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**REPORT ON THE IMPLEMENTATION OF
THE 1954 HAGUE CONVENTION FOR THE PROTECTION
OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT
AND ITS TWO (1954 AND 1999) PROTOCOLS**

2005 – 2010

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INTRODUCTION

Article 26, paragraph 2, of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague in 1954 (hereafter “Convention”), stipulates that at least every four years the High Contracting Parties “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 fulfilment of the present Convention and of the Regulations for its execution”.

The Director-General received reports in 1962, 1965-1966, 1969-1970, 1977-1978, 1984, 1989, 1995 and, following his request, in October 1998. The Director-General then published these reports in the documents: UNESCO/CA/RBC/1/3 and Add. 1-6, SHC/MD/1 dated 19 May 1967; SHC/MD/6 dated 30 April 1970; CC/MD/41 of July 1979; CLT/MD/3 of December 1984; CC/MD/11 of December 1989; CLT-95/WS/13 of December 1995; and CLT-2005/WS/6 of 2005.

In October 2007, the Director-General again invited the High Contracting Parties to forward to him the reports referred to in Article 26 of the Convention. The Director-General also called upon those High Contracting Parties that are also Parties to the Second Protocol to forward a national report on the implementation of the Second Protocol to the Secretariat. A reminder was sent in October 2008. By 31 December 2010, the Director-General had received national reports from Australia, Austria, Azerbaijan, Bahrain, Belgium, Cambodia, Canada, Cyprus, Czech Republic, the Dominican Republic, Estonia, Finland, the Former Yugoslav Republic of Macedonia, France, Germany, Greece, the Holy See, Hungary, Iran (Islamic Republic of), Japan, Jordan, Kyrgyzstan, Latvia, Liechtenstein,¹ Lithuania, Mauritius, Mexico, Monaco, the Netherlands, Norway, Pakistan, Poland, Romania, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, the Syrian Arab Republic and Turkey.² The reports from Austria, Azerbaijan, Bahrain, Canada, Cyprus, the Czech Republic, the Dominican Republic, Estonia, Finland, Greece, Hungary, Iran (Islamic Republic of), Japan, Jordan, Lithuania, Mexico, the Netherlands, Romania, Slovakia, Slovenia, Spain and Switzerland contain information on their national implementation of the Second Protocol.³ The summary of these reports is published in the present document, together with an overview of the Secretariat's activities on the implementation up to 31 December 2010, the date on which this report was finalized.

I. HISTORICAL BACKGROUND

Adoption of the Convention

¹ A letter from the Liechtenstein Minister of Foreign Affairs dated 21 April 2010 reports that since the submission of Liechtenstein's last National Report on the Protection of Cultural Property in August 2000, there have been no major changes in the relevant legislation. Liechtenstein is, however, preparing new legislation to implement the Hague Convention and its two Protocols as part of a revision of legislation on the protection of cultural property and will submit a more substantial report reflecting legislative changes as soon as the revision of legislation on the protection of cultural property will have been put into place. This periodic report therefore refers the reader to the Report on the Implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Cultural Property in the Event of Armed Conflict and its Two 1954 and 1999 Protocols: Report on the Activities from 1995 to 2004 (CLT-2005/WS/6) concerning the reporting of Liechtenstein.

² The Danish national report on the implementation of the 1954 Hague Convention was received on February 10, 2011. This report has been appended in its entirety in Annex I of this document.

³ Reports containing information on the implementation of the provisions of the Second Protocol were also submitted by four countries not party to the Second Protocol: Latvia, Norway, Poland and Syria. As such, information regarding their reports is included in Annex II: Reports on the implementation of the provisions of the Second Protocol by countries not party to the Second Protocol. As of the date of reporting, Belgium was not party to the Second Protocol; the Second Protocol entered into force three months after Belgium's deposit of its instrument of ratification on 13 October 2010. As such, information related to Belgium's implementation of the Second Protocol is also included in Annex II.

The Convention and the Protocol for the Protection of Cultural Property in the Event of Armed Conflict (hereafter “1954 Protocol”) were adopted at an intergovernmental conference convened by the Executive Board of UNESCO in pursuant of a resolution of the General Conference. At the invitation of the Netherlands Government, this Conference was held at The Hague from 21 April to 14 May 1954.

All Member States of UNESCO, together with a number of non-Member States, as decided by the Executive Board (33 EX/Decision 8.3.1), were invited to send delegations empowered to sign international agreements. Of the 86 States thus invited, 56 were represented at the Conference.

Signature

The Convention and Protocol were open for signature (from 14 May to 31 December 1954) to all States invited to the Conference. As of the latter date, the Convention had been signed by 50 States and the Protocol by 40 States.

Entry into force

In accordance with the ratification requirements of Article 33, the Convention entered into force on 7 August 1956. This is subject, however, to the provisions of Article 33, paragraph 3, which stipulates that ratifications and accessions shall take effect immediately when the States ratifying or acceding are Parties to a conflict as defined in the Convention.

States invited to accede

Article 32 of the Convention stipulates that, from the date of its entry into force, it shall be open for accession by States that were invited to the Hague Conference, as well as by any other State invited to accede to it by the Executive Board. Availing itself of this clause, the Board adopted at its fifty-third session a resolution inviting all States that were becoming members of UNESCO and had not been invited to the Hague Conference in 1954 to accede to the Convention.

As of 31 December 2010, 123 States were party to the Convention, 100 of which were bound by the Protocol and 59 of which were party to the Second Protocol, or had deposited instruments to become party to the Second Protocol. Since the last periodic report (1995 - 2004) on the implementation of the Convention, the following ten States have become party to the Convention: Bahrain, Bangladesh, Bolivia, Chad, Chile, Japan, Mauritius, Montenegro, New Zealand, Paraguay, the United States of America and Venezuela (Bolivian Republic of). New instruments of acceptance, accession, ratification, or notification of succession of the 1954 (First) Protocol were deposited by: Argentina, Bahrain, Bangladesh, Barbados, Canada, Chile, Estonia, Japan, Montenegro, Paraguay, Portugal and Saudi Arabia. Finally, the following countries have become party to, or have deposited instruments of acceptance, accession, ratification, or notification of succession of the Second Protocol were deposited by: Armenia, Bahrain, Barbados, Belgium,⁴ Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia,⁵ Croatia, Czech Republic, the Dominican Republic, Egypt, Estonia, Georgia,⁶, Germany, Greece, Guatemala, Hungary, Iran (Islamic Republic of), Italy, Japan, Jordan, Luxembourg, Montenegro, the Netherlands, Niger, Nigeria, Paraguay,⁷ Peru, Romania, Saudi Arabia, Tajikistan and Uruguay.

⁴ Belgium deposited its instrument of ratification on 13/10/2010, which entered into force three months after the date of deposit.

⁵ Columbia deposited its instrument of accession on 24/11/2010, which entered into force three months after the date of deposit.

⁶ Georgia deposited its instrument of accession on 13/09/2010, which entered into force three months after the date of deposit.

⁷ Paraguay deposited its instrument of accession 9/11/2004, which entered into force three months after the date of deposit.

II. SECRETARIAT'S ACTIVITIES WITH RESPECT TO THE IMPLEMENTATION OF THE CONVENTION (2005 – 2010)

International List of Persons

Article 1 of the Regulations for the Execution of the Convention (hereafter "Regulations") provides that on the entry into force of the Convention, the Director-General "shall compile an international list consisting of all persons nominated by the High Contracting Parties as qualified to carry out the functions of Commissioner-General for Cultural Property". In accordance with this article, the list must also be periodically revised pursuant to requests submitted by the High Contracting Parties. Revised lists were published on 24 May 1984, 9 October 1984 and 14 October 1985. The last list was published on 12 September 1986. The review of the Convention which led to the adoption of the Second Protocol has proved the limited efficiency of the system of Commissioners-General, particularly in conflicts that are not of an international character. For this reason, the Second Protocol established the Intergovernmental Committee as the body charged with monitoring compliance with the Convention.

In December 2004, the Norwegian authorities designated Mr Nils Marstein, Director-General of the Directorate for Cultural Heritage, to carry out the functions of Commissioner-General for Cultural Property. Then, in March 2010, Mr Jørn Holme replaced Mr Marstein as the Director-General of the Directorate for Cultural Heritage and Commissioner-General for Cultural Property.

International Register of Cultural Property under Special Protection

Article 8 of the Convention provides that subject to certain conditions, "a limited number of refuges intended to shelter moveable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance" may be placed under special protection. Further, protection is granted by their entry on the "International Register of Cultural Property under Special Protection" (hereafter "Register").

Article 12 of the Regulations further stipulates that the Director-General shall maintain this Register and shall furnish copies of it to the Secretary-General of the United Nations and to the High Contracting Parties. Under Article 9 of the Convention, the High Contracting Parties "undertake to ensure the immunity of cultural property" entered on the Register by refraining 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 13 of the Regulations provides that any High Contracting Party may submit an application for the entry of cultural property on the Register.

The following entries have been added to the Register in accordance with the provisions of the Convention and Regulations:

- The whole of the Vatican City State, effective 11 March 1960;
- The Alt-Aussee Refuge in Upper Austria, effective 7 January 1968;
- Six refuges for cultural property in the Netherlands, effective 2 July 1969; and
- The Oberried Mine Drift Central Refuge in Germany, effective 26 July 1978.

In May 1993, the Executive Board adopted 141 EX/Decision 5.5.1 at its 141st session, which invited States Parties to both the Convention and the 1972 World Heritage Convention to

consider nominating sites already on the World Heritage List for inclusion on the Register. In August and September 1993, the Secretariat invited more than 40 States that had cultural or mixed sites on the World Heritage List to register these sites for special protection under the Convention. To date, no additional sites have been added to the Register.

In January 1994, authorities of the Netherlands asked the Director-General to cancel the registration of three of its six refuges listed on the Register. Such cancellation was subsequently carried out in accordance with the provisions of the Convention and the Regulations. In August 2000, the Austrian authorities asked the Director-General to cancel the entry of the Alt-Aussee Refuge in Upper Austria in the Register. The entry of this Refuge in the Register was cancelled on 12 September 2000 and, in accordance with Article 16(2) of the Regulations, a certified copy of the cancellation was despatched on 26 October 2000. The cancellation took effect on 25 November 2000. Thus, the Register currently contains one monumental complex and four refuges that are situated in the territories of three High Contracting Parties.

International and National Meetings on the Protection of Cultural Property in the event of Armed Conflict

A member(s) of the Secretariat gave presentations on different aspects of the Convention and its two (1954 and Second) Protocols at the following meetings:

- Regional Seminar, "Protection of Cultural Property in the Event of Armed Conflict: A Challenge or an Opportunity", Buenos Aires, Argentina, 2 – 4 March 2005.
- International Workshop, "Cultural Heritage Management in Times of Armed Conflict", Amman, Jordan, 15 – 17 April 2005.
- The annual meeting of the Advisory Service of the International Committee of the Red Cross, Geneva, 25 May 2005.
- The Warsaw Regional Seminar on the National Implementation of the Hague Convention, Warsaw, Poland, 2 – 4 October 2005.
- The NATO/PfP Symposium: Civil-Military Relations Seminar VIII, ETHICS (III) on The Protection of Cultural Property and Military Leadership, Vienna, Austria, 8 – 10 November 2005.
- Conference on "Protecting Cultural Heritage: International Law after the War in Iraq", Chicago, U.S.A., 3 February 2006.
- The International Workshop on the Protection of Cultural Property in Peace Support Operations, Bregenz, Austria, 18 – 22 June 2006.
- The NATO/PfP Seminar on Strategic Cultures and their Cultural Treasures, Vienna, Austria, 8 – 10 November 2006.
- International Conference, "The UNESCO Conventions in the Field of the Protection of Cultural Heritage and National Legislation of the CIS Countries", Minsk, Belarus, 26 – 28 April 2007.
- Seminar on the implementation of the 1954 Hague Convention and its two Protocols, Jajce, Bosnia and Herzegovina, 31 January – 1 February 2008.

- International Conference, “Protecting Cultural Heritage in Times of Armed Conflict (Second Protocol to the Hague Convention – How to Make it Work?)”, Tallinn, Estonia, 7 – 8 February 2008.
- Conference, “Culture Wars: Heritage and Armed Conflict in the 21st Century”, Cambridge, the United Kingdom, 11 – 13 December 2008.
- National Seminar on the implementation of the Hague Convention and its two Protocols, Beirut, Lebanon, 10 – 12 February 2009.
- Symposium for the 60th Anniversary of the Adoption of the Geneva Conventions of August 1949: Principles, Practice and Development, Beijing, China, 12 August 2009.
- Seminar on “The Regime on the International Protection of Property in the Event of Armed Conflict”, San Remo, Italy, 13 – 15 December 2009.
- Conference, “Archaeology in Conflict”, Vienna, Austria, 5 – 11 April 2010.
- International Seminar on the implementation of the 1954 Hague Convention and its two Protocols, Vienna, Austria 28 – 30 September 2010.
- International Centre for the Study of the Preservation and Restoration of Cultural Heritage Course “First Aid to Cultural Heritage in Times of Conflict”, Rome, Italy, 26 – 27 October 2010.
- Workshop on the Protection of Cultural Property in Armed Conflict, San Remo, Italy, 13 – 15 December 2010.

Dissemination of the Convention and its two Protocols

In order to make the Convention and its two Protocols better known, the Secretariat updated an Information Kit (hereafter “Kit”) on the Hague Convention and its 1954 and Second Protocols (in Arabic, Chinese, English, French, and Spanish; the Russian version is forthcoming). The Kit is being widely distributed on different occasions to target groups, such as military and cultural heritage professionals, as well as to the general public. It is also available on the Internet. Finally, following the publication of Professor Jiří Toman’s article-by-article commentary on the Convention in French in 1994, the Secretariat published the English version of the commentary in 1996, the Spanish version in 2004 and the Russian version in 2005. The English version of Professor Jiří Toman’s article-by-article commentary on the Second Protocol was published in December 2009. The preparation of the French version of the article-by-article commentary on the Second Protocol is underway.

The Secretariat also has updated a bibliography on the Hague Convention and its two Protocols. This and other information is available on the Secretariat’s updated website: <http://www.unesco.org/culture/en/armedconflict>. This website has been completely restructured to be more user-friendly.

Meetings of the High Contracting Parties to the Hague Convention

Since the fifth meeting at UNESCO Headquarters, the Secretariat has organized three other meetings of the High Contracting Parties. The sixth, seventh and eighth meetings of the High Contracting Parties to the Convention (UNESCO Headquarters, 26 October 2005, 20 December 2007 and 23 November 2009, respectively) primarily dealt with discussions between the High Contracting Parties on national implementation of the Convention and its

two Protocols and problems associated with such implementation. The final reports of those meetings are contained in documents CLT-05/CONF.207/3 (7 November 2005), CLT-07/CONF/213/3 (2 May 2008) and CLT-09/CONF/218/3 (22 December 2009). The ninth meeting of the High Contracting Parties is expected to be convened 12 December 2011.

Meetings of the Parties to the Second Protocol

Since the entry into force of the Second Protocol on 9 March 2004, three Meetings of the Parties have been held. The first Meeting of the Parties (UNESCO Headquarters, 26 October 2005) focused mainly on the election of the twelve-Member Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereafter "Committee"). The following 12 States Parties were elected by acclamation: Argentina, Austria, Cyprus, El Salvador, Finland, Greece, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Lithuania, Peru, Serbia and Montenegro and Switzerland. In accordance with Article 25, paragraph 2, of the Second Protocol, the Chairperson of the Meeting drew lots to select the six members of the Committee whose term of office would end at the close of the ordinary session of the Meeting of States Parties in 2007. As a result of the lots drawn, the members of the Committee elected to terms of four years were Austria, El Salvador, Libyan Arab Jamahiriya, Peru, Serbia and Montenegro and Switzerland. The members of the Committee elected to terms of two years were Argentina, Cyprus, Finland, Greece, Iran (Islamic Republic of) and Lithuania. The final report of this meeting is contained in document CLT-05/CONF.208/3 (17 November 2005).

The second Meeting of the Parties (UNESCO Headquarters, 20 December 2007) mainly dealt with two issues: the election of six Members to the Committee to replace those Members whose mandate expired in 2007 and the update of the elaboration of the Draft Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereafter "Draft Guidelines"). As to the election of the six Committee Members, following the presentation of candidatures (Cyprus, Finland, Greece, Lithuania, Japan and the Netherlands) for six seats on the Committee, the Chairperson proposed to elect the six members of the Committee by acclamation. This proposal was accepted by the Meeting and the six above-mentioned candidates were elected to the Committee. Thus, the Committee is comprised of the following members: six members whose mandates expire in 2009 (Austria, El Salvador, the Libyan Arab Jamahiriya, Peru, Serbia and Switzerland) and six members whose mandates expire in 2011 (Cyprus, Finland, Greece, Lithuania, Japan and the Netherlands). The final report of this meeting is contained in document CLT-07/CONF/214/4/REV (16 April 2008).

The third Meeting of the Parties (UNESCO Headquarters, 23-24 November 2009) dealt with the election of six new members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, the endorsement of the Guidelines for the Implementation of the Second Protocol that had been elaborated by the Committee during several meetings since 2007 (as detailed *infra*) and the adoption of the guidelines concerning the use of the Fund for the Protection of Cultural Property in the Event of Armed Conflict. Following a general discussion, the Guidelines were endorsed and, after some editorial amendments, the guidelines concerning the use of the Fund were adopted. The systems of enhanced protection (Chapter 3) and the granting of technical and international assistance (Chapter 7) under the Second Protocol are now in effect. States Parties are now invited to submit to the Committee requests for granting enhanced protection and technical and international assistance.

With regard to the election of Committee members, seven candidates (Argentina, Austria, the Islamic Republic of Iran, Italy, the Libyan Arab Jamahiriya, Romania and Switzerland) were presented to fill six seats to replace those members whose mandate was set to expire. Following a reminder of the relevant rules of the Rules of Procedure of the Meeting of the

Parties, the Chairperson nominated Bahrain and Mexico as two tellers. The meeting then proceeded to the first ballot of the elections. The Chairperson then pointed out that Rule 14.8 of the Rules of Procedure of the Meeting of the Parties to the Second Protocol provided that if the number of States obtaining the required majority is greater than the number of the seats to be filled, the States obtaining the greatest number of votes shall be declared elected. Consequently, the Chairperson declared that Argentina, Austria, Italy, Romania and Switzerland were elected to the Committee. Since the number of the votes obtained by the Islamic Republic of Iran and the Libyan Arab Jamahiriya was equal, the Chairperson proceeded to the second ballot between these two Parties. Having obtained the majority, the Islamic Republic of Iran was elected as the sixth member of the Committee. Thus, the Committee is composed as follows: six members whose mandate expires in 2011 (Cyprus, Finland, Greece, Lithuania, Japan and the Netherlands) and six members whose mandate expires in 2013 (Argentina, Austria, the Islamic Republic of Iran, Italy, Romania and Switzerland). The final report of this meeting is contained in document CLT-09/CONF/219/5 (14 December 2009).

