risk reduction through affiliated organizations; supporting countries, including through the national platforms or their equivalent, in their development of national plans and monitor trends and patterns in disaster risk, loss and impacts; convening the Global Platform for Disaster Risk Reduction and supporting the organization of regional platforms for disaster risk reduction in cooperation with regional organizations; leading the revision of the United Nations Plan of Action on Disaster Risk Reduction for Resilience; facilitating the enhancement of, and continuing to service, the Scientific and Technical Advisory Group of the International Disaster Risk Conference in mobilizing science and technical work on disaster risk reduction; leading, in close coordination with States, the update of 2009 Terminology on Disaster Risk Reduction in line with the agreed terminology by States; and maintaining the stakeholders' commitment registry;

(d) International financial institutions, such as the World Bank and regional development banks, to consider the priorities of this framework for providing financial support and loans for integrated disaster risk reduction to developing countries;

(e) Other international organizations and treaty bodies, including the Conference of the Parties to the United Nations Framework Convention on Climate Change, international financial institutions at the global and regional levels, and the International Red Cross and the Red Crescent Movement to support developing countries, at their request, in the implementation of this framework, in coordination with other relevant frameworks;



(f) The United Nations Global Compact, as the main United Nations initiative for engagement with the private sector and business, to further engage with and promote the critical importance of disaster risk reduction for sustainable development and resilience;

(g). The overall capacity of the United Nations system to assist developing countries in disaster risk reduction should be strengthened by providing adequate resources through various funding mechanisms, including increased, timely, stable and predictable contributions to the United Nations Trust Fund for Disaster Reduction, and by enhancing the role of the Fund in relation to the implementation of this framework.

(h) The Inter-Parliamentary Union and other relevant regional bodies and mechanisms for parliamentarians, as appropriate, to continue supporting, and advocating for, disaster risk reduction and the strengthening of national legal frameworks;

(i) The United Cities and Local Governments organization and other relevant bodies of local governments to continue supporting cooperation and mutual learning among local governments for disaster risk reduction and the implementation of this framework.

Follow-up actions

49. The Conference invites the General Assembly, at its seventieth session, to consider the possibility of including the review of the global progress in the implementation of this framework for disaster risk reduction as part of its integrated and coordinated follow-up processes to United Nations conferences and summits, aligned with the Economic and Social Council, the High-level Political Forum for Sustainable Development and the quadriennial comprehensive policy review cycles, as appropriate, taking into account the contributions of the Global Platform for Disaster Risk Reduction and regional platforms for disaster risk reduction and the Hyogo Framework for Action Monitor.

50. The Conference recommends to the General Assembly the establishment at its sixty-ninth session of an open-ended intergovernmental working group, comprised of experts nominated by Member States, and supported by the United Nations Office for Disaster Risk Reduction (UNISDR), with involvement of relevant stakeholders, for the development of a set of possible indicators to measure global progress in the implementation of this framework in conjunction with the work of the inter-agency expert group on sustainable development indicators. The conference also recommends that the Working Group considers the recommendations of the Scientific and Technical Advisory Group on the update of the 2009 UNISDR Terminology on Disaster Risk Reduction by December 2016, and that the outcome of its work be submitted to the General Assembly for its consideration and adoption.

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