

Annex

DRAFT DECLARATION ON THE PROTECTION OF CULTURAL HERITAGE IN UKRAINE

The Committee for the Protection of Cultural Property in the Event of Armed Conflict,

Deeply deploring the lives threatened and lost during the Russian Federation's military aggression against Ukraine,

Expressing solidarity with the people of Ukraine,

Being gravely concerned about the preservation of cultural heritage in Ukraine during the on-going Russian full-scale war against Ukraine,

Recalling UNESCO's standard setting instruments for the protection of cultural heritage, particularly the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols, the 1972 World Heritage Convention concerning the Protection of the World Cultural and Natural Heritage and the 1970 Convention on the Means of Prohibiting and Preventing the illicit Import, Export and Transfer of Ownership of Cultural Property, as well as the 2003 Convention on the Safeguarding of Intangible Cultural Heritage,

Emphasizing one of the fundamental principles of the Preamble of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict providing that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all humanity, since each people makes its contribution to the culture of the world,

Recalling UN Security Council Resolution 2347 (2017) affirming that directing unlawful attacks against sites and buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments may constitute, under certain circumstances and pursuant to international law a war crime and that perpetrators of such attacks must be brought to justice,

Recalling UN General Assembly resolution ES-11/1 of 2 March 2022 on "Aggression against Ukraine",

Recalling further UN General Assembly Resolution A/76/16, of 8 December 2021, expressing deep concern about the loss, destruction, theft, pillage, illicit removal or misappropriation and illegal export of cultural property from archaeological sites, museums, libraries, archives and other sites and any acts of vandalism or damage directed against cultural property, in particular in areas of armed conflict, including territories that are occupied, whether such armed conflicts are international or non-international,

Bearing in mind the UNESCO Declaration of 2003 concerning the Intentional Destruction of Cultural Heritage adopted by the General Conference of UNESCO at its 32nd session,

Recalling its Declaration C54/22/2.EXT.COM/3 on the protection of cultural heritage in Ukraine, adopted at its 2nd extraordinary meeting on 18 March 2022, and its respective decisions adopted at the same meeting, as well as its decisions on Ukraine adopted at its 17th meeting, on 15-16 December 2022,

Noting with deep concern that as of 6 September 2023, UNESCO has verified damage to 287 sites since 24 February 2022 - 120 religious sites, 27 museums, 107 buildings of historical and/or artistic interest, 19 monuments, 13 libraries, 1 Archive.

Recalling that, in the event of armed conflict, the strengthened protection to cultural property under enhanced protection is ensured through the higher level of immunity than other cultural property under general protection, and that, pursuant to Article 15 of the 1999 Second Protocol, acts committed by any person to intentionally make cultural property under enhanced protection the object of attack or to use cultural property under enhanced protection or its immediate surroundings in support of military action can be classified as serious violations of the international law,

Welcoming the decision of the World Heritage Committee to inscribe the Historic Center of Odesa on the World Heritage List according to the emergency procedure and on the List of World Heritage in Danger adopted at its 18th extraordinary session on January, 25, 2023,

Welcoming and adhering to UNESCO's statements of 6 July 2023, in which UNESCO condemned the attack in the buffer zone of the World Heritage property "L'viv - the Ensemble of the Historic Centre" and of 21 and 23 July 2023, in which it condemns in the strongest terms the brazen attack carried out by the Russian forces on the World Heritage site "Historic Centre of Odesa",

Welcoming the preliminary results of the UNESCO international expert mission conducted from 29 July to 1 August 2023 within the framework of the 1954 Hague Convention and its Second Protocol to assess damages inflicted on cultural and religious sites in Odesa, as a result of the ongoing Russia's war against Ukraine, and in particular of the attacks perpetrated since the 19th of July 2023,

Strongly condemns missile strikes conducted by the Russian Federation on 19 August 2023 on center of Chernihiv which is included on the Tentative List of Ukraine under the 1972 World Heritage Convention;

Deeply deplores that serious damages were caused by Russian missile strikes to historical buildings of cultural significance within the properties in L'viv, Odesa and Chernihiv;

Expresses its support to the people of L'viv, Odesa and Chernihiv and conveys its sincere condolences to the families of victims;

Urges the Russian Federation to comply with its obligations according to Article 4 of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First Protocol and recalls that intentional destruction of cultural property can be classified as a war crime;

Welcomes the request submitted by Ukraine for inscription of {Name of Properties} on the List of Cultural Property under Provisional Enhanced Protection on an emergency basis;

Also urges the Russian Federation to prevent and put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property of Ukraine, and to refrain from requisitioning movable cultural property situated in Ukraine, in accordance with Article 4 paragraph 3 of the 1954 Hague Convention and articles 1-5 of its First Protocol;

Calls the Russian Federation to fully respect international humanitarian and international human rights law, including its obligations stemming from the 1954 Hague Convention for

the Protection of Cultural Property in the Event of Armed Conflict and its First Protocol, to prevent destruction and damage to cultural heritage in Ukraine;

Also calls the Russian Federation to ratify the 1999 Second Protocol to the Hague Convention at the earliest opportunity;

Invites all Member States, UNESCO and relevant cultural heritage expert organizations to provide Ukraine, upon their request and based on their identified needs, any support or advice they may be able to give in protecting and safeguarding, including risk preparedness measures, of cultural heritage in Ukraine.