The fourth Meeting of the Parties is expected to be convened 12-13 December 2011. The envisaged purposes of this meeting are to: (1) elect the six new members of the Committee to fill the vacancies created by those countries whose terms shall expire at the conclusion of 2011; (2) report to the Committee to the Meeting of the Parties; and (3) endorse the amendments to the Guidelines.

Meetings of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

First Meeting of the Committee

(26 October 2006 and 11 June 2007, respectively)

The first session of the first meeting of the Committee was held in Paris on 26 October 2006. The primary focus of this session was the consideration of the Draft Guidelines. However, in view of the late submission of the Draft Guidelines by the Secretariat and the subsequent need for Committee members and observers to consider it in detail, the Committee members decided to suspend the meeting.

The principal result of the second session of the first Committee meeting (Paris, 11 June 2007) was the mandate to form a Bureau of the Committee to begin work on the Draft Guidelines. The Bureau was to create a document elaborating four key issues: (i) the relationship between different protection regimes under the 1954 Hague Convention and its 1999 Second Protocol; (ii) the List of Cultural Property under Enhanced Protection; (iii) criteria for granting enhanced protection; and (iv) the relationship between the World Heritage List and the List of Cultural Property under Enhanced Protection. The Bureau was mandated to meet informally to identify and elaborate core issues of the Draft Guidelines.

The Bureau of the Committee held an informal working meeting in Vienna in August 2007 that resulted in a first redraft of the Draft Guidelines. The redraft took a number of issues into account, particularly focusing on the granting of enhanced protection, the List of Cultural Property under Enhanced Protection, the loss of enhanced protection and procedures regarding the suspension and cancellation of Enhanced Protection.

The Bureau of the Committee held its second informal meeting in Paris in October 2007. The Bureau considered drafting amendments to, and comments and observations on, the Draft Guidelines from several UNESCO Member States and non-governmental organizations.

Second Meeting of the Committee

(17 - 19 December 2007)

The second meeting of the Committee was held in Paris from 17 to 19 December 2007. The Committee developed Chapters 1 (Introduction), 2 (General Provisions Regarding Protection) and 3 (Enhanced Protection) of the Draft Guidelines and recommended their endorsement by the Extraordinary Meeting of the Parties, then scheduled for 2008. The Committee also decided to continue finalizing its work on the Draft Guidelines, including chapters on dissemination, monitoring and international assistance.

Third Meeting of the Committee
(4 - 6 June 2008)

The third meeting of the Committee was held from 4 to 6 June, 2008. The Committee developed Chapters 4 (Dissemination) and 5 (Monitoring the Implementation of the Second Protocol) of the Draft Guidelines, but did not elaborate Chapter 6 (International Assistance). It therefore mandated the Bureau to informally pursue its work to develop Chapter 6 instead of convening an Extraordinary Meeting of the Parties in 2008. It also invited the Bureau to prepare a progress report for the fourth meeting of the Committee regarding the following issues: identifying and prioritizing actions needed for the international implementation of the Second Protocol with special reference to the Fund, the annual work plan of the Committee, dissemination of information and elaboration of the Draft Guidelines.

Following the Committee's mandate, the Bureau held an informal meeting at UNESCO Headquarters in November 2008. This meeting resulted in a redraft of Chapter 6. The part regarding the Fund, however, was not finalized. During this meeting, the Bureau decided to hold another informal Bureau meeting to finalize Chapter 6 so that it could be submitted to the Committee during their fourth meeting. It also decided to prepare a progress report for the fourth Meeting of the Committee. The second informal meeting of the Bureau took place in Helsinki (Finland) in February 2009. This meeting resulted in the elaboration of the final version of Chapter 6 (International Assistance), a document on the Fund (the precursor to what are now the Guidelines on the use of the Fund), as well as the consideration of the progress report. The final reports of the three Committee meetings are contained in documents CLT-07/CONF/210/3 (20 June 2007), CLT-07/CONF/212/4/REV (4 April 2008) and CLT-07/CONF/204/4 (15 September 2008).

Fourth Meeting of the Committee
(27 - 29 May 2009)

The Fourth Meeting of the Committee, which took place from 27 to 29 May 2009, was preceded by a one-day informal meeting of the Committee Bureau. It fully elaborated and completed Chapter 6 of the Draft Guidelines. It also developed the Financial Regulations for the Fund and the guidelines for the use of the Fund. The Meeting took note of the progress report (document CLT-09/CONF/214/1) prepared by the Bureau. The fourth meeting decided, among other things, to recommend to the third Meeting of the Parties the endorsement of the Draft Guidelines in their entirety. To ensure the formal coherence of the Draft Guidelines, the meeting decided to hold an extraordinary meeting on 2 September 2009.

Extraordinary Meeting of the Committee
(2 September 2009)

This meeting, which took place on 2 September 2009, approved the Draft Guidelines as edited.

Fifth Meeting of the Committee
(22 - 24 November 2010)

The main tasks of this meeting were the election of the Bureau and, for the first time, the consideration of eleven requests for enhanced protection. The following Bureau was elected: Mr Nout van Woudenberg (the Netherlands) - Chairperson; Mr Noritsugu Takahashi (Japan) Rapporteur; the Islamic Republic of Iran, Italy, Romania and Switzerland - Vice-Chairpersons. The Committee also considered several documents: report of the Bureau to the Committee; national reports on the implementation of the Second Protocol; the report on the implementation of the Guidelines for the Implementation of the Second Protocol; a document on the consideration of possible synergies between the Second Protocol and other UNESCO instruments and programmes; a proposal concerning a database; and a reduction of the number of working languages used by the Committee (*i.e.*, amending Rule 33 of the Rules of Procedure of the Committee). Following their consideration, the Committee decided to amend the Guidelines and submit the amendments, as contained in the Annex to the decisions of the meeting, for endorsement to the fourth Meeting of the Parties in 2011. It also requested the Secretariat present the results of the information analysis and feasibility study (and recommendations) of the proposed database at its Sixth Meeting, as well as provide a report on the obligation of the Parties to implement Chapter 4 of the Second Protocol in their national legislation as addressed in paragraph 39 of the Guidelines for the Implementation of the Second Protocol.

After considering in depth each of the eleven requests for enhanced protection, the Committee adopted decisions to enter the following four cultural properties on the List of Cultural Property under Enhanced Protection, thereby granting them enhanced protection:

- Choirokoitia (Republic of Cyprus)
- the Painted Churches in the Troodos Region (Republic of Cyprus)
- Paphos (Site I: Kato Paphos town; Site II: Kouklia village) (Republic of Cyprus)
- Castel del Monte (Italy)

Further, the Committee decided to refer back to Azerbaijan the requests for enhanced protection for the following cultural properties: Atashgah Fire-worshippers temple, Momina-khatun Turbasi (the Mausoleum of Momina-khatun), Sheki Khan Sarayi (The Palace of the Sheki Khan) and The Mausoleum of Yusuf ibn Kuseyir (Yusuf son of Kuseyir). It similarly decided to refer back to Lithuania the request for enhanced protection for the cultural property of Kernavé Archaeological Site (Cultural Reserve of Kernavé). Regarding the requests for enhanced protection of Azerbaijan for the cultural properties of the Walled City of Baku (including Shirvanshahs' Palace and Maiden Tower) and Gobustan Rock Art Cultural Landscape, the Committee adjourned the debates until the sixth Meeting of the Committee and encouraged Azerbaijan to submit any supplemental information as necessary. It also noted the withdrawal of the request for enhanced protection by the Dominican Republic for the cultural property of the Colonial City of Santo Domingo.

The sixth meeting of the Committee is scheduled to take place from 14 – 16 December 2011. The envisaged purposes of this meeting are:

- to consider requests for the granting of enhanced protection;
- to examine the information analysis and feasibility study for the possible establishment of a database;
- to analyze the report on the obligation of the Parties to implement Chapter 4 of the Second Protocol; and,

- to consider amending the Rules of Procedure of the Committee.

1. Consideration of requests for the granting of enhanced protection

Following the amendments to the Guidelines for the implementation of the Second Protocol to the Hague Convention, which provide for a timeframe beginning and ending 1 March of each year for the submission of requests for the granting of enhanced protection, the Secretariat has received by that deadline additional information concerning one request each from Azerbaijan (The Walled City of Baku, including Shirvanshahs' Palace and Maiden Tower) and Lithuania (Kernavé Archeological Site (Cultural Reserve of Kernavé)). No other request was received by the 1 March 2011 deadline.

The Secretariat is currently evaluating such information related to these requests.

2. Document on the information analysis and feasibility study for the possible establishment of a database

The fifth Meeting of the Committee (UNESCO Headquarters, 22 - 24 November 2010) requested the Secretariat to undertake an information analysis and feasibility study for the establishment of a database that would enable the Parties to voluntarily exchange information concerning legislation, jurisprudence and other matters relevant to the implementation of the Second Protocol, and to present the results of this information analysis and feasibility study (and recommendations) to the sixth Meeting of the Committee. The Secretariat prepared a document setting out all relevant information for the set-up of such database, as well as its recommendations related to this matter.

3. Report on the obligation of the Parties to implement Chapter 4 of the Second Protocol

The fifth Meeting of the Committee requested the Secretariat to provide a report on the obligation of the Parties to implement Chapter 4 of the Second Protocol in their national legislation, as addressed in paragraph 39 of the Guidelines for the Implementation of the Second Protocol to the Hague Convention. The Secretariat prepared such a document for consideration by the Committee.

4. Amendments to the Rules of Procedure of the Committee

The Secretariat prepared a document proposing changes to the Rules of Procedure of the Committee regarding the following issues:

- submission of items to the provisional agenda of the meeting;
- formalization of the practice of organizing meetings of the Bureau of the Committee between Committee meetings;
- number of working languages of the Committee; and
- modalities of the dispatch of working documents.

III. COOPERATION WITH INTERNATIONAL INSTITUTIONS

III. (i). COOPERATION WITH THE UNITED NATIONS AND NATO

The United Nations

At the sixth meeting of the States Parties to the Convention (UNESCO Headquarters, 26 October 2005), the High Contracting Parties invited the Director-General of UNESCO to submit to the United Nations a proposal aimed at ensuring compliance with the Convention and its two Protocols by armed forces engaged in peacekeeping operations under UN mandate. Following the submission of the draft leaflet “Protection of Cultural Property – Basic Instructions” to the UN Department of Peacekeeping Operations, the Secretariat was informed that the issue of the protection of cultural property during peacekeeping operations is adequately reflected in existing UN documents, such as the 1999 Secretary-General’s Bulletin, “Observance by United Nations forces of international humanitarian law”, or additional guidance issued by the Department of Peacekeeping Operations based on specific requirements of peacekeeping operations.

NATO

At this same meeting, the High Contracting Parties also invited the Director-General to submit to NATO a proposal aimed at ensuring compliance with the Convention and its two Protocols by armed forces engaged in peacekeeping operations under NATO mandate. Further to these exchanges with NATO, the Secretariat was informed that NATO military personnel are guided by the relevant principles protecting cultural property under international law. In addition, when drafting Directives and Rules of Engagement, due attention is given, where appropriate, to extend proper protection to cultural property.

III. (ii). COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (hereafter “ICTY”)⁸

Following the atrocities that occurred during and following the break-up of the Socialist Federal Republic of Yugoslavia, the United Nations Security Council established the ICTY on 25 May 1993, as an effective measure to deter the commission of widespread violations of international humanitarian law, bring those responsible to justice and contribute to the restoration and maintenance of peace (Resolution 827 (1993)).

In addition to the criminalisation of conduct that results in damage to, or destruction of, cultural property in Article 2 of the ICTY Statute, which pertains to grave breaches of the Geneva Conventions of 1949, the ICTY has also held—through its case-law in 2004-2009—that the destruction of cultural property is punishable as a violation of the laws or customs of war under Article 3 of the ICTY Statute.

Article 3(d) Violations of the laws or customs of war

The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to:

[...]

(d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science. . . .

The Appeals Chamber in *Kordić & Čerkez* (ICTY, *Prosecutor v. Dario Kordić and Mario Čerkez, Judgment*, 17 December 2004) found that not all educational institutions listed in Article 3(d) of the ICTY Statute would qualify as cultural property; rather, the assessment of whether an education institution was cultural property had to be made upon the circumstances of the specific case before it. The Appeals Chamber reasoned that, although

⁸ The Secretariat wishes to thank the ICTY for all of the information provided in this part.

the 1907 Hague Convention (IV) respecting the Laws and Customs of War on Land was considered as being part of international customary law in the Report of the Secretary-General (which accompanied the ICTY Statute), it does not explicitly refer to buildings dedicated to education. However, Article 52 of Additional Protocol I relates to schools, places of worship and other civilian buildings; Article 23(g) of the Hague Regulations prohibits the destructions of an enemy's property, unless such destruction is imperatively demanded by the necessities of war. Because these instruments had become part of customary international law, the Appeals Chamber found that the destruction of educational buildings was prohibited under customary international law at the time of the events that were the subject of the indictment (*Kordić*, paragraph 92).

In *Hadzihasanović* (ICTY, *Prosecutor v. Enver Hadzihasanović and Amir Kubura, Rule 98 bis Appeal Decision*, 11 March 2005), the ICTY Appeals Chamber referred to Article 19 of the Convention, which stipulates that in "the event of an armed conflict not of an international character [...] each party to the conflict shall be bound to apply, as a minimum, the provisions of the [...] Convention which relate to respect for cultural property." The Appeals Chamber agreed with the Trial Chamber's holding that Article 19 had also attained the status of customary international law with respect to non-international armed conflicts and is not limited to international armed conflicts. Thus, the Appeals Chamber reasoned, because the protection of cultural property by customary international law embodied in Article 3(d) is derived from conventional law that applies in both situations of international as well as non-international armed conflict, it follows that Article 3(d) applies in both situations of armed conflict (*Hadzihasanović*, paragraphs 44-46).

In the *Strugar* Trial Judgment (ICTY, *Prosecutor v. Pavle Strugar, Judgment*, 31 January 2005), the Trial Chamber observed, in relation to the seriousness of the offence of damage to cultural property under Article 3(d) of the ICTY Statute, that such property is, by definition, of "great importance to the cultural heritage of every people" (paragraph 232). The Trial Chamber quoted at paragraph 232 the *Jokić* Trial Judgment (ICTY, *Prosecutor v Miodrag Jokić, Judgment*, 18 March 2004), which stated that "since it is a serious violation of international humanitarian law to attack civilian buildings, it is a crime of even greater seriousness to direct an attack on an especially protected site, such as the Old Town [of Dubrovnik]."

In order to define the elements of the offence in question, the *Strugar* Trial Judgment adopted at paragraph 302 the conclusion of the *Kordić & Čerkez* Trial Judgment that, while this offence overlaps to some extent with the "unlawful attacks on civilians objects", when an attack is directed against cultural heritage, the provision of Article 3(d) of the ICTY Statute applies as *lex specialis*. However, the Trial Chamber noted at paragraph 308 of its Judgment that a requisite element of the crime provided for in Article 3(d) of the ICTY Statute is actual damage or destruction occurring as a result of an act directed against property. The Trial Chamber thus found that the crime in question under Article 3(d) is proven when: (i) the act has caused damage or destruction to property which constitutes the cultural or spiritual heritage of peoples; (ii) the damaged or destroyed property was not used for military purposes at the time when the acts of hostility directed against these objects took place; and (iii) the act was carried out with the intent to damage or destroy the property in question.

At paragraph 307, the Trial Chamber further pointed out that the Convention protects property "of great importance to the cultural heritage of every people" and the Additional Protocols to the Geneva Conventions refer to "historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples." The rationale underlying both instruments was therefore essentially the same.

Further, the *Strugar* Trial Judgment concluded that the protection accorded to cultural property is lost where such property is used for military purposes. In this sense, "it is the use

of cultural property and not its location that determines whether and when the cultural property would lose its protection.” (*Strugar*, paragraph 310). The Trial Chamber therefore considered

that the special protection awarded to cultural property itself may not be lost simply because of military activities or military installations in the immediate vicinity of the cultural property. In such a case, however, the practical result may be that it cannot be established that the acts which caused destruction of or damage to cultural property were ‘directed against’ that cultural property, rather than the military installation or use in its immediate vicinity. (*Ibid.*).

The Appeals Chamber in the *Strugar* Appeal Judgment (ICTY, *Prosecutor v. Pavle Strugar, Judgment*, 17 July 2008) confirmed the elements discussed above.

In the *Hadzihasanović & Kubura* Trial Judgment (ICTY, *Prosecutor v. Enver Hadzihasanović and Amir Kubura, Judgment*, 15 March 2006), the Chamber considered that

the provisions of the Hague Convention of 1954 and the Additional Protocol dealing with cultural property have scopes of application different from Article 3(d) of the Statute. Unlike the Statute, Article 53 of Additional Protocol I and Article 1 of The Hague Convention of 1954 afford protection solely to property which ‘constitute[s] the cultural or spiritual heritage of peoples’ or which is ‘of great importance to the cultural heritage of every people’. (*Ibid.*, paragraph 61).

The Chamber was further of the opinion

that to constitute an offence punishable by Article 3 of the Statute, the destruction of or damage to institutions dedicated to religion need not be carried out in the context of military action. It is sufficient for the offence stipulated in Article 3(d) of the Statute to be closely linked to the hostilities. (*Ibid.*, paragraph 62).

The Trial Chamber finally noted that

while civilian property is afforded general protection under customary international law, special attention is paid to certain property, namely religious buildings, owing to their spiritual value. Because those values go beyond the scope of a single individual and have a communal dimension, the victim here must not be considered as an individual but as a social group or community. The Chamber considers that the destruction of or damage to the institutions referred to in Article 3(d) of the Statute constitutes grave breaches [...] when the destruction or damage is sufficiently serious to constitute desecration [;] the seriousness of the crime of destruction of or damage to institutions dedicated to religion must be ascertained on a case-by-case basis, and take much greater account of the spiritual value of the damaged or destroyed property than the material extent of the damage or destruction. (*Ibid.*, paragraph 63).

In the *Brđanin* Appeals Judgment (ICTY, *Prosecutor v. Radoslav Brđanin, Judgment*, 3 April 2007), the Appeals Chamber recalled that, with respect to religious buildings used for military purposes,

the Prosecution must establish that the destruction in question was not justified by military necessity; this cannot be presumed. Determining whether the Prosecution has fulfilled its burden of proof in a particular case necessarily requires that the trier of fact, considering all direct and circumstantial evidence, assess the factual context within which the destruction occurred. Determining whether destruction occurred pursuant to military necessity involves a determination of what constitutes a military objective.

Article 52 of Additional Protocol I contains a widely acknowledged definition of military objectives as being limited to ‘those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage’ (Ibid., paragraph 337).

In the *Martić* case, (ICTY, *Prosecutor v. Milan Martić, Judgment*, 12 June 2007), the Trial Chamber found that the following elements must be met in order to convict on the basis of Article 3(d) of the ICTY Statute: (i) the act has caused damage to, or destruction of, an institution dedicated to religion or education; (ii) the damaged or destroyed institution was not used for military purposes at the time of the act; and (iii) the act was carried out with intent to destroy or damage, or in reckless disregard of the likelihood of the destruction or damage to the institution in question (compare with *Strugar* Trial Judgment above).

Referring to previous cases, the *Martić* Trial Chamber, however, clarified at paragraph 97 that Article 3(d) of the Statute

is considered as comprising of two types of protection for cultural, historical, and religious monuments: general protection and special protection. General protection applies to civilian objects, that is, all objects which are not military objects. Special protection is granted to ‘historic monuments, works of art, and places of worship, provided they constitute the cultural or spiritual heritage of peoples’. The ‘cultural or spiritual heritage of peoples’ covers ‘objects whose value transcends geographical boundaries, and which are unique in character and are intimately associated with the history and culture of a people’. Thus, special protection does not encompass all the buildings or institutions dedicated to education or religion.

The ICTY has also held that the destruction of cultural property is punishable as a crime against humanity under Article 5 of the ICTY Statute.

Article 5(h) Crimes against humanity

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:
[...] (h) persecutions on political, racial and religious grounds [...]

The distinctive feature of persecution is its *mens rea*, i.e., the intent of the perpetrator to discriminate on political, racial and religious grounds. The *actus reus* of the crime of persecution as a crime against humanity is constituted by an underlying act which discriminates in fact and violates a fundamental right laid down in customary international law or treaty law. While this ‘underlying act’ itself need not constitute a crime in international law, the violation must attain an equal level of gravity to the crimes enumerated in Article 5 of the ICTY Statute. Thus, for damage inflicted on cultural property to qualify as persecution, the widespread or systematic attack must be: (i) directed against a civilian population; (ii) carried out on one of the discriminatory grounds listed; and (iii) represent a denial of a fundamental human right.

The Trial Chamber in *Martić* (above) confirmed previous jurisprudence according to which the underlying acts of persecution comprise destruction of cultural institutions, historic monuments and sacred sites (*Martić*, paragraph 119). In paragraph 363, the Trial Chamber concluded that, within the overall attack by Serb forces against non-Serb targets, the destruction of private houses and of the Catholic church in a Croat-majority village was carried out with “discriminatory intent”. The attacks thus amounted to persecution.

On appeal (ICTY, *Prosecutor v. Milan Martić, Judgment*, 8 October 2008), Martić contested the purpose of the attack on the village of Kijevo. In response to Martić's submission that the destruction of a church was due to its being used as a bell-tower for machine guns, the Appeals Chamber considered the legitimacy of attacking a church:

The [...] Trial Chamber [relied] upon the evidence that the church was attacked as part of a pattern of persecutions against the non-Serb population of Kijevo. In relying upon the evidence for this purpose, the Trial Chamber did not consider whether the church was a legitimate military target and disregarded the evidence that it might have been a legitimate military objective. The Appeals Chamber finds that in so doing, the Trial Chamber erred as this evidence was "clearly relevant to the findings" in question. However, as the Appeals Chamber considers that the destruction of the church was not a decisive factor in the overall findings of the Trial Chamber on persecution, which included findings of torching of civilian buildings, looting and the effect of the ultimatum on the civilian population of Kijevo and other villages, the error of the Trial Chamber is not such as to warrant the interference of the Appeals Chamber (*Martić (Appeals Chamber Judgment)*, paragraph 98).

In *Krajišnik* (ICTY, *Prosecutor v. Momčilo Krajišnik, Judgment*, 27 September 2006), the Trial Chamber found that the destruction of cultural monuments and sacred sites could be considered a form of persecution and thus a crime against humanity. This is an example of an ICTY judgment in which destruction of cultural property formed a major part of the evidence used to prove the intent to persecute specific groups. The Trial Chamber held that "as the monuments and sites were Muslim and, in some instances Croat, the Chamber finds that destruction was discriminatory in fact", that "the Muslim and Croat monuments and sites were targeted specifically as religious symbols for the respective ethnic groups" and that "Serb forces destroyed mosques in order to wipe out traces of the Muslim culture and religion" (*Ibid.*, paragraph 838). Finally, the Trial Chamber found "that the destruction of cultural monuments and sacred sites was part of the widespread and systematic attack against the Muslim and Croat civilian population." It thus found that "the destruction of cultural monuments and sacred sites constituted persecution as a crime against humanity." (*Ibid.*, paragraph 840).

In the *Milutinović et al.* Trial Judgment (ICTY, *Prosecutor v. Milan Milutinović et al., Judgment*, 26 February 2009), the Trial Chamber analysed the law in relation to damage to or destruction of religious and cultural property as a form of persecution under Article 5(h) of the ICTY Statute, agreeing with the *Kordić & Čerkez* Trial Chamber that destruction of religious property amounts to "an attack on the very religious identity of a people" and, as such, manifests "a nearly pure expression" of the notion of crimes against humanity." (*Milutinović*, volume 1, paragraph 205). The Trial Chamber articulated the *actus reus* of wanton destruction or damage of religious sites and cultural monuments as a form of persecution, a crime against humanity, as follows: (i) the religious or cultural property must be destroyed or damaged extensively; (ii) the religious or cultural property must not be used for a military purpose at the time of the act; and (iii) the destruction or damage must be the result of an act directed against this property. (*Ibid.*, paragraph 206). The *mens rea* required for the offence is that the accused acted with the intent to destroy or extensively damage the property in question, or in reckless disregard of the likelihood of its destruction or damage (*Ibid.*).

In applying these legal standards to the armed conflict in Kosovo in 1999, the Trial Chamber, based upon the evidence adduced at trial, ultimately concluded that four mosques were destroyed by the forces of the FRY and Serbia—those in Orahovac/Rahovec, Celina (*Ibid.*, volume 2, paragraph 1209); Suva Reka/Suhareka (*Ibid.*, paragraph 1218); Vučitrn/Vushtrria (*Ibid.*, paragraph 1234); and Vlačica/Llashtica (*Ibid.*, paragraph 1249)—and that these offences fell into the category of persecution. In analysing the individual criminal

responsibility of the accused for the destruction of these mosques, the Chamber found that it was reasonably foreseeable to three of the accused that the forces of the FRY and Serbia would commit wanton destruction or damage of Kosovo Albanian religious sites, cultural monuments and Muslim sacred sites during their forcible displacement of the Kosovo Albanian population. This was the case because: (i) the accused had detailed knowledge of events on the ground in Kosovo during the armed conflict; (ii) the conflict was one that involved ethnic divisions; and (iii) the common purpose of the joint criminal enterprise was to be achieved through a campaign of terror and violence against the Kosovo Albanian civilian population (*Ibid.*, volume 3, paragraphs 473, 786, 1136).

IV. SPECIFIC COUNTRY ACTIVITIES

Afghanistan

Following the pillage of cultural heritage objects in Afghanistan resulting from the recent conflict, notably the losses suffered by the National Museum in Kabul, the Secretariat assisted dealers, museum curators, police forces and potential purchasers regarding the provenance of certain cultural objects for sale that might have originated in that country. The objects stolen from the Kabul Museum were entered into Interpol's internet database in 2004 and are hence accessible to all police forces.

UNESCO has worked with the following organizations with the aim of safekeeping recovered Afghan cultural objects: the Society for the Preservation of Afghanistan's Cultural Heritage (SPACH), the Japanese Cultural Heritage Foundation (previously presided by the late Professor Ikuo Hirayama) in Japan, the Archaeological Museum in Lattes/Montpellier (France) and the former Swiss Afghanistan Museum-in-Exile in Bubendorf (Switzerland). One of the main focuses of UNESCO's efforts is to provide protective custody for Afghan cultural objects found on the international market and, in particular, objects stolen from museums or found during recent illicit excavations. Such objects will be returned to Afghanistan as soon as the situation permits; for instance, the objects once held in Switzerland at the Swiss Afghanistan Museum-in-Exile were returned to the Kabul Museum in 2007.

Following the request of the Afghan authorities for UNESCO to play a coordinating role in all international activities aimed at the safeguarding of Afghanistan's cultural heritage, UNESCO established in 2002 an International Coordination Committee, composed of Afghan and leading international experts from the most important donor countries and organizations providing funds or scientific assistance to the safeguarding of Afghanistan's cultural heritage. This Committee identified the prevention of illicit excavations and the fight against illicit traffic of cultural property as two of its priorities. UNESCO supports the efforts of the Afghan Government in this field.

Azerbaijan and Armenia

The Government of Azerbaijan has informed the Secretariat of its concern over the protection of cultural property in Nagorno-Karabakh and other occupied territories adjacent to Nagorno-Karabakh, and has requested the dispatch of a fact-finding mission. The Secretariat, however, has been prevented from sending a mission to verify the state of cultural property in the area due to the security situation; specialized agencies of the United Nations and other bodies (*e.g.*, Council of Europe) have similarly not been able to enter these territories. The Secretariat is nonetheless ready to dispatch an expert mission once an agreement on the terms of reference for such a mission can be reached by Armenia and Azerbaijan and security clearance can be given.

Georgia and the Russian Federation

Following the conflict in September 2008, both Georgia and the Russian Federation contacted the Secretariat to report damage to or destruction of several historical, cultural and religious monuments in the South Ossetia region. The Secretariat responded to both States by acknowledging their communication and reminding them of their obligations to comply with the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereafter “Hague Convention”), the 1954 Protocol to the Hague Convention and the World Heritage Convention.

Iraq

The International Coordination Committee (hereafter, the “ICC”) held their Third Special Session on the Archaeological Site of Babylon in Paris on 12 November 2007. The damage that occurred to the Babylon site as a result of military operations (*i.e.*, damage both before and since 2003) and future preventative measures against damage and looting were discussed. The Committee agreed on the following recommendations:

- That the International Coordination Committee for the Safeguarding of the Cultural Heritage of Iraq recognize the steps already undertaken by the experts during the three Special Sessions on Babylon and establishes an ICC sub-committee for the protection, conservation and management of the archaeological site of Babylon. The ICC sub-committee should benefit from the participation of select Iraqi officials, specialists in urban planning, hydrology, environmental ecology, landscape architecture, cultural resources and conservation.
- The State Board of Antiquities and Heritage (hereafter “SBAH”) reports should be completed and presented for review at the working meeting in Berlin in June 2008.
- SBAH should investigate and report on the archaeological implications of the disturbed areas and a comprehensive conservation and management plan for the site should be prepared with a view to its nomination for inscription on the UNESCO World Heritage List.
- SBAH should undertake and report on urgent conservation work.
- The provisions of the Iraqi Antiquities Law should be observed at the Babylon site.

The following recommendations were proposed during The International Coordination Committee meeting at UNESCO Headquarters on 13 and 14 November 2007:

- to ban trade or transfer of Iraqi cultural property (in application of UNSC Resolution 1483 of 22 May 2003);
- to encourage Member States to conserve recovered properties in safe places, under the auspices of UNESCO and/or diplomatic missions, with a view to their restitution to Iraq; and
- to inform the international community (notably decision makers, art market professionals and museum staff) of their responsibilities and the risk of penal sanctions in case of illicit traffic of Iraqi cultural property.

After this Committee meeting, the Secretariat began planning an international awareness-raising campaign against the traffic of cultural property and, in particular, of Iraqi cultural heritage. As part of this campaign, awareness-raising letters were sent to UNESCO Member States, Iraq’s neighbouring countries and important actors in the art market.

The 4th Session took place on the 12th and 13th January 2010 at UNESCO Headquarters. The Programme of 4th ICC was built around four major discussion topics. Three topics were organized as round table discussions with key speakers, panellists and open discussion. The topics of those Round Tables were:

- Historic Cities and Urban Development;
- The Museum Sector in Iraq;
- Fighting against Looting and Illicit Trafficking of Cultural Property.

The fourth working session was dedicated to the intangible heritage of Iraq.

The members of the ICC praised the achievements of the Government of Iraq, under the prevailing circumstances, in protecting and rehabilitating the Iraqi cultural heritage. They emphasized as well the dedication of the Iraq's SBAH, the organization in Iraq that is mandated with protecting, preserving and studying Iraq's rich tangible cultural heritage, as well as the efforts of all other cultural institutions in Iraq.

The experts' contributions during the debates was well acknowledged by the Iraqis, and they also stressed that UNESCO should continue to act as an international coordinator for the purpose of protecting, conserving and promoting the precious cultural heritage of the country, aptly described by the KRG Minister of Culture and Youth as "representing the identity of this country...a beautiful combination of different cultural spectra, Kurdish, Arabic, Yezidi, Mandaean and Turkoman."

At the end of the sessions, the Members of the ICC agreed upon twenty recommendations with a view to the themes of the meeting. Key among these was to improve the coordination and communication among the various governmental institutions at national and local levels, and in particular between the SBAH and local authorities.

The closure of the ICC was followed by an official ceremony for the signature of two important agreements related to the conservation and restoration of archaeological sites and historical districts of Iraqi cities.

The first involves a Memorandum of Understanding, signed by the Director of UNESCO Iraq Office, Mr. Mohamed Djelid and Mr. Ahmed A. Krayem, Deputy Governor of Salah Al-Din, to develop a conservation management plan for the city of Samara that ensures the conservation of the historic urban centre, balancing the needs of the community with those of the visitors of the Holy sites.

The Director of the Office also signed with Mr. Salman Naser Al-Zarqani, Governor of Babylon a Letter of Intent confirming both partners' commitment to the joint initiative "Restoration of the Babylon site". The Parties thereby agreed on the activities they will respectively and jointly undertake to ensure the conservation and restoration of the Babylon site, with the principal objective being its eventual inclusion on the World Heritage List.

Other activities related to Iraq have included the Secretariat's preparation a film on UNESCO and its partners' activities in the fight against illicit trafficking of cultural objects; part of this effort was directed at seeking financial support from donors to launch two additional awareness-raising projects with a similar focus: (i) a campaign on the protection of cultural heritage disseminated in airports, airplanes and through various media; and (ii) a game for children with the theme of protecting Mesopotamian cultural heritage.

A training workshop was organized in cooperation with the Bagdad Office in June 2007 (for Iraqi participants and bordering countries) and a second training phase took place in November 2008 that was offered to Iraqi participants only. This second phase included legal training, operational training particularly designed for customs officers from Iraq and neighbouring countries and a training session on creating inventories of cultural property. The November 2008 legal and operational training workshops were funded through extra-budgetary projects; the UNESCO Office for Iraq translated into Arabic several working documents, as well as national and international legal documents.

The UNESCO Office for Iraq also offered technical assistance on the issue of the sale of cultural objects on the internet, as well as on several cases of return and restitution (e.g., Hatra Head discovered in Beirut). This office also funded the participation of an Iraqi expert in the Athens International Conference on the Return of Cultural Objects to its Countries of Origin.

Finally, the UNESCO Office for Iraq prepared the revision of the Iraqi Antiquity Law in line with international standards; as of late June 2009, the UNESCO Office for Iraq needed to assess the applicable complementary national measures.

V. CUSTOMARY HUMANITARIAN INTERNATIONAL LAW (ICRC Study)

In 2005, the Cambridge University Press published in English a two-volume study on Customary International Humanitarian Law that was conducted by the International Committee of the Red Cross. Volume I focuses on the summary of rules related to the conduct of hostilities (Rules 38, 39, 40 and 41). Rules 38, 39 and 40 are applicable in the event of both international and non-international conflicts; Rule 41 is applicable only in the event of international armed conflict. Volume II, Practice (Part 1) references relevant treaty provisions, national practices and the practices of international organisations such as the United Nations.

Rules 38, 39, 40 and 41 are reproduced below.

Rule 38. Each party to the conflict must respect cultural property:

A. Special care must be taken in military operations to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments unless they are military objectives.

B. Property of great importance to the cultural heritage of every people must not be the object of attack unless imperatively required by military necessity.

Rule 39. The use of property of great importance to the cultural heritage of every people for purposes which are likely to expose it to destruction or damage is prohibited, unless imperatively required by military necessity.

Rule 40. Each party to the conflict must protect cultural property:

A. All seizure of or destruction or wilful damage done to institutions dedicated to religion, charity, education, the arts and sciences, historic monuments and works of art and science is prohibited.

B. Any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, property of great importance to the cultural heritage of every people is prohibited.

Rule 41. The occupying power must prevent the illicit export of cultural property from occupied territory and must return illicitly exported property to the competent authorities of the occupied territory.

VI. LIST OF ISSUES USED FOR THE PREPARATION OF NATIONAL REPORTS

With a view to systemizing the information received by the High Contracting Parties to the Convention, the Secretariat compiled a list of issues that the national authorities may wish to take into account when preparing their national reports. This list is intended only as a guide; information concerning other aspects of implementation is welcome.

I. National reports on the implementation of the 1954 Hague Convention

1. Article 3 – Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt the relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict. Please inform the Secretariat of such measures either already undertaken or contemplated.

2. Article 7 – Military measures

This Article provides for the obligation of the High Contracting Parties to introduce into their military regulations or instructions such provisions as may ensure observance of the Convention. The High Contracting Parties also undertake thereby to establish, within their armed forces, services whose purpose will be to secure respect for cultural property. Please inform the Secretariat whether such services exist in your country.

3. Chapter V – The distinctive emblem

Does your country mark cultural property with the distinctive emblem of the Convention? If not, for what reasons?

4. Article 25 – Dissemination of the Convention

Knowledge of the laws of armed conflict is of capital importance for civilian and military personnel required to apply them. Please inform the Secretariat about the manner in which the provisions of the Convention and the Regulations for its execution are being disseminated in your country and within your military.

5. Article 26(1) – Official translations

To date, the Secretariat has received 22 official translations of the Convention and of the Regulations for its execution (Arabic, Bulgarian, Czech, Dutch, English, Farsi, Finnish, French, German, Greek, Hebrew, Hungarian, Italian, Kyrgyz, Polish, Romanian, Russian, Serbo-Croatian, Slovak, Slovenian, Spanish and Thai). If an official translation in the language of your country has not yet been received by the Secretariat, we should be grateful if you would kindly provide us with a copy.

6. Article 28 – Sanctions

This Article provides for the obligation of the High Contracting Parties 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 Convention. Please inform the Secretariat how this

provision has been taken into account in your penal code. We also request that you provide the Secretariat with a copy of the relevant provision(s) in English or French, if possible.

7. 1954 (First) Protocol

The Protocol provides for the obligation of the High Contracting Parties to prevent the exportation of cultural property from a territory occupied by it and requires the return of such property to the territory of the State from which it was removed. Please inform the Secretariat whether the provisions of the 1954 Protocol have been applied by your country.

8. Resolution II of the 1954 Hague Conference

Please inform the Secretariat whether there is a national advisory committee in your country in accordance with the hope expressed by the Conference in Resolution II. If so, please provide the Secretariat with relevant background information.

II. National reports on the implementation of the 1999 Second Protocol to the 1954 Hague Convention

1. Article 5 – Safeguarding of cultural property

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing some examples of peacetime preparatory measures, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property. Please inform the Secretariat of any measures that have already been undertaken, are in the process of being undertaken or are envisaged.

2. Chapter 3 – Enhanced protection

Please inform the Secretariat whether your country considers the possibility of nominating cultural property for enhanced protection and, in particular, those cultural sites inscribed in the World Heritage List complying with the criteria of Article 10.

3. Article 15 – Serious violations of this Protocol

This article provides for the obligation to establish as a criminal offence under domestic laws of the Parties five categories of offences enumerated in paragraph 1 of this article and to make them punishable. Please inform the Secretariat how this provision was implemented in your national relevant legislation and provide the Secretariat, if possible, with a copy of such legislation in English or French.

4. Article 16 – Jurisdiction

This article provides for the obligation of the Parties to take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15. Please inform the Secretariat how this provision was implemented in your national relevant legislation and provide the Secretariat with a copy of such legislation in English or French, if possible.

5. Article 21 – Measures regarding other violations

Article 21 provides for the obligation of the Parties to adopt the relevant legislative, administrative or disciplinary measures to suppress any intentional use of cultural property in violation of the Hague Convention or the Second Protocol as well as an illicit export, other

removal or transfer or ownership of cultural property from occupied territory in violation of the Hague Convention or the Second Protocol. Please inform the Secretariat how this provision was implemented in your national relevant legislation and provide the Secretariat with a copy of such legislation in English or French, if possible.

6. Article 30 – Dissemination

Article 30 provides for a wide range of obligations related to the dissemination of the provisions of the Second Protocol and, in particular, the communication, through the Director-General, of the laws and administrative provisions to ensure the application of the Second Protocol. Please inform the Secretariat how this provision was implemented in your national relevant legislation.

7. Article 37 – Translations and reports

Paragraph 1 of this article provides for the obligation of the Parties to translate the Second Protocol into their national languages and to communicate these official translations to the Director-General. To date, the Secretariat has received the translation of the Second Protocol into Armenian, German and Slovenian. If an official translation in the language of your country has not yet been received by the Secretariat, we should be grateful if you would provide us with a copy.

VII. SUMMARY OF NATIONAL REPORTS

VII. (i). NATIONAL REPORTS ON THE IMPLEMENTATION OF THE CONVENTION, ITS FIRST (1954) PROTOCOL AND RESOLUTION II OF THE HAGUE CONFERENCE

Article 3: SAFEGUARDING OF CULTURAL PROPERTY

Article 3 of the Convention provides for the obligations of the High Contracting Party regarding its implementation of appropriate measures during times of peace to prepare for the safeguarding of cultural property situated within its own territory against the foreseeable effects of an armed conflict.

The **Australian** (Commonwealth) Government and the governments of Australian States and Territories share domestic responsibility for the protection of cultural heritage. Their cooperation is established under intergovernmental arrangements, including: the *Intergovernmental Agreement on the Environment 1992*; the Council of Australian Governments *Heads of Agreement on Commonwealth State Roles and Responsibilities for the Environment 1997*; the *National Heritage Protocol Statement of Roles and Responsibilities 2004*; and the *Australian World Heritage Intergovernmental Agreement 2009*.

Australian management of immovable cultural heritage property is based on the development of heritage place registers and inventories of Indigenous heritage places. The Australian Government and each Australian State and Territory jurisdiction, has an expert heritage advisory body that considers whether cultural heritage places should be included on heritage registers on the basis of “significance” criteria. The criteria used are similar across jurisdictions. Places listed on heritage registers are protected by law. All jurisdictions also keep records of Indigenous heritage places found in Australia, and these places (and some types of Indigenous heritage places that are not yet listed) are subject to protective laws. There have been 17 Australian World Heritage List properties inscribed since 1981, and approximately 90 heritage places are listed by the Australian Government on the National Heritage List, which was established in 2004. There are some 14,000 places in State and Territory historic heritage lists and over 147,000 places identified in local government

heritage lists. The Australian National Shipwrecks Database is a comprehensive record of Australian historic shipwrecks, and contains over 6,500 vessels.

The above lists and related legislative provisions enable the identification of a broad range of cultural heritage places in Australia that can be included in disaster risk planning and management. Disaster risk management in identified key areas, such as fire and flood, is well developed in Australia, primarily as a shared task of Commonwealth, State and Territory governments. Australia's national *State of the Environment Report*, published every five years, enables changing risk patterns for cultural heritage assets to be assessed and addressed.

Disaster and emergency risk management, preparedness and recovery plans and policies are also in place in a number of Australia's national collecting institutions. These plans include strategies to protect collections and the buildings housing them against potential threats, particularly the threat of natural disaster. Measures to safeguard cultural property at particular institutions include: sound archival packaging and storage facilities; collection inventories/databases and the storage of copies offsite; digitisation programs; business continuity strategies; early warning detection and suppression building systems; checks on building structure and fabric; staff committees to develop, recommend and amend policies and procedures for the protection and removal of material; and trained conservation staff who advise on safe handling, storage, removal or evacuation.

The majority of Australia's national collecting institutions are based in Canberra and are supported in their work by a local disaster response network, Disaster ACT (DISACT). Blue Shield Australia (BSA), a national committee established in 2005 with the approval and support of the International Committee of the Blue Shield, is another organisation that contributes to the safeguarding of Australia's cultural property. It works to prevent, prepare for and respond to emergency situations in case of armed conflict or natural disasters that could affect Australia's cultural heritage.

The Australian Government supports the preservation of and access to locally held, nationally significant heritage collections across Australia through the Community Heritage Grants Program. Community Heritage Grants have supported over 700 projects to implement conservation treatment, environmental control and preservation, significance and preservation needs assessments, disaster preparedness and response workshops, collection management training programs, the re-housing of collection items in archival storage and the reformatting of material through microfilming or digitising. The National Library also manages a number of initiatives that contribute to the safeguarding of material, both of its own collection and that of other libraries across Australia.

The **Austrian** national legislation on the protection of cultural heritage was established by the *Denkmalschutzgesetz* (Federal Law on the Protection of Cultural Heritage, Federal Law Gazette BGBl. Nr. 533/1923 as amended by BGBl. I Nr. 170/1999). This law specifically references the Hague Convention in Section 13.

The *Bundesdenkmalamt* (Federal Office for Cultural Heritage) made a list of the cultural property covered by Article 1 of the Convention in the 1970's and 1980's. The list will be revised in 2009 and made accessible via the internet.

In **Azerbaijan**, during the last five years, buildings and expositions of the most important museums of the Republic (the Museum of National History of Azerbaijan, the Nizami Ganjavi Museum of Azerbaijan Literature, and the State Museum of Azerbaijan Carpet and Applied Art) have been reconstructed in accordance with advanced international experience.

In the case of the Qala Historical and Ethnographical Reservation, architectural monuments have been restored; all exhibits can be protected by the most modern equipment while exposed to natural and military danger. In the case of the Icherisheher Historic and Architectural Preserve, included on UNESCO's World Heritage List, current restoration and development measures will take into account the important consideration of the security of cultural property in the event of armed conflict. Reconstruction of works related to the Gobustan Historical and Art Reservation, also inscribed on the World Heritage List, is underway, and has involved experts on the protection of rock art engraving from Russia. Finally, a number of outstanding, but lesser-known works of Azerbaijani artists have been exhibited at the Museum of Modern Art in Azerbaijan in the recent past.

In addition to the protection of tangible cultural heritage, Azerbaijan has also implemented measures concerning the comprehensive protection of intangible heritage. This has included projects such as the "Garabagh Singers" music album, a Mugham Encyclopaedia, an Azerbaijani Mugham multimedia collection, digitalization of aging sound recordings preserved in the National Sound Recordings Archive, the update to modern standards of all sound recordings concerning Ashiq Art, which is on UNESCO's Representative List of the Intangible Cultural Heritage of Humanity.

In **Belgium**, measures undertaken in time of peace to safeguard against the foreseeable effects of an armed conflict have included measures for the identification of cultural property (inventory taking, affixing distinctive emblems, preparation of maps, etc.), the provision of refuges for movable cultural property, and the planning of measures designed to protect cultural property (against fire, structural collapse, etc.). Where cultural property is concerned, the Communities have competence for movable property, and the Regions and the German-speaking Community are responsible for the immovable heritage. The major cultural and scientific institutions (Royal Library, Royal Archives, Royal Museums of Art and History and Royal Fine Arts Museums, etc.) however still remain entirely under Federal authority.

In terms of Belgium's Federal legislation, there are several relevant national laws, including a Federal Act on conservation of monuments and sites (7 August 1931), an Act on the national cultural heritage (16 May 1960) and an Act on civil protection (31 December 1963). Some of these laws, however, have been completely or partly repealed following the transfer of competencies in cultural properties from the federal to the community and regional levels, and these authorities' adoption of new provisions. As part of the federal policy on science, a review has been undertaken of the legal framework for the protection of cultural property that falls within the competence of the federal authorities. A completely revised version of the Act of 16 May 1960 was tabled in January 2003 and is pending before the Federal Parliament. Further, the Act of 15 May 2007 which will repeal the Act of 31 December 1963, provides that in time of war, civil security shall include all civil measures and resources intended to ensure the protection and survival of the population and also the safeguarding of the national heritage.

Amongst the activities taken in the Federal scope have been those targeted at the security of people and buildings, as well as other legal protection of cultural property. Where institutional buildings are concerned, this has focused on roofs, heating, and upgrade of fire prevention standards. Further, loans from the National Lottery are being used to progressively install closed-circuit television in publically accessible areas.

In terms of legal protection, this may be the subject of a series of regulatory instruments once Parliament has adopted the draft law on the Federal heritage.

Competency related to immovable cultural property falls to the Regions and the German-Speaking Community.

In the Flemish Region, the Decrees of 3 March 1976, 30 June 1993, 16 April 1996, and 29 March 2002 (each with amendments, most recently on 10 March 2006) provide for protection of urban and rural monuments and sites, protection of the archaeological heritage, protection of rural sites and protection of the nautical heritage, respectively.

The inventorying by the Flemish Region of immovable cultural heritage was, at the time of reporting, to be completed in 2009. The immovable heritage inventory includes interiors of both public and, increasingly so, private buildings, whose owners agree to allow public access. Parks, garden and scientific themed inventories are also being created.

The Flemish region had some 10,000 protected buildings and 1,500 protected urban or rural sites at the end of 2007 (which can be found at www.onroerendergoed.be), and several sites and monuments have been inscribed on the tentative list under the World Heritage Convention of 16 November 1972. Four sites in the Flemish Region are inscribed on the World Heritage list.

In the Walloon Region, the Decree of 1 April 1999 (amending and supplementing the Walloon Code on regional development, planning and heritage) provides for the conservation and protection of the heritage; the Order of the Walloon Government of 11 May 2006 established the list of outstanding immovable heritage of the Walloon Region.

The inventory of heritage monuments in Wallonia was completed in 1997. The Walloon Region is also drawing up a series of thematic inventories to be published, which can be found on mrw.wallonie.be/dgatlp/dgatlp and www.institutdupatrimoine.be. The classified heritage numbered 3,370 properties as of 31 December 2007, the list of outstanding immovable heritage contained 164 properties as of 11 May 2006, and nine monuments and sites situated in the Walloon Region are inscribed on the tentative list under the World Heritage Convention. There are four Walloon sites inscribed on the World Heritage List.

Within the Brussels-Capital Region, the Order of 4 March 1993 on the protection of the immovable heritage of the Brussels-Capital Region under "Title V: Protection of the immovable heritage" was legislated under the Brussels Code for Territorial Development.

The Government in the Brussels-Capital Region keeps up to date and publishes the Register of Protected Monuments and Sites in its Region, which include 3,000 properties under permanent protection. The register of protected property may be accessed at www.monument.irisnet.be/fr/patrimoine/intro.htm.

Inventories of architectural heritage is produced by the Directorate of Monuments and Sites, and is an ongoing work. All monuments and groupings built before 1932 are deemed automatically to be inscribed in the legal inventory. The results of the work are published and accessed via www.irismonument.be and aforementioned websites.

Other inventories are also being compiled, including the "Atlas of Archaeology" and an inventory of noteworthy trees. Data related to these inventories have been stored to a database and forwarded to the Belgian Dendrology Society, which is the central repository for information in Belgium.

The German-speaking Community has competence over the protection of its immovable heritage. On 23 June 2008 the Parliament of the German-speaking Community adopted its own Decree on the protection of monuments, minor heritage, sites and the countryside, as well as archaeological excavations. In addition to this instrument there are various provisions in the Decree of 18 March 2002 on the infrastructure, which provide for subsidies to the owners of classified immovable property.

An inventory project is currently underway in the German-speaking Community. It is expected to be available on the Internet. The German-speaking Community has 158 classified monuments and 47 classified sites.

Competency related to movable cultural property falls to the Communities.

In the Flemish Community, there is the Decree of 24 January 2003 on the protection of movable cultural heritage of outstanding interest and the Order of the Flemish Government implementing the Decree of 24 January 2003 on protection of movable cultural heritage of outstanding interest. Pursuant to that Decree, the Flemish Government is drawing up a list of the movable cultural heritage of the Flemish Community (the "list of masterworks"). This list describes all of the movable property and collections in the Flemish Community that must be conserved by virtue of their particular archaeological, historic, historic-cultural, artistic or scientific value for the Flemish Community.

The list currently contains 204 individual items and 11 collections. It can be found on the website: www.topstukken.be. Cultural property featured on the list of masterworks may not be exported without prior authorization. The Flemish authorities subsidize any physical acts performed on these items of cultural property, on condition that authorization is obtained in advance.

The majority of Flemish heritage institutions have an associated inventory. In recent years the heritage institutions have invested primarily in compiling and updating electronic inventories, which has allowed museums to present their collections online as a single thematic collection. Efforts to support recordkeeping and its standardization in a central catalogue and an effort to create a register of private archives have been undertaken.

The 11 July 2002 Decree regarding the French Community's cultural heritage and cultural property provides a legal basis for the classification, protection, restoration, inventory and exportation of movable cultural properties within and outside of the European Union. It also specifies forms of pre-emption and financial and penal sanctions, in the event that these measures are not applied. This Decree is not yet accompanied by an application text on movable cultural properties, but an advisory Commission for movable cultural heritage has been established. Important inventory programmes also have been created, some of which are already finished and are available on-line.

Also in the French Community, a Convention was signed on 17 January 2001 that set up the Computerized Inventory of Collections of Museum Institutions (hereafter, "AICIM"). The AICIM Network is a joint project aimed at creating a computerized database of the collection kept in participating museums. The AICIM Network is both human and virtual, and aims to digitize the heritage of the museum institutions and disseminate the information by means of an online database via www.aicim.be.

In the German-speaking Community, the law of 7 August 1931 on the conservation of monuments and sites (only regarding movable cultural properties), and the law of the 16 May 1960 on movable cultural heritage of the Nation, are still applicable. The German-speaking Community is also reforming legislation in the field of protection of movable cultural properties.

The creation of an inventory in the German-speaking Community is ongoing. In addition, a Decree of 7 May 2007 reformed the system of subsidies to museums and publications about the cultural heritage.

Cambodia has undertaken a number of measures in order to safeguard its Cultural Heritage. Of particular mention are those measures taken in regard to Angkor and the Temple of Preah Vihear.

In response to the recommendations of the World Heritage Committee of 1992, Cambodia put in place national legislation to protect the area (1993), created a specialized government institution to be responsible for the protection and development of the site of Angkor (Authority for the Protection and Management of Angkor and the Region of Siem Reap, hereafter “APSARA”), adopted a National Decree regarding its boundaries, established a zoning system, and organized an intergovernmental conference for the safeguarding of the site in 1993, under the initiative of Japan and the support of France. With the help of the international community, amendments were made to the national law to protect the national cultural heritage and punish perpetrators committing illegal actions against cultural property in Cambodia. The National Law was adopted 10 February 1993 and promulgated in 1996.

Several Sub-Decrees and Royal Decrees were passed to secure protection of the Temple of Preah Vihear, leading up to the submission of the World Heritage Nomination Document, including: Royal Decree on the Establishment of Preah Vihear Temple Site (NS/RKM/0303/115), 11 March 2003; Royal Decree on the Delimitation of the Sites of Preah Vihear Temple, 13 April 2006; Sub-Decree on the Establishment of the Administrative Board of the Preah Vihear Authority (ANPV), 26 July 2007; Sub-Decree on the Nomination of the High Counsellors to the Administrative Board of ANPV, 31 December 2007.

The Royal Government of Cambodia, the ANPV and an international team of experts in 2007 worked on the elaboration of a “Progress Report” and on enhancing protective measures in and around the Temple of Preah Vihear.

The Royal Government of Cambodia has also decided to use the distinctive sign of the 1954 Convention. A national awareness training and capacity building workshop on the 1954 Convention and its implementation took place from 2-6 March 2009, and the Royal Cambodian Government and ANPV, have continued their efforts to protect and preserve the Temple of Preah Vihear site.

In **Canada**, preparatory measures undertaken in peacetime for the safeguarding of cultural property in the event of armed conflict exist within a larger framework of emergency/disaster preparedness. Such efforts take place both within the heritage community and through the inclusion of certain cultural property within national disaster preparedness efforts that are not directed exclusively at heritage.

The Canadian Conservation Institute (hereafter “CCI”), an agency of the Department of Canadian Heritage, is the department through which the Government of Canada helps build emergency preparedness capacity within Canada’s heritage community. It is also integral to response efforts in Canada when heritage is threatened or impacted by emergencies. The CCI undertakes pro-active efforts in emergency preparedness by delivering training to individuals and institutions within Canada’s heritage community. These training sessions address: planning; development of response plans; risk assessment; and the reduction, salvage, treatment and long-term recovery of artefacts. The CCI is also involved in emergency and disaster response, ranging from an advisory role to direct on-site involvement by conservation staff.

Within the Government of Canada, a Memorandum of Agreement exists among a number of federal heritage agencies and institutions, including the CCI, Canada’s national museums, Library and Archives Canada, the Parks Canada Agency and the National Capital Commission. This collaborative group’s purpose includes the development, implementation and testing of contingencies for protecting cultural property (movable and immovable) for

which these federal institutions and agencies are responsible and cooperation in sharing facilities, equipment and expertise in the event of an emergency.

From a wider perspective, certain cultural properties (cultural institutions, national sites and monuments) considered to be “key national symbols” fall under the broad heading of “critical national infrastructure” with respect to disaster and emergency planning and response. In Canada, critical infrastructure protection is a shared responsibility that requires the cooperation of all levels of government (federal, provincial/territorial and municipal) and the private sector. The National Critical Infrastructure Assurance Program (NCIAP) is an ongoing collaboration between private sector partners and federal, provincial and territorial governments. The goals of these partnerships are to provide a national framework for cooperative action and to build a resilient national critical infrastructure.

The Department of Antiquities, as the competent authority for the protection of the cultural heritage of the Republic of **Cyprus**, has the authority to declare Ancient Monuments according to the Antiquities Law of 1935 and its amendments. Declared Ancient Monuments, ranging chronologically from the Neolithic to the 20th century, are registered in the Department of Antiquities’ archives; therefore, an inventory of the Ancient Monuments is available. At present, inventories are largely represented in hard copy; their digitization with the use of a Geographical Information System (GIS) is currently being developed. Furthermore, excavation records are available for archaeological sites where excavations were conducted but may not have been declared as Ancient Monuments. The Department of Antiquities has also prepared inventories of all movable antiquities exhibited in the showcases of the major Governmental Museums under its authority, e.g., the Cyprus Museum in Nicosia, the Limassol District Museum, the Pafos District Museum and the Larnaka District Museum. There are also comprehensive inventories for the movable antiquities stored in the Department of Antiquities’ storerooms. These are also largely represented in hard copy but a large number of movable cultural properties have been digitized or are in the process of, as with the monuments.

Emergency measures for protection against fire are implemented in all of the Department of Antiquities’ Museums. Museums are equipped with smoke detectors and alarm systems, as well as fire extinguishers. Special provisions have been taken for the churches included in the World Heritage site “*Painted Churches in the Troodos Region*”. The ten churches included in the site have each been equipped with technologically advanced, highly sensitive fire detection and fire protection systems; for six of the churches a fire extinguishing system has also been installed. The Department of Antiquities in association with the Fire Department has employed fire protection plans, creating fire protection zones and fire stations in the vicinity of Ancient Monuments and major archaeological sites. Fire protection is of major importance to the Department of Antiquities and efforts are made to implement all appropriate measures to Ancient Monuments and governmental Museums.

The Department of Antiquities is by law the responsible authority for the safeguarding of the Movable and Immovable Cultural Property of Cyprus. Within the framework of the Hague Convention, the Department of Antiquities is in contact with the Ministry of Defense for the implementation of a strategy of emergency evacuation and protection of Cultural Property in time of armed conflict. Contacts are specifically focused on the development, among others, of a mechanism that will designate competent groups of individuals responsible for the safeguarding of cultural property, as well as a specific emergency evacuation and transport plan.

The **Czech Republic’s** Ministry of Culture is currently putting together lists of cultural property that will be placed under either general or special protection under Chapter I and Chapter II of the Convention. Immovable cultural property that is now declared *national cultural property* under Act No. 20/1987 of the Collection of Laws (State Heritage

Preservation) will be nominated for the granting of special protection under Chapter II of the Convention. This property will likewise be marked with the distinctive emblem (based on Articles 16 and 17 of the Convention). The special protection status will be registered on the central list of national cultural heritage (maintained under the above-mentioned Act). The same status will be granted to such immovable cultural property that serves as a shelter for movable cultural property.

In addition, a list of cultural property is being made jointly by the Ministry of Culture and the Ministry of Defense. This list will be used by the Ministry of Defense for the purposes of operational planning and preparation of the state territory. The Ministry of Defense is also informed and consulted about the list of cultural property eligible for the granting of special (Chapter II of the 1954 Hague Convention) or enhanced protection (Chapter 3 of the Second Protocol). The Ministry of Culture plans to determine the exact geographic coordinates of cultural property protected under the above-mentioned Chapter II and Article 10 of the Second Protocol and arrange for their proper descriptions. It is also running a financial analysis of the costs of marking such property. Finally, cultural property that will be included on the list of the same name will be granted general protection under Chapter I of the Convention.

Estonia incorporated measures that are deemed appropriate to fulfil the requirements of Article 3 of the Convention and Article 5 of the Second Protocol in part VII(ii), *infra*.

To oversee and coordinate measures for the implementation of the Convention and its Second Protocol, the Ministry of Education of **Finland** appointed a working group that operated from 13 March 2004 to 31 December 2006. The group's tasks included disseminating information about the Convention, looking into aspects related to education, international cooperation and protecting and marking cultural property. This group consisted of representatives from the Ministry of Education, the Ministry of the Interior, the Ministry of Defence, the Ministry of the Environment, the National Board of Antiquities, the Defence Command (the Ministry of Defence), the National Archives, the National Library and the Finnish National Gallery. The working group also sought advice from experts of different fields.⁹ At present, the Ministry of Education is in the process of appointing a new working group that will be responsible for implementing the previous group's proposed measures. The new group's term will last until 2009. Although no decision has been made regarding an appointment of a permanent coordinating body, the need for such a body has been recognized.

In Finland, the protection of cultural property is part of a broader strategy of protecting functions vital to society (specifically as a strategic task related to psychological crisis tolerance), which is meant to guide Finnish authorities in the preparation for and response to threat scenarios. The strategy expands the conditions of the safeguarding of cultural property to include naturally occurring disasters and disorders occurring under normal conditions. Under this strategy, the Ministry of Education is responsible for coordinating the required measures, but the owner of cultural property is ultimately responsible for its protection.

With regard to general protection, Finland has compiled a preliminary list of approximately 1,000 items of cultural property, including groups of buildings, individual buildings, monuments of antiquity and collections of movable cultural property. The aim over the next 3-4 years is to finalise the list of cultural property items under general protection that, due to the cross-administration effects of protection, will then be ratified by a Government decision.

⁹ The report published by the group (in Finnish, with an abstract in English) can be accessed via: www.minedu.fi/OPM/Julkaisut/2007/Kulttuuriomaisuuden_uhat_ja_suojelu?lang=fi&extra_locale=en.

In the **Former Yugoslav Republic of Macedonia** (hereafter “FYROM”), Article 56 of the 1991 Constitution states that objects of special cultural and historical significance, as defined by law, are of general interest to the Republic and enjoy special protection. The Constitution also states that the FYROM guarantees the protection, promotion and enhancement of the historical and artistic wealth of FYROM and all of its communities, as well as the goods that create it, regardless of the legal regime. In addition, the adoption of a law on the protection of cultural heritage (Official Gazette of FYROM n. 20/04 and 71/04) created a legal framework for the implementation of the constitutional concept of the protection of goods of cultural and historical importance. Section 8 of this law elaborates measures that will be taken to protect cultural heritage in the event of an armed conflict and in natural disasters. The law bans the requisition, repression, attack and use of cultural heritage for military purposes. Moreover, the law defines practical guidelines that are intended to implement the law through the following:

- a rule-book for the pattern on the legitimization and the appearance of the tape on the sleeve of the official person for protection or in control of the cultural heritage in the event of an armed conflict and the abilities of their issuance mode (Official Gazette of the Republic of Macedonia n. 25/05);
- a rule-book for the contents and mode of running the national inventory of protected property in the event of an armed conflict (Official Gazette of the Republic of Macedonia n. 25/05);
- a rule-book for the national registry of cultural heritage (Official Gazette of the Republic of Macedonia, n. 25/05);
- a rule-book for the use of signs for cultural heritage defined by an international agreement (Official Gazette of the Republic of Macedonia n. 56/08).

The next envisaged task is to prepare a special methodology for assessment of damage to cultural heritage caused by and during an armed conflict or a natural disaster, pursuant to Article 109 of the law on cultural heritage.

In **France**, the reference text that governs security and prevention interventions is Act No. 2004-811 of 13 August 2004 on the modernization of civil security (hereafter “Act”), which, by reorganizing the implementation of preventive action and emergency planning, aims to prevent all kinds of risks, to inform and alert populations and to protect persons, property and the environment from disasters and accidents.

The Act gives priority to the protection of persons, but its first article states clearly that its function also concerns the protection of property through the preparation and implementation of appropriate resources and measures by the State, territorial authorities and other public and private bodies.

In this context, reference should be made to the *Plan Vigipirate*, the implementation of which, in 1995, was made necessary by a growing threat, as the fear of terrorist attacks replaced that of a ground invasion of the territory. The *Plan Vigipirate* consists of a series of preventive measures (where VIGI stands for antiterrorist vigilance) related to the fight against terrorism.

The purpose of the *Plan Vigipirate* is to monitor the facilities and sites within the territory considered vulnerable because they are likely to be the object of an attack, and to deter terrorist actions (through visible military presence). *Plan Vigipirate* also contributes to centralizing of intelligence in the field.

Further, regarding immovable cultural property in France, the Act of 31 December 1913 on historical monuments, codified under the Heritage Code by decree of 20 February 2004, introduced a number of legal regulations to identify property to be protected on account of their historical, artistic or archaeological interest, without regard to situations of armed conflict. French law provides for two levels of protection: classification as historical monuments (inalienable property banned from export) and listing in a supplementary inventory (a preventive mechanism that confers a duty to inform upon the owner; e.g., if he or she intends to alter the property).

With regard to movable property in France, the evacuation plan for national museum collections in the event of armed conflict, in place from 1955 to 1980, had become obsolete and is no longer in effect. The Ministry of Culture and Communication is now conducting prevention, training and remedial action in the field of heritage. To make this action more effective, it has assembled all the potential safety and security resources made available by the Ministry of the Interior within a department that reports directly to the Director-General of Heritage.

Supporting the senior defence official to the Minister, the department of project ownership, security and safety is tasked with assisting that official in urging institutions under the authority of the Ministry of Culture and Communication to take any measures to anticipate disasters that may threaten the integrity of the national heritage. Within this framework, a very specific awareness-raising campaign has been undertaken, and will be pursued, in order to implement plans for the safeguarding and protection of collections which provide, institution by institution, for the inventorying of the objects to be protected, the setting of evacuation and identification of emergency storage areas and appropriate means for their evacuation.

For example, in Ile-de-France, there is now an evacuation plan for museums, should a one-hundred-year flood of the Seine River occur. Priority objects have been classified according to the risks posed by their location, not only according to their heritage value. The updating of an evacuation plan in the event of war may benefit from being based on the current classification status and combined with the anti-flooding measures provided for by museums.

With regard to the list of priority objects, their identification will be facilitated by the results obtained in the framework of the 10-year inventory check established by the Act on French museums, which must be finalized by 2014.

Since 1961 **Germany** has recorded on microfilm certain content in state archives as well as in selected church, business and municipal archives deemed important to German history. The microfilmed cultural property includes documents issued by medieval German emperors and kings and government and administrative writings from the 10th century up to modern times. These recordings are stored in some 1350 stainless steel containers in the special protective climate offered by the Oberrieder tunnels near Freiburg, the Federal Republic of Germany's Central Storage Site. This storage site has been registered in the UNESCO International Register of Cultural Property under Special Protection (No.611.101 Pr.512/1) since 22 April 1978. The microfilming and special storage of the material is intended to guarantee the protection of valuable and unique national cultural property of major historical significance.

The German Federal Government is currently supporting the digitalization and microfilming of the wossidlo archive (a collection that encompasses roughly two million handwritten notes and 60,000 pages of correspondence documenting the culture and language of the people of Mecklenburg and is viewed as pioneering field research in European ethnology) so that it can be stored at a later date.

Since 3 October 1990, when the accession of the German Democratic Republic (hereafter “GDR”) to the Federal Republic of Germany took effect, archive content from the former GDR deemed worthy of protection has been included in the government’s recording plans. Microfilming practices in the former GDR did not meet the required standards, making it necessary to re-copy this material. After it was duplicated it was also stored at the Federal Republic of Germany’s Central Storage Site. Except for a few remaining items, the duplication and storage process has been completed. The remaining items are expected to be duplicated by the end of this year and stored at the Central Storage Site by 2010 at the latest. That makes a total of approximately 272 million recordings from the former GDR archives on 8100 kilometres of film at the storage site.

The recording of digitalized colour material onto long-life colour microfilm is currently being tested. The development of the device was promoted within the framework of a research project by the Federal Ministry of Economics and Technology. It uses colour lasers and produces images with an outstanding definition and colour quality on colour microfilm that is usually very difficult to handle with other recording methods. Experts estimate that images produced with this method will last at least 500 years. If the exposure device passes the test, the method will become a regular part of the Federal Government’s microfilming process. The test phase was concluded in autumn 2009.

With regard to the training of the administrative staff in Germany, since 1997 the Academy for Crisis Management, Emergency Planning and Civil Protection in Bad Neuenahr-Ahrweiler, part of the Federal Civil Defence Agency, has hosted multi-day seminars on topics such as “Administrative Measures in Cultural Property Protection” and “Practical Implementation of Cultural Property Protection” for managers and employees of museums, archives, libraries, palaces, etc.

In terms of the registration of regional cultural property in Germany, lists of regional cultural property are prepared in cooperation with civilian agencies responsible for safeguarding cultural property within the framework of civil-military cooperation at home and abroad. Cultural property in Germany is registered in military maps (1:50,000). These maps contain several thousand objects. The maps are kept up to date and are made available to all units upon request.

Greece has drafted special emergency plans for the protection of cultural property in the event of armed conflict aimed at protecting, safeguarding and safekeeping of national treasures against destruction and looting in the event of war.

The **Holy See** adopted a new legal instrument in 2001 with the promulgation of the Law on the Protection of Cultural Property, no. CCCLV, and the related Executive Regulation, no. CCCLVI. The new norm institutes, among others, the Central Catalogue of Cultural Property of the Holy See, which entrusts the coordination and technical orientation to Vatican Museums and Vatican Apostolic Library, according to their respective competence. In addition, this law establishes the procedures for control over the importation and exportation of cultural property and entrusts the responsibility to the Bureau of Goods and Security Corps.

Security measures have been increased in order to safeguard the security of both visitors and monumental heritage. Saint Peter’s Basilica is under constant surveillance, which is controlled by the Security Corps, whose capacities are to be expanded in the future. In the premises sheltering the General Historical Archives and some premises of the Basilica, smoke detection equipment has been installed and linked to the fire-fighters’ operations room. With respect to the norm on the protection of cultural property, an inventorying of property of historical and artistic interest is underway.

Their universal fame and a high number of annual visitors (4,441,000 in 2008) makes the Vatican Museums a potential target for subversive action. The number of security personnel has risen sharply to 348 employees today, from only 160 in 1999. Particular attention is given to training security guards and training courses and updates are anticipated (observation and follow-up techniques, anti-fire prevention and control, anti-theft and first aid). Technological installations have been modernized in such a way to correspond to the most recent standards. The building that contains the new entrance to the Vatican Museums, inaugurated by Jean-Paul II in March 2000, is equipped with advanced devices that allow a thorough assessment of both visitors and objects (cameras, screens, x-ray devices and metal detection gates). All exhibition paths and the greater part of the premises are under surveillance. Furthermore, security guards are equipped with transmitter devices that are able to assure a network of efficient internal communication. The inventory of the Vatican Museums deserves particular attention, as it receives detailed and constant updates, and is accessible through a special database for consultation through the internal computer network. The photo and historical archives and the archives of the restoration laboratories are also being updated and renewed on a regular basis.

From 1977 to 1980, the Secret Archives were transferred to an underground security premises which measures 65 by 70 square meters, and has a capacity of some 43,000 cubic meters. The fire detection and protection system in the Secret Archives has been recently modernized and connected to fire services. Security premises for materials in parchment have been established and equipped with air-conditioning, fire detection devices and fire-extinguishers.

The protection of books in the Vatican Apostolic Library has been improved through the installation of new fire prevention devices, alarms and surveillance equipment, which, among other things, enables the monitoring of books by a Radio Frequency Identification system (RFID). Important restructuring activities that affect the underground premises for manuscripts are underway. The quantity of digital reproductions of manuscripts has considerably increased: the database currently includes more than 400,000 pages of reproductions, providing the minimum necessary redundancy to guarantee the conservation of high-quality copies in the event the originals are lost. The database possesses a series of procedures to systematically and periodically make copies, assuring their stability and permanency over time, and in the event of disaster recovery.

In **Hungary**, within the Ministry for Education and Culture, the Department for Public Collections is entrusted with the task of overseeing responsibilities with respect to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in co-operation with the Department of Cultural Heritage Protection and Coordination.

The Republic of Hungary promulgated the Convention and its Protocols in conjunction with the following legal instruments:

- Law Decree 14 of 1957 on the promulgation of the international Convention, the Hague, dated 14 May 1954, for the Protection of Cultural Property in the Event of Armed Conflict, which was adopted together with a Protocol (prohibiting the export of cultural property from occupied territory) (The Protocol became effective on 16 November 1956, pursuant to III. 10., subsection (b) of the said Law Decree); and
- Act XXIX of 2006 on the promulgation of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and on the amendment of Act IV of 1978 of the Penal Code.

Pursuant to the provisions of legal instruments, the Minister for Culture is responsible, in agreement with minister(s) entrusted with the competency of addressing pertinent issues –

e.g., the Minister of Defence as stipulated by Act XXIX of 2006 – for the implementation of the aforementioned legal instruments and of the Convention and its two Protocols.

The Minister for Culture was additionally authorized via Act XXIX of 2006 to issue a decree that includes:

- a) the list of cultural property subject to special protection on the territory of the Republic of Hungary pursuant to Article 8 of the 1954 Hague Convention, and the list of cultural property subject to special protection on the territory of the Republic of Hungary, pursuant to Article 10 of the Second Protocol thereto; and
- b) the international compendium of cultural property subject to special protection mentioned under Section 6 of Article 8 of the 1954 Hague Convention, as well as the list of cultural property subject to special protection mentioned in Paragraph (b) Section 1 of Article 27 in the Second Protocol.

In compliance with said authorisation, Decree No. 29-2007 (VII. 23.) OKM, on the international compendium of cultural property subject to special protection, was issued by the Minister for Education and Culture.

In **Iran (Islamic Republic of)**, a directive has entered into force concerning: safeguarding and restoration; information and corps organization; means of expertise and inspection; value categorization and compartmentalization; and the establishment of secure reserves, to preserve historical movable cultural property.

In **Japan**, important cultural properties are given special status (e.g., National Treasures status) in accordance with the Law for the Protection of Cultural Properties, to regulate their physical alteration and to provide assistance for their repair and maintenance.

In **Jordan**, the Law of Antiquities¹⁰ stipulates that inventories of archaeological sites should be kept. In 1973, a corpus of archaeological sites was published by the Department of Antiquities under the title “The Archaeological Heritage of Jordan”¹¹. In 1990, the Jordan Archaeological Database and Information System (JADIS) was established at the Department of Antiquities Registration Center in Amman. This is a computerized inventory of archaeological and historic sites listing some 20,000 known sites in Jordan. It is estimated that from 100,000 to 500,000 sites may exist in the country. The data is being continuously updated. The system is being upgraded to a more developed system called MEGA-Jordan System. It is expected to be adopted soon. At present, the list includes more than 10,000 sites; additional sites are also being added to the inventory as the result of ongoing explorations and investigations.

On 29 June 1999, the Government of the **Kyrgyz Republic** adopted the “Law on safeguarding and use of historic-cultural heritage”. The Law determines rules in the field of safeguarding and use of historic-cultural heritage objects in the Kyrgyz Republic’s territory. The Law obligates juridical bodies and individuals and determines their rights and responsibilities in safeguarding historic-cultural heritage objects. The goal of the Law is social-legal regulation in the safeguarding and use of historic-cultural heritage, in order to ensure its effective application by individuals, notably: in the securing of legal status of the historic-cultural heritage objects; in the regulation of rights and responsibilities of the government, enterprises, institutions and organizations and public associations, as well as individuals in the safeguarding of historic-cultural heritage; in the distribution of authorities of

¹⁰ The original Arabic version and its translation into English are available at the following addresses:
http://www.unesco.org/culture/natlaws/media/pdf/jordan/jo_antiquitieslaw1988and2004_araorof.pdf
http://www.unesco.org/culture/natlaws/media/pdf/jordan/jo_antiquitieslaw21_engtof.pdf

¹¹ For the complete text, please consult the relevant national authorities.

governmental bodies in safeguarding historic-cultural heritage; and in the undertaking of liability measures against activity or inactivity threatening (directly or indirectly) historic-cultural heritage.

In **Latvia**, according to Article 43 of the Cabinet of Ministers Regulation 474 (*Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading objects*), all explosive, flammable, chemically-active and air-polluting substances that may damage cultural property, in addition to vibration-causing facilities, environment-degrading material stocks and such similar materials, are to be removed from cultural property sites. In addition, sufficient fire safety practices, optimum hydro-geological conditions and the purity of air and water bodies need to be ensured to safeguard cultural property and its buffer zone. Activities posing a potential threat to cultural property, including changing the groundwater level, are prohibited. According to Article 2, Section 13 of the Civil Protection Law of 1 January 2007, and the subsequent Cabinet of Ministers Regulation 423 of 26 June 2007 (*Structure, format and approval of civil protection plans for municipalities, enterprises and agencies*, Section II, Article 3.7.6), municipal (regional and local) civil protection plans must also describe cultural property protection and safeguarding arrangements.

In **Lithuania**, the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations was approved by Resolution NO. X-557 of the Seimas on 13 April 2006. The aim of this programme is to use preventive measures and rapid interventions to protect cultural heritage. Furthermore, the Plan of Implementing Measures of the Programme was approved on 5 September 2006.

This plan provides for 10 measures that should be implemented by respective institutions in order to implement certain provisions of the Convention and the Second Protocol:

- the establishment of lists of immovable cultural heritage objects of outstanding cultural significance (approved by Resolution No. 193 of the Government on 7 February 2007);
- the adoption of rules for marking objects with the distinctive emblem of the Convention that are included in the above-mentioned lists (approved by Order No. IV-199 of the Minister of Culture on 22 March 2007);
- the preparation of instructions for the participation of the Armed Forces during immovable cultural heritage objects' preservation works in the event of armed conflict or other extreme situations (approved by Order No. V-540 of the Minister of national Defence on 24 May 2007);
- the preparation of itineraries for transitional, military and industrial transport carrying hazardous cargo in order to circumvent cultural heritage objects included on the lists of immovable cultural heritage objects of outstanding cultural significance (approved by Order No. 3-398 of the Minister of Transport on 6 December 2007);
- the preparation of instructions for the protection and evacuation of movable cultural property kept in museums, libraries, archives and other cultural buildings (approved by Order No. IV-500 of the Minister of Culture on 18 July 2007);
- the marking of objects included on the list with the Convention's distinctive emblem;
- to organise courses on the protection of cultural heritage in the event of armed conflict for several categories of individuals who work with such cultural heritage;

- to supplement topographical map legends with the Convention emblem;
- to make lists of movable cultural property of outstanding ethnical, historical, aesthetic or scientific significance kept in museums, libraries, archives and cultural buildings; and
- to equip special premises in museums, libraries and archives designed for protection and safeguarding movable cultural property that is on the list of cultural movable property of outstanding ethnical, historical, aesthetic or scientific significance.

In **Mauritius**, the amendments to the National Heritage Fund Act 2003 for the inclusion of the provisions of the 1954 Convention for the Protection of Cultural Property are still being worked on.

In **Mexico**, since 2002, the National Institute of Anthropology and History (hereafter "INAH") has been implementing the Cultural Heritage Disaster Prevention Programme (hereafter "PREVINAH"), under which preventative and remedial actions have been taken to protect movable and immovable cultural property that could be affected by a natural or anthropogenic disaster.

In regard to potential damage to cultural property, PREVINAH distinguishes three types of socio-organizational threats:

- (a) those derived from *social and economic development* – these are the negative results of urban growth, land-use planning and the generation of urban infrastructure and services;
- (b) those derived from the *exercise of protection and conservation* – these are the result of an inadequate protection framework (cultural policy, legislation, conservation practices and financial resources) and unsatisfactory performance by specialists in terms of training, capacity-building and professional ethics;
- (c) those derived from *collective social behaviour* – these are the result of unorganized behaviour (migrations, displacements, marches and rallies), anti-social behaviour (vandalism, organized crime, corruption, religious fanaticism, trafficking and theft), violence (wars, terrorism and sabotage), unmanaged tourism (mass concentration of persons, unregulated alternative uses and overdevelopment) and general social problems (political models, unification of world culture, demography and consumerism).

PREVINAH has identified the following *prevention measures*:

- avoid exhibiting cultural property without taking security measures;
- promote the viewing of cultural property by small groups of people in order to control the space where it is located;
- implement awareness campaigns to prompt society to reflect on the cultural significance and value of heritage;
- establish links among all bodies responsible for the custodianship of cultural heritage in order to ensure its conservation;
- encourage compliance with restriction signs and restricted areas;
- design and implement control and management measures for mass visits;

- promote the recognition of cultural diversity and its heritage aspects; and
- develop a broad educational basis to strengthen cultural identity within its global context.

INAH has published two texts that support the achievement of PREVINAH goals: the *Cultural Heritage Disaster Prevention Programme*, which establishes general work strategies for the prevention, supervision and restoration stages; and the *Supervisory Policies Handbook and Guidelines on Cultural Heritage Affected by a Disaster*, which refers to specific procedures for attending to heritage damaged by a disaster. To complement the previous texts, a book entitled *Protection of Cultural Heritage in the Event of Disaster* was published, addressing specific events that affect cultural heritage.

Regarding the preventative measures taken in **Monaco** to combat the illicit transfer of ownership of cultural property, it should be noted that an inventory of state property and the cultural heritage list are currently drawn up by the Directorate of Cultural Affairs.

Moreover, concerning the control of the acquisition of cultural property, it should be stressed that since the art museums are the responsibility of the State, it is the Government of the Principality which controls acquisitions. With regard to safeguarding cultural property, Monegasque law already addresses the issues of:

- the origins of property which antique dealers trade in, under Sovereign Order No. 4.365 of 20 November 1969 regulating the professions of antique dealers, second-hand goods dealers and related professions, and stipulating, *inter alia*, that the professionals in question must hold a register of the type provided by Article 10 of the Convention;
- the assertion of claims and restitution of lost or stolen property; and
- the repression of robbery and concealment of cultural property as well as the compensation for these offences.

Last, and above all, it should be noted that the French Customs services operate in Monegasque territory, by virtue of the Franco-Monegasque Customs Union. The rules on cultural property in the French Customs Code therefore apply in the Principality, covering the possession (control of regular possession and written proof of the origin) and circulation of such property, as well as measures for the possible confiscation, control and consignment of seized fraudulent goods. The Customs Services can carry out checks and enquiries into all the operators directly or indirectly involved in an operation involving the circulation and exportation of national treasures and cultural property.

The **Netherlands** report with regard to this article is included in the report concerning Article 5 of the 1999 Protocol.

Norwegian safeguarding measures are based on three principles. The first principle is responsibility: the institution that has the responsibility in peacetime shall also have the responsibility to plan and to act during national crises and in armed conflicts. The second principle is similarity: the organization shall be similar whether in peacetime, wartime or during a crisis. Finally, the principle of closeness: this stands for the idea that crises should be handled at the lowest level possible. For example, the level of crisis handling starts at the community level, then larger crises handled at a regional level, and finally, wartime crises handled at a national level.

Pakistan enacted the Antiquities Act, 1975, which repeals and re-enacts laws relating to the preservation and protection of national antiquities. Pursuant to this law, the Government of Pakistan has framed a number of rules and regulations to resolve problems relating to the

cultural heritage and to ensure proper preservation and protection of its movable and immovable cultural heritage.

The Department of Archaeology and Museums has listed 402 sites or monuments on its National Register for their proper safeguarding, preservation and protection. Further, special branches in the Department of Archaeology and Museums have been established to take the necessary steps and measures for the proper protection of national cultural heritage. These branches are located in the Directorate General of Archaeology and Museums, Islamabad, and in all four provincial headquarters (Lahore, Peshawar, Quetta and Hyderabad).

Following the Ordinance of the **Polish** Minister of Culture of 25 August 2004 on the organization and method of protection of cultural heritage in the event of armed conflict and crisis situations (Dz.U. No 12, item 2153), the Polish legal system has had in place rules that impose an obligation to safeguard cultural property in the event of armed conflict. The most important of these rules oblige the owner or user of cultural property to prepare a protection plan, including the rules of evacuation of their most valuable cultural property, and detail the obligations of people protecting the cultural property. The containers for evacuation of cultural property are prepared during peacetime in the institutions where such property is located. The instruction which constitutes one of the annexes to the above-mentioned ordinance also specifies the emblems used in the plans of the cultural property protection, the rules for marking the objects, the rules for training the personnel assigned to protect cultural property and the ID cards of the personnel responsible for the cultural property protection.

The **Romanian** National Strategy on Implementation of International Humanitarian Law, approved by Decision no. 298 from 17 December 2007 of the Prime Minister, provides, *inter alia*, the adoption of measures such as:

- the elaboration of and the adoption of certain normative acts of applying the provisions of international treaties regarding cultural property protection;
- the adoption of measures for protection of the cultural property through identification, marking and adequate protection, in compliance with international humanitarian law provisions;
- the training of the qualified personnel to ensure the application (...) of the treaties concerning the cultural property;
- the determination of the involvement localities have in administering measures regarding cultural property protection; and
- the elaboration and the adoption of an inventory project regarding the cultural property, in order to have it labelled with a proper protection symbol.

Under current legislation, the main institutions responsible for the protection of cultural property in the event of armed conflict are the Ministry of Culture and National Cultural Heritage, the Ministry of Administration and Interior and the Ministry of National Defence.

Romania has adopted a number of preparatory measures in order to protect cultural property in the event of armed conflict. Moreover, one of the specific objectives of the Romanian National Strategy on Implementation of International Humanitarian Law is the adoption of measures in order to protect cultural property in the event of armed conflict.

Regarding the preparation of inventories, the relevant Romanian legislation provides for:

- the obligation of public institutions owning movable cultural objects belonging to the movable national cultural heritage to inventory these goods both analytically, by the standard datasheet, and synoptically, by the data bank (*art. 13 paragraph (1) – Law 182/2000*);
- the obligation of museums, public collections, memorial houses, cultural centres and other institutions in this field to ensure the analytical evidence of cultural property through the Registry for analytical recording of cultural property (*Order no. 2035/2000*);
- the obligation of museums and public collections to maintain evidence of museum heritage through the digital Registry for analytical evidence of cultural property (*art. 10 – Law 311/2003*);
- the obligation to initiate the classification procedure of the cultural property, which leads to classification of cultural property as exceptional or of special value, and its resultant inscription into the Thesaurus Inventory of the movable cultural national heritage, accessible to the public through the database administered by CIMEC (<http://clasate.cimec.ro>); and
- the obligation to digitally inventory the national archaeological heritage through the National Archaeological Repository (*art. 17 - Government Ordinance 43/2000*).

In the field of planning of emergency measures for protection against fire or structural collapse, the relevant Romanian legislation provides for:

- the obligation of museums and of other public institutions owning cultural objects important for the movable national cultural heritage to elaborate, with the approval of the competent bodies for emergency situations, evacuation plans for emergency situations. The museums subordinate to the Ministry of Culture and National Cultural Heritage have elaborated such plans necessary for their evacuation in emergency situations;
- the obligation of the owners of museums and public collections to ensure the prevention, location and extinguishing of fire and to take measures in order to prevent and diminish the damages which could be caused to the museum heritage in case of natural disaster or armed conflict (*art. 11, paragraph (1), letter j -Law 311/2003*).

In order to establish such a coordinated procedure for the evacuation in the event of armed conflict, the Government Decision no.1222/2005 establishes the procedure for carrying out and organizing the evacuation, including evacuation of cultural and national heritage property, in case of an imminent armed conflict. For the same purpose, the methodology for organizing and carrying out the activities of evacuation of persons, property, documents and materials containing classified information in the event of armed conflict was elaborated.

According to Article 12 of the methodology document, the main measures ensuring evacuation activity during military actions are established by the plans elaborated during peacetime and the central management and coordination organized by the National Center for Management and Coordination of Evacuation in the event of armed conflict, led by a State Secretary from the Ministry of Administration and Interior, under the coordination of the Ministry of Administration and Interior, which includes representatives of the competent institutions.

According to Article 9, paragraph (1), subsection a of the methodology document, one of the important functions of the Centre consists of implementing the provisions of the Centralized

Plan for evacuation of population and important material property in the event of armed conflict.

With regard to the competent authorities responsible for the safeguarding of cultural property, the [Ministry of Culture and National Cultural Heritage](#), the Ministry of Administration and Interior and the Ministry of National Defence must ensure, through a programme of coordinated actions, the protection and integrity of the classified movable cultural property, which are in specialized and unspecialized institutions, as well as in private collections, against the risks deriving from natural disasters, public riots or armed conflict (*art. 104 – Law 182/2000*). The Ministry of Culture and National Cultural Heritage is therefore responsible for adopting the measures for special protection of historical monuments in the event of armed conflict.

The Ministry of Culture and National Cultural Heritage, in cooperation with the Ministry of National Defence, the Ministry of Administration and Interior and other authorities of public administration with attributions in the field, establishes the special measures for protecting the museums in the event of armed conflict, public riots or natural catastrophe (*art. 32, letter j - Law 311/2003*).

Regarding archaeological national heritage, the Ministry of Culture and National Cultural Heritage is the specialized authority of the central public administration, which is responsible for elaborating the strategies and specific regulations with a view to protecting archaeological national heritage, and supervises their implementation (*art. 3, paragraph 2 - Government Ordinance 43/2000*).

In **Saudi Arabia**, protection by the Sector of Antiquities and Museums of movable and immovable cultural property (organized under the Saudi Commission for Tourism and Antiquities) within the Kingdom is pursuant to the Antiquities Order.

Slovakia reports that it understands the importance of measures taken to protect cultural property in the event of armed conflict and has accepted appropriate measures to safeguard cultural property against the foreseeable effects of such events.

In **Slovenia**, the Ministry of Culture, in cooperation with the Civil Defence Agency and the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, is responsible for the planning of the protection of cultural heritage in wartime and in a state of emergency. The envisaged preparatory measures for safeguarding movable and immovable cultural property against the foreseeable effects of an armed conflict are made operational, harmonized and appropriately realized within the defence plans in the area of the protection of the cultural heritage.

Slovenia has set up a register of immovable cultural heritage within the Ministry of Culture, which is accessible on the Internet (<http://rkd.situla.org>). Almost 27,000 units have been entered in the register. A register for movable cultural heritage has also been instituted.

Spain reported on Article 3 of the Convention and Article 5 of the Second Protocol together, with reference to measures set out in the Guidelines for the Implementation of the Second Protocol. The first measure concerns the preparation of inventories. Act No. 16/1985 of 25 June, the Spanish Historical Heritage Act, contains a number of provisions relating to administrative supervision of cultural property. In particular, Article 12.1 declares that property of cultural interest shall be recorded in a General Register kept by the Ministry of Culture. Article 13.1 requires that an official title is issued by the General Register for such property, that the property be identified and all legal or artistic actions on that property be recorded; further, any conveyance or transfer of the property shall be entered in the Register. Finally, Article 26.1 calls for the State Administration, in collaboration with other appropriate

administrations to draw up a general inventory of movable property of Spanish Historical Heritage not declared to be of cultural interest that is of special importance.

Furthermore, the Spanish Ministry of Defence is developing a computerized management system for the movable historical heritage artefacts held for safekeeping (*Miles* system), which will enable it to exercise more effective and meticulous supervision over its collections.

With regard to museum collections, in particular Chapter IV of Title I of Royal Decree No. 620/1987 of 10 April approving the Regulations on National Museums and the Spanish Museum System deals with the administrative management of collections, with Article 10.1 establishing that institutions within the purview of the Ministry of Culture shall keep the following registers: a register of the museum's standing collection, in which objects that form part of the collection shall be recorded; a register of stored objects owned by the State Administration and autonomous bodies; and a register of "other objects" that covers those objects owned by all other proprietors and received by the museum.

In addition, the Ministry of Culture has developed a museum management computer programme called DOMUS run exclusively by the Ministry of Culture, which is used for the supervision of museum and documentary collections by all national museums and an increasing number of museums whose operation has been transferred to regional governments.

The administrative management of the library collections of State public libraries, meanwhile, is regulated by Chapter II of Title I of the Regulations on State Public Libraries and the Spanish Library System, approved through Royal Decree No. 582/1989 of 19 May. In particular, Article 5.1 provides that State public libraries shall keep a register of the State Administration's holdings and, where appropriate, of holdings received from the library's administrative managers, and another register of items received from third parties.

Moreover, Article 7 provides that they shall carry out and document a full inventory of their holdings at periodic intervals not exceeding five years. The inventory shall be conducted annually for the following: collections and works owned by the State or the administrative management of the library where they are kept, manuscripts, incunabula and works of which fewer than three copies have been inventoried in libraries or public services, and works which, in view of their importance, have been declared property of cultural interest or are included in the general inventory of the movable property of the Spanish Historical Heritage, which shall also be included in a special inventory of the library.

National Archives, in particular, are governed by a Decree of 22 November 1901 approving their Regulations. Chapter IV deals with optional arrangements and catalogues. Thus, Article 49 provides that, to ensure optimum technical operations, the archives shall comprise: a classification table of holdings; a general inventory (comprising the partial inventories of holdings received by the Archives); a topographical inventory; a catalogue indicating each file's contents, its corresponding serial number and identification code; an index listing each document and file, specifying their subject; a provenance catalogue, in the event of multiple prior ownership; and a catalogue of manuscripts in each section.

Furthermore, Article 57 provides that for archives containing collections of stamps, individual etchings, original sketches, facsimile documents, individual maps or drawings, photographs and similar objects, these objects must be indexed in special catalogues.

Chapter V of the Regulations on the National Archives governs the use of registers in their administrative operations, with Article 67 providing, in particular, that all archives shall keep, *inter alia*, a register of holdings received, a register of permanent disposals, a register of circulating holdings and a register of inventory records. Article 95 establishes that all National

Archives shall conduct periodically, and with the utmost accuracy, an inventory of all books and files preserved therein. Special and regional archives shall conduct a full inventory each year. As for general archives, an inventory shall be conducted by section every three years. Article 96 provides that notable manuscripts, codices and valuable books shall be inventoried annually.

With regard to museums, libraries and archives within the purview of other administrations, the different regional governments have their own regulations on the subject. But these regulations are practically the same as State regulations, usually containing provisions on the administrative supervision of collections similar to those discussed above.

In Spain, the duty of safeguarding cultural property belongs to the State and the autonomous governments in their respective areas of jurisdiction. It is exercised by all officers working directly in the area of cultural property – mainly the directors of the centres where such property is located – and, in the case of immovable property owned by the State, the Ministry of Culture, which has a special unit responsible for protecting historical heritage. Notwithstanding the above, the Ministry of Defence also has a unit specializing in historical and artistic heritage.

Spanish historical heritage laws do not make direct provision for specific emergencies that may arise in cultural institutions, as the matter is essentially covered by legislation governing public agencies other than the Ministry of Culture, such as police forces, fire brigades or, in the event of armed conflict, the armed forces.

Nonetheless, the Ministry of Culture has a *Planning Commission for the Protection of Collections in Emergencies*, which was set up in 2003 at the initiative of a group of professionals in response to growing international interest in the early planning of solutions to risk situations in museums. The Commission is divided into three groups: museums; archives and libraries; and historic and archaeological sites and monuments. Its scope of action has initially been confined to State institutions exclusively within the purview of the Minister of Culture, with a view to subsequently sharing results with other institutions. In light of the Commission's work, and particularly taking into consideration the Museums Emergency Programme promoted by the International Council of Museums (ICOM), in 2008 the Ministry of Culture published its *"Guía para un plan de protección de colecciones ante emergencias"* (Handbook for a plan to protect collections in emergencies). This handbook presents a plan aimed at designing and implementing a set of measures to prevent and minimize damage to museum collections. This document is a preparatory tool enabling museums to start working on these issues. As a caveat for its usage, however, it is important not to lose sight of the logistic differences between museums in terms of size, type of collections, storage facilities, opening hours, staffing, and so on, as well as other factors such as the prioritization of the various collections in the event of an emergency.

It should be noted that some institutions in Spain have already developed independent emergency plans for their individual collections. Examples include the Thyssen-Bornemisza Museum and Guggenheim Museum in Bilbao. By way of example, the Guggenheim Museum's Protection Plan for Collections in Emergencies is fully integrated into the self-protection manual of the museum's General Emergency Plan, which is provided to any person who may be involved in an emergency situation through the provision of training and the conduct of drills. These individual initiatives are being taken into consideration by the public authorities in preparing the above-mentioned plans, as are other initiatives such as those sponsored by ICOM, the Getty Foundation and professional associations and forums in the security industry, among others.

Last, it should be added that, in the particular case of national museums, the Spanish Ministry of Culture has published a comprehensive book on its Museum Plan, describing the

programmes that need to be developed by museums, including one programme specifically devoted to the security of collections, buildings, staff and the public. This programme requires compliance with public and private safety regulations and it is suggested that an institutional cooperation plan be drawn up in relation to public security, involving the fire brigade, national police station, Civil Guard station, local police station, hospital and accident and emergency facility closest to the museum.

Switzerland's Federal Law on the Protection of Cultural Property (FL PCP) sets out the structure, measures and financial resources required for safeguarding cultural property in compliance with Article 3 of the 1954 Hague Convention.

The Swiss Confederation grants subsidies for the preparation of security documentation related to the objects listed in the Swiss inventory of cultural property (based on Article 1 of the Convention).

The purpose of security documentation of protection of cultural property (hereafter "PCP") is to make it possible to restore damaged cultural property and to provide the necessary frame of reference for making decisions to that effect. PCP civil protection personnel carry out on-site evacuation planning for movable cultural property.

PCP security documentation is in principle composed of seven parts:

1. A classification system;
2. Blueprint documents;
3. Photographic documents;
4. Documentary texts;
5. Archaeological documents;
6. Documents concerning movable cultural property; and
7. Microfilm.

Furthermore, 280 shelters for movable cultural property have been constructed in Switzerland over a period of 40 years. Today they constitute an area of 110,000 square metres for the protected shelter of objects.

In inspecting military installations that the Armed Forces no longer need and civilian shelters that will no longer be used, Switzerland considers turning such facilities into protected storage sites for collections.

To implement the Hague Convention, the **Syrian Arab Republic** has issued legislation and national laws for the protection of cultural property. The Ministry of Culture (MC), represented by the Directorate General of Antiquities and Museums (DGAM), whose seat is in Damascus, is the principal national administrative entity. The Ministry of Local Administration is engaged in the protection and safeguarding of cultural heritage, "urbanism planning, [the prevention of] illicit building, and [the provision of] public services".

Other bodies of laws help the law of antiquities in this field, such as Punishments law, civil law, Local Administration law, and ecotourism law. It is important to mention that these laws have no legal effect in the event such a law conflicts with Syrian Antiquities Law. "Syrian

antiquities law” is the executive and dominant law in case of a dispute in specific cases. This body of law provides for the comprehensive protection of Syrian cultural heritage.

Turkey’s first legislation regarding the conservation of cultural heritage was the 1869 Regulation of Antiquities law. Several amendments to this law were made during the Republican Period, culminating in the 1983 National Law on Conservation of Cultural and Natural Heritage (Law No. 2863). A number of additional amendments followed to improve the preservation of cultural properties. In 2004, “Law Number 5226” added new terms and methods to these existing laws, including development plans for conservation, cultural heritage areas, site management, and management plans. In 2005, two laws that provide for new opportunities in the fields of conservation, planning, management, and source utilization were adopted: Incitement of Cultural Investments and Initiatives, and Law No. 5366: the Preservation by Renovation and Utilization by Revitalizing of Deteriorated Immovable Historical and Cultural Properties. Regulations implementing the above-mentioned laws are in force, and are listed as follows:

- Regulation related to “the Procedure and Principles for the Preparation, Legend, Implementation, Supervision and Contractors of the Conservation Plans and Landscape Projects” (entered into force on 26 July 2005);
- Regulation related to “the Procedure and Principles for the Establishment, Permission and Labor of the Conservation-Implementation-Supervision Bureaus, Project Bureaus and Training Units” (entered into force on 11 June 2005);
- Regulation related to “the Procedure and Principles for the Establishment and the Responsibilities of Site Management and Monument Council and Determination of Management Sites” (entered into force on 27 November 2005);
- Regulation related to “the Financial Contribution for the Conservation of Immovable Cultural Properties” (entered into force on 13 April 2005);
- Regulation related to “the Construction Principles and Supervision of Immovable Cultural Properties to be preserved” (entered into force on 11 June 2005);
- Regulation related to “the Implementation of the Legislation for Preservation by Renovation and Utilization by Revitalizing of Deteriorated Immovable Historical and Cultural Properties” (entered into force on 14 December 2005);
- Regulation related to “the Establishment and Responsibilities of National Museum Directorships” (entered into force on 11 November 2005);
- Regulation related to “the Fund Providing for the Restoration of Immovable Cultural Properties” (entered into force on 15 June 2005); and
- Procedure and Principles for the Allocation, Usage and Payments of the Credits to be Used for the Maintenance, Repair and Restoration of Immovable Cultural Properties (defined in the protocol signed between Housing Development Administration of Turkey (TOKI) and Ministry of Culture and Tourism).

Conservation Law Number 2863 was amended in 2006, by Law Number 5571, whose aim is to more efficiently maintain immovable cultural heritages. It was further amended in 2008 by Law Number 5728, which revised the rate of penalties. Thus, the Conservation Law’s penal articles are parallel to the Turkish Criminal Code, international penal code systems and the European Union’s legal system.

As a result of the above-mentioned legal developments, both the central government and local authorities have been equipped with more efficient technical and administrative tools in the field of conservation. These measures should enhance public participation in and state support of historical asset conservation.

Turkey has registered approximately 120,000 immovable and 3,000,000 movable cultural properties on the Ministry of Culture and Tourism's inventory. Three distinct projects have been launched to document cultural properties in Turkey. They are:

- A standardization project for defining a common procedure in the certification and documentation of cultural properties throughout Turkey.
- A project consisting of the preparation of a software programme for digitizing inventories of immovable cultural properties in Turkey.
- A project consisting of preparation of a software programme for digitizing inventories of movable cultural properties in the museums of Turkey.

Lastly, another project for documentation and multi-hazard risk assessment of selected cultural heritage buildings in Istanbul is the Istanbul Seismic Risk Mitigation and Emergency Preparedness Project (ISMEP), financed by the World Bank. ISMEP is carried out by the Istanbul Provincial Special Administration - Istanbul Project Coordination Unit (IPCU). IPCU and the Ministry of Culture and Tourism (Istanbul Directorate of Surveying and Monuments) signed a protocol on 22 May 2006 covering the documentation and multi-hazard risk assessment of cultural heritage buildings in Istanbul under the responsibility of the Ministry of Culture and Tourism. The project has two components:

- Documentation and multi-hazard and earthquake retrofit evaluation of the cultural heritage buildings in Istanbul under the responsibility of the Ministry of Culture and Tourism
- Earthquake performance assessment and preparation of structural seismic retrofitting designs for cultural heritage buildings under the responsibility of the Ministry of Culture and Tourism. Under the scope of this component, an earthquake performance assessment and preparation of structural seismic retrofitting designs will be done for the following historical buildings:
 1. Topkapi Palace, 4th Court – Mecidiye Kiosk
 2. Archaeological Museum Additional and Classical Building
 3. Hagia Sophia Museum Directorate – Saint Irene Monument

Article 7: MILITARY MEASURES

Article 7 of the Convention deals with the High Contracting Parties' obligations during times of peace to include provisions in their military instructions that ensure the observance of the Convention and foster the spirit of respect for the cultural property of all peoples. This Article also requires that the High Contracting Parties, within their armed forces, plan or establish services or specialist personnel to secure respect for cultural property and to cooperate with the civilian authorities responsible for safeguarding such property.

In **Australia**, the Convention and its requirements are widely disseminated to Defence personnel through a variety of policies, doctrines and other publications. In relation to instructions provided to Defence personnel, Defence Instruction (General) Operations 32-1

on the *Appropriation and import of Defence related material during Australian Defence Force operations* specifically refers to the Convention and advises that no religious or cultural material is to be taken as a war trophy or as an historical artefact.

In **Austria**, the Convention and its two Protocols are fully respected in all relevant military regulations and instructions. As far as the Austrian Armed Forces are concerned, the protection of cultural property principles are anchored in an ANNEX to the Strategic Military Concept of the Austrian Armed Forces (*Militärstrategisches Konzept*, hereafter “MSC”) on Civil-Military Cooperation. Specially trained liaison-officers / military cultural property protection (*Verbindungsoffiziere / militärischer Kulturgüterschutz*) ensure the implementation of the Hague Convention and its protocols in all relevant military activities. Therefore, under the MSC and its ANNEX on Civil-Military Cooperation, specially trained personnel are provided to every level of command.

“*Cultural Awareness*” and “*Securing Cultural Heritage*” have been given increasing attention as part of international crisis management. “*Securing Cultural Heritage*” means more than the safeguarding of a specific cultural good – it also deals with social, political, cultural and economic factors, as well as the social framework, of the people concerned.

Cultural Heritage Protection is part of the training of all military ranks: soldiers, non-commissioned officers and officers. Additionally, the *Landesverteidigungsakademie* (National Defense Academy) offers advanced training courses.

In the Republic of **Azerbaijan** the order on the “Application of the International Humanitarian Law Norms in the Armed Forces of the Republic of Azerbaijan” was signed on 30 December 2005 by the Minister of Defense of the Republic of Azerbaijan; an associated “Instruction on the Application of the Law of Armed Conflict in the Armed Forces of the Republic of Azerbaijan” was approved on 29 December 2009 by an order of the Minister of Defense. These instruments were put in force to provide better quality teaching of international humanitarian law to the Armed Forces of the Republic of Azerbaijan. These orders educate on aspects of cultural resources, their recognition, the distinctive emblem and other important issues. The Ministry of Defense has also proposed the addition of an article to the “Law on Defense” for the purpose of the protection of cultural property in the event of military operations.

The **Bahraini** authorities plan to start with the dissemination and promotion of the Convention and its Second Protocol within the military to introduce their provisions to the military officers. This will allow the military to apply these instruments during an armed conflict.

In **Belgium**, the text of the Convention has been broadly disseminated within the armed forces, both via a general order and in military regulations. The Convention and its 1954 and 1999 Protocols (in the latter case, once it is ratified by Belgium) will be disseminated shortly via an internal armed forces database, which will contain all the provisions of the law of armed conflict. In addition, the Commission for the Protection of the Natural Environment and Monuments in the Military Domain affixed distinctive red and green emblems on monuments and natural sites in the military domain. However, the use and value of this marking is limited to the armed forces.

The protection of cultural property is one of the subjects taught in courses on the law of armed conflict (hereafter “LAC”) at all levels and ranks in the military hierarchy as part of both basic and continuing training. The teaching is adapted to the level of responsibility and to the subjects necessary for the exercise of the function concerned; the training will be adapted to the new provisions of the Second Protocol to the Hague Convention once Belgium has ratified it.

In addition, special attention has been devoted to the protection of cultural property when training advisers on the law of armed conflict who are responsible for advising on the current doctrine and the teaching of LAC to military commanders in units applying LAC.

The rules of LAC (including those on protection of cultural property), the rules of engagement and the rules of conduct are disseminated in an appropriate manner to the military contingents taking part in missions outside the national territory.

Last, the aide-mémoire card entitled “humanitarian rules for the combatant”, distributed to every member of the armed forces, features, among other things, an explanation of the distinctive protective emblem for important cultural property.

In its ancillary role to the Belgian public authorities, the Red Cross of Belgium disseminates international humanitarian law in Belgium. It also works in collaboration with the Belgian authorities to ensure that these rules of law are respected, and to ensure the protection of the distinctive emblems recognized by the Geneva Conventions of 12 August 1949 and the Additional Protocols to those Conventions (Statutes of the International Red Cross and Red Crescent Movement, adopted in 1986 and amended in 1995 and 2006, Art. 3, para. 2, subpara. 3; Statutes of the Red Cross of Belgium adopted in 2003, Art. 4).

The dissemination of international humanitarian law by the Red Cross of Belgium involves, among other things, awareness-raising and training in the rules on the protection of civilian property, in particular the cultural property protected by the Additional Protocols of 1977 to the Geneva Conventions of 1949, and the Hague Convention of 1954 and its two (1954 and 1999) Protocols.

By way of example, the Red Cross of Belgium has played an active part, in the course of the work of the Interministerial Commission on Humanitarian Law, in researching and drafting the brochure designed to raise awareness among Belgian authorities with responsibility for the rules on protection of cultural property in Belgium.

It has also continued to strengthen its activities in disseminating international humanitarian law, which regularly deals with the rules for the protection of civilian property, including cultural property, in the event of armed conflict.

These activities take a variety of forms:

- awareness-raising for the general public, or certain targeted sections of the public, about international humanitarian law, by disseminating online journals, devising teaching tools, and organizing events (one example being the international humanitarian law competition for universities, and Raid Cross, an outdoor role-play game for youth organizations);
- training targeted audiences in international humanitarian law: diplomatic and consular officials, members of the armed forces, actors in the legal system, students, actors in education, youth organizations, and so on.

Three activities in particular can be highlighted:

In 2004, on the occasion of the 50th anniversary of the Convention on Cultural Property, the Red Cross of the Belgium–Flemish Community organized a poster competition on the theme of protection of cultural property in wartime. In support of this competition, an educational brochure was sent out to art teachers. The Red Cross of the Belgium–Flemish Community also launched, in collaboration with the Flemish magazine *Knack op school*, a campaign designed to raise awareness of this subject among teachers.

Then, in 2007, as part of its general course on international humanitarian law intended for all types of public (including students, civil servants, members of NGOs, actors in the legal system and teachers), the Red Cross of the Belgium–French-speaking Community introduced a specific module on the places and property specially protected in the event of armed conflict. A good deal of this module was devoted to the protection of cultural property as laid down in the Hague Convention of 1954 and its two Protocols.

In addition, in the French Community of Belgium, a Decree on strengthening education in responsible and active citizenship in establishments run or subsidized by the French Community, adopted on 12 January 2007 by the Parliament of the French Community, provides for a manual entitled “Being and becoming a citizen” to be produced and distributed to pupils in their final years at secondary school. The Decree provides that the manual shall, among other things, deal with: “Human rights and in particular the rights of the child, employment rights, and the governmental or non-governmental institutions that safeguard them” (Art. 8, 8). This manual is currently being drawn up by a commission of experts appointed by the Government of the French Community. The Red Cross of the Belgium–French-speaking Community is working with this commission, notably on the drafting of the part of the manual devoted to international humanitarian law. It will deal with the protection of civilian property, and cultural property in particular.

In 1996, four non-governmental organizations, the International Council on Archives (ICA), the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS) and the International Federation of Library Associations and Institutions (IFLA) signed an agreement in principle to set up the International Committee of the Blue Shield (CIBB/ICBS).

With respect to the emblem of the Hague Convention of 1954, the purpose of the International Committee of the Blue Shield is, in particular, to act as an advisory body in cases falling within the scope of that Convention. Its role is now recognized by the Second Protocol to the Hague Convention (Articles 11.3 and 27.3).

Modelled on this International Committee, the Belgian Committee of the Blue Shield was set up on 26 October 2000, in the form of a non-profit association under Belgian law. Its statutes provide for various actors in the field to be represented: the founding non-governmental organizations, public authorities (federal, community and regional) and other bodies and institutions.

Three study days have so far been arranged in this framework. Plans for specific action are also being considered, particularly in the field of information and awareness-raising, education and training, and also disaster response and prevention.

Despite its limited financial and human resources, the Belgian Committee of the Blue Shield is pursuing its work in the field of prevention, and has carried out the following activities:

- An internet website has been set up.
- A survey has been carried out among the owners and managers of cultural properties (classified monuments, archive centres, museums, libraries, etc.) in order to determine their susceptibility to disasters and to identify risks of damage. The goal is to draw up a “Pompeii” plan for the cultural heritage along the lines of the “Seveso” plan in place for industries at risk.

To protect cultural heritage sites from further pillaging and destruction, a Heritage Police Force was technically established in **Cambodia** in 1994, and became officially operational in

1997. The Heritage Police Force Units are particularly deployed in the Angkor and Preah Vihear vicinities. These special police units are judicially placed under the Ministry of Interior and work in very close collaboration with national institutions such as the Authority for the Protection and Management of Angkor and the Region of Siem Reap (APSARA) and the Preah Vihear Authority (ANPV).

Basic training for all **Canadian** military personnel includes instruction concerning respect for cultural property, and additional education on the Law of Armed Conflict (including that concerning cultural property) is offered across the country four times annually to senior non-commissioned members and commissioned officers. Instruction in international humanitarian law (including the Hague instruments) is also mandatory for all students in officer training at Canada's Royal Military College in Kingston, Ontario.

In addition to this general training, all mission-specific pre-deployment training for Canadian military personnel includes information about the country in question. At this point, specific information about sites (particularly those that will be designated in the future for enhanced protection under the Second Protocol) could be provided as part of this training.

At present, no provisions, which will ensure observance of the Convention, have been introduced into the military regulations or instructions of **Cyprus**. The Department of Antiquities is, however, in contact with the Ministry of Defence and a series of meetings are planned to promote the introduction of such regulations into military instructions. The introduction of such provisions into military regulations has been set as a priority, an event that will in turn allow the cultivation of the spirit of respect for cultural property within the armed forces and the designation of specialist personnel for its safeguarding.

In the **Czech Republic**, according to § 48 paragraph 1(f) of Act No. 221/1999 Collection of Laws (Professional Soldiers), the primary duties of a member of the military cover, inter alia, an obligation to observe international humanitarian law and international treaties, which include the Convention and both of its Protocols.

The International Law Department of the Ministry of Defense closely cooperates with the Ministry of Culture on expert issues; Czech Legal Advisers responsible for assuring compliance with international humanitarian law are assigned to each battalion commander.

The National Police of the **Dominican Republic** is responsible for ensuring protection of public property and maintains a permanent surveillance and control service for cultural property. This effort is undertaken in cooperation with the civilian authorities entrusted with safeguarding such property, which include such specialist entities as the tourist police and the community police.

Estonia includes international law education in its military training. Estonian National Defence College trainees receive a series of lectures on international humanitarian law, including the Convention. Trainees at the Baltic Defence College also take a course on international humanitarian law, including the Convention, and take seminars and receive hands-on exercises on implementing the law. Mandatory military service trainees receive one academic hour of military law, which includes the Convention.

Estonia does not yet have special services to secure respect for cultural property within the armed forces, but, on 15 January 2008, the Minister of Culture and the Minister of Defence signed a Memorandum of Cooperation in order to ensure the efficient protection of cultural property in the event of armed conflict and during international peacekeeping missions. The Memorandum also suggested several measures to be implemented in peacetime. Carrying out the agreement will be coordinated by the Estonian Ministry of Culture. The first two

endeavours undertaken in the spirit of the Memorandum were military training and an international conference. They both took place in February 2008 in Tallinn.

Finland has not as yet set up a separate unit in its military forces to oversee respect for cultural property. This issue has been discussed, however, and preliminary plans have been made to educate military lawyers on questions related to the Convention. Since the Finnish Defence Forces are defence-based and operate solely on Finnish national territory, appointing a separate unit is not a primary concern.

In 2000, the General Staff of the Army of the **Former Yugoslav Republic of Macedonia** established direct cooperation with the Office of the International Committee of the Red Cross (ICRC) in Skopje. The ICRC started training instructors in the Army to develop their capability to create a foundation for further integration of international humanitarian law and the law on armed conflicts within the Army. In addition to this training, scholarships were also offered to instructors from various profiles (operational officers, medical officers, and lawyers) from outside of the FYROM. After two years of active cooperation, and with the direct support of the ICRC, the manual "Law on armed conflicts for the armed forces" was published as a multimedia CD in the Macedonian language for basic training and integration of the law on armed conflicts within the Army training. Later, other specialized training manuals were developed. The Army has also planned a number of classes on the law of armed conflicts at the Military Academy where courses for officers are organized.

While there is no "service" tasked specifically with securing respect for cultural property within the armed forces in **France**, as set forth in Article 7 of the 1954 Hague Convention, it is generally the responsibility of the "Legal Adviser" to advise the Commander-in-chief of the forces in the theatre of operations and to promote respect for cultural property.

The joint directive on legal advisers in external theatres of operation of 8 February 2006 states that the general role of these advisers is to advise the theatre Command and its staff on all legal matters, both in the planning and execution phases. The Legal Adviser helps to determine as accurately as possible the international, French and local legal standards applicable to the operation.

In accordance with French joint military doctrine, the Legal Adviser is consulted during the targeting procedure to provide a legal appraisal of the possible designation of targets. The Hague Convention is one of the texts which underpins the recommendations made in terms of targets.

In **Germany**, specific measures are taken to ensure the protection of cultural property and to comply with the regulations of the Convention during operations. Protection during Bundeswehr operations is ensured by integrating aspects of cultural property protection in the conduct of military operations, gathering current information on cultural property in the theatre of operations and by imposing penal or disciplinary sanctions. In peacetime, appropriate preparations and regulations are already provided for.

In terms of the integration of aspects of cultural property protection in the conduct of military operations, German military leaders, in both peacetime and during operations, are assigned legal advisers whose task, as special personnel according to Article 7(2) of the convention, is to give advice on all issues related to international law, to include the protection of cultural property under international law. Their task includes examining the legal basis of orders, instructions and rules of procedure of the armed forces and ensuring that all aspects of international humanitarian law are taken into account. This means that legal advisers are also involved in the implementation of military procedures (e.g., military targeting).

In **Greece**, The process of informing military personnel on issues concerning the protection of cultural property in the event of armed conflict has been undertaken by the Hellenic Ministry of National Defense under the responsibility of the Hellenic National Defense General Staff.

In the **Holy See**, the Papal Armed Forces are comprised of the Swiss Guard and the Security Corps. The Swiss Guard is charged with the surveillance and the security of the entrance of the State and of the entire Pontifical Palace. This objective is fulfilled by remote control systems and the presence of guards at key positions of the Palace. The surveillance is further completed by the daily and nightly control rounds by the guards, who are provided with modern means of observation and communication. A troop of Reserve Guards is ready to intervene at anytime in case of necessity. The Papal Armed Forces work in close collaboration with the Security Corps and the fire services.

The Security Corps carry out surveillance and the maintenance of security, particularly in the context of the protection of cultural property, and were recently reorganized by a Regulation of September 2008. The Corps are responsible, among other things, for the police, security and public order, and for the entrance borders to the City. The Corps is likewise responsible for the protection and control of the territory of the City, the people and the property on the territory, in close connection with the Swiss Guards. For the prevention and control of the territory, the Corps makes use of an "Operating Room" established at the beginning of the Jubilee in 2000, and equipped with alarms and video surveillance of latest generation: they constitute a permanent and continuous protection, operating 24 hours per day.

In addition to the regular activities of police, the Security Corps exercises continuous control over people who enter the City and their goods, in order to prevent and avoid possible terrorist threats.

The Commander of the Corps, who also supervises the fire fighters, assures the safeguarding of property and the environment against damage and dangers caused not only by fire, but also by other accidental or criminal situations, by providing any immediate and necessary reaction. In collaboration with the Corps, fire fighters carry out daily targeted searches in the territory, the Museums and Papal Palace, with precise technical verifications of the equipment and anti-fire facilities.

Since 1997, **Iran (Islamic Republic of)**, through its experienced experts, has been holding an annual educational workshop for the armed forces on the following themes: the history of cultural heritage; knowledge of cultural heritage; the definition of cultural heritage; Iranian cultural heritage from the past to the present; regulations regarding the protection of cultural heritage; the importance of cultural heritage; the necessity of the protection of cultural heritage; and the 1954 Hague Convention and its two (1954 and 1999) Protocols.

In **Japan**, the Self-Defence Forces Law stipulates that the Ministry of Defence and the Self-Defence Forces shall make appropriate efforts to ensure compliance with international law and custom. Within these two departments, the sections responsible for affairs related to international humanitarian laws are in charge of implementing the Convention in close cooperation with other governmental agencies responsible for the protection of cultural property, such as the Agency for Cultural Affairs.

The requirements of this article are considered by Jordanian forces. In 1996, a central unit was established at the Department of Anti-narcotics, the responsibility of which is to follow up on any impacts on movable and immovable antiquities. In the meantime there is a strict and direct cooperation between other law-enforcement agencies, Customs Departments and the Department of Antiquities of **Jordan**. Moreover, Cultural and Natural Heritage issues are

taken into consideration as part of the study programmes of military and security departments of universities and academic sections of military forces.

During the war in Iraq in 2003, a specialized Jordanian unit was established on the Iraqi border to control the illicit transportation of Iraqi Heritage. It was very efficient and used the most developed detection machines to stop illicit transport. The Jordanian government returned hundreds of objects to Iraqi authorities, including sculptures, stamps and inscribed clay tablets.

For the purpose of implementing the goals of the Convention for armed forces personnel, the Ministry of Defense of the **Kyrgyz Republic** has taken the following actions:

- 1) In 1999 the Handbook "Rights of armed conflicts" for the officers of Armed Forces the Kyrgyz Republic was published. Due to this manual, military servants have opportunity to have a basic knowledge about the standards set by Convention, which is important not only for humanizing armed conflicts, but also for peaceful mutual relations among states; and
- 2) In 2002 Officers of Armed Forces of the Kyrgyz Republic and the International Committee of Red Cross published the supplemented version of the "Rights of armed conflicts" handbook.

In the near future, the Secretariat of the Commission of the Kyrgyz Republic for UNESCO is planning to prepare the following projects on the implementation of this Convention among civil society and military personnel:

- (a) Amendments to the legislation of the Kyrgyz Republic on the safeguarding and use of historic-cultural heritage in the event of armed conflicts.
- (b) Recommendations to the Ministry of Defense on preparation and forming of special services to preserve cultural property.
- (c) Organization of specialized workshops for military servants, with the assistance of international organizations.
- (d) Official translation of the Convention into the Kyrgyz language.
- (e) Publications and articles in mass media devoted to the problems of safeguarding cultural heritage in the event of armed conflicts.

In **Latvia**, the cultural property protection requirements of national legislation are binding on National Armed Force (NAF) personnel. Violation of such legislation is punishable under Article 79 and 229 of the Criminal Law, or Article 89 – 89.3 of the Administrative Violations Code.

In **Lithuania**, Instructions on Participation of the Armed Forces during Immovable Cultural Heritage Objects' Preservation in the Event of Armed Conflict or other Extreme Situations were approved by the Order of the Minister of National Defence on 24 May 2007 in order to implement Measure 3 of the Plan of Implementing Measures of the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations. These instructions define the actions, duties and responsibilities of the Armed Forces to protect or safeguard cultural heritage objects in the event of armed conflict or other extreme situations within the territory of Lithuania.

In addition, in 2004, on the initiative of the Commission on Implementation of the International Humanitarian Law, a position of a Chief Specialist of Cultural Heritage protection in the Lithuanian Armed Forces was established. The main task for the Specialist is to coordinate and ensure implementation of the Convention in the National Defence System.

In **Mauritius**, military regulations ensuring observance of the Convention have not yet been implemented, but are to be included in the amendments to the National Heritage Fund Act.

The Principality of **Monaco** does not maintain its own military forces; the protection of the independence, sovereignty and integrity of the Principality's territory is guaranteed by the French Republic, pursuant to the Treaty signed in Paris on 24 October 2002 aimed at adapting and confirming the links of friendship and cooperation between the French Republic and the Principality of Monaco.

The armed forces of the **Netherlands** include the Cultural Affairs & Information Section (hereafter "CAI Section") of the Command Support Group of the Royal Netherlands Army.¹² This unit is responsible for the implementation of those regulations which are relevant to the armed forces. The CAI Section provides instruction on cultural heritage and cultural awareness during all military pre-deployment training programs, including on the obligation to prevent damage to, destruction of, or illegal transfer of cultural property during military operations abroad. The CAI Section also provides a Cultural Heritage Liaison Group for military support operations on national territory in case of a large-scale disaster or crisis. Reserve officers connected to this Liaison Group are able to advise military commanders on the importance of cultural heritage at risk and will serve as point of contact for civilian staff of those cultural institutions involved. They can be deployed in every Safety Region where military support in assistance to civilian authorities is contemplated. Furthermore, during Stability or Peace Support Operations, the Dutch armed forces can deploy specialists in cultural heritage protection from the 1st CIMIC Battalion Network for Cultural Affairs & Education (more about this Network can be found in this report concerning Article 30 of the 1999 Protocol). This unit consists of expert reserve officers who can be attached to any CIMIC team or military staff in the field.

The **Norwegian** military education system provides a five-hour interactive course on international law concerning war (including the protection of cultural heritage) to soldiers, and a twenty-hour interactive course to officers. The courses are on one CD and are distributed to all personnel. In addition, a two-page pocket-sized leaflet has been made for all soldiers to carry in their pockets. One side of the leaflet contains ten basic rules from the Hague and Geneva conventions; the other side contains a survey of international protection signs (including the sign for the protection of monuments – Hague 1954).

Pakistan has taken the necessary steps to disseminate the text of the Convention and its Regulations. These texts will also be included in the study programmes of military personnel, and in the training of civilians engaged in the protection of cultural property.

In **Poland**, provisions ensuring the observance of international law standards regarding cultural property protection by the Armed Forces of the Republic of Poland were included in Decision No 250/MON of the Minister of National Defence of 4 August 2005 (Dz.Urz. MON No 15, item 135). "The instruction on the rules of cultural property in the activities of the Armed Forces of the Republic of Poland" is currently implemented by the Armed Forces. The "instruction" specifies tasks and powers with regard to cultural property of persons in managerial positions within the Ministry of National Defence and commanders in the Armed

¹² The CAI Section is since 2001 part of the Land Forces Command Support Group. From the 1950's until the 1990's it was called the Cultural Heritage Protection Bureau (Inspectie Cultuurbescherming), which was a separate unit within the army's National Territorial Command.

Forces. The organizational structure of the Ministry of National Defence includes an officer responsible for compliance with international law principles concerning cultural property protection.

Within the **Romanian** Ministry of National Defence, specific regulations and manuals that provide for the obligation of military and civil personnel to respect the international humanitarian law norms (including the rules related to the protection of cultural property) were elaborated.

Besides the theoretical instruction in the field of international humanitarian law, army personnel apply knowledge in this field during the trainings, practical exercises, simulation exercises and especially during missions abroad, regardless of the mission's character.

For Romanian military personnel participating in missions abroad, the knowledge and observance of these rules is ensured by attendance of a specific course within the training programme for the mission, and in the operation field, by receiving specific rules containing explicit norms concerning the regime of cultural property.

The specialized structure within the Ministry of National Defence is the Centre of International Humanitarian Law. This Centre offers qualified support for actions of dissemination of international humanitarian law.

At the same time, the commanders, supported by appropriately instructed counsellors from the armed forces, have the obligation to supervise the respect of cultural property and to cooperate with the civil authorities responsible for the protection of such objects.

Officers responsible for the protection of historical monuments are nominated within the Territorial Inspectorates for Emergency Situations. They have specific attributions to this purpose and their directives are carried out at both a centralized (through training sessions organized by experts from the General Inspectorate for Emergency Situations) and local level. A concrete example is the organization at Sibiu, in November 2008, of a training session where one of the presented subjects was: "*Considerations regarding the application of legal instruments of international humanitarian law – 1954 Hague Convention on protection of cultural property in the event of armed conflict*".

Slovakia has introduced military regulations to ensure observance of the Convention, in particular, the "Instruction of the Ministry of Defence of the Slovak Republic in the event of armed conflict" (2005). Further, training is provided for staff with a view to the protection of cultural property. Slovakia does not have a unit in the armed forces dedicated to securing respect for cultural property.

In **Slovenia**, specialized services responsible for safeguarding cultural property in the event of armed conflict have not yet been established. However, the Hague Convention has been introduced into military practice. The provisions of the Convention constitute an integral part of military education and the training of the Slovenian Armed Forces. Members of the Slovenian Armed Forces are acquainted with the distinctive emblem marking cultural property under special protection. The Slovenian Armed Forces acting within the Crisis Response Operation have a duty to safeguard property (and persons) with a specifically defined status.

In **Spain**, Royal Decree No. 96/2009 of 6 February approving the Royal Orders on the Armed Forces was published in 2009. As stipulated in Article 1:

The royal orders on the armed forces, which constitute the military code of conduct, set out ethical principles and rules of conduct consistent with the Constitution and the

legal system as a whole. They shall provide guidance to all military officers with a view to promoting and demanding strict fulfilment of their duty, sustained by love of Spain, honour, discipline and courage.

Some of its provisions are directly related to the protection of cultural property, particularly in Chapter VI (*Operational ethics*), Article 113 (entitled *Protection of cultural property*), which stipulates:

No military officer may launch attacks, commit hostile acts or carry out reprisals against cultural property or places of worship that are clearly recognized as such, constitute the cultural and spiritual heritage of peoples and are protected under special agreements. All military officers shall prevent the above-mentioned cultural property or nearby facilities from being used for purposes that may expose the property to destruction or damage.

Article 106, which is more general, also sets out the duties of military officers in relation to international humanitarian law:

Military officers shall know, promote knowledge of and, in the event of armed conflict or military operations, shall implement the international conventions that Spain has ratified on the amelioration of the condition of wounded, sick and shipwrecked members of armed forces, the treatment of prisoners and protection of civilians, and the international conventions on the protection of cultural property and on prohibitions or restrictions on the use of certain weapons, ratified by Spain.

In **Switzerland**, respect for the Convention is ensured under the section of international law of armed conflict by the staff to the Chief of the Armed Forces. In the event of armed conflict, the military justice system is responsible for instigating penal proceedings arising from violations of the Convention. Articles 110 and 111 of the military penal code are applicable in the case of damage to cultural heritage caused by persons subject to that code.

In the **Syrian Arab Republic**, the Ministry of Culture had the Military of Defense include the provisions of the convention in its military regulation. For example, according to Article 26 of Antiquities law: [it] is forbidden to establish heavy, dangerous industry and *military* constructions within a border of 500 meters from registered immovable archaeological and historical properties.

The Syrian constitution was declared in 13 March 1973 by decree number 208, and it contains in its contents four chapters, including: Basic principles, powers of the state, modification of the constitution, and general provisions. Article 21 declared the laws that establish preservation principles, management and rehabilitation of cultural heritage, and the national policies concerning such heritage. The text reads: "The educational and cultural system aims at creating a socialist nationalist Arab generation which is scientifically minded and attached to its history and land, proud of its heritage, and filled with the spirit of struggle to achieve its nation's objectives of unity, freedom, and socialism, and to serve humanity and its progress".

Turkey's military staff enrolled in various professional training institutions (such as Military Academies, the Intelligence School, and the Information Support School), as well as military and candidate military judges, are trained in the law of armed conflict. The training informs these staff for the purpose of dissemination of the Convention, as well as about the military measures to be taken in accordance with its provisions. Trainees are instructed on the importance of cultural assets, their protected status (e.g., being protected from being a military target) and the marking of cultural objects with the Convention emblems.

At Turkey's Partnership for Peace Training Centre, international courses on the law of armed conflict are open to both Turkish Armed Forces personnel and the military personnel of foreign countries.

Chapter V: THE DISTINCTIVE EMBLEM

Chapter V of the Convention defines the form of the distinctive emblem and the circumstances in which it may be utilized.

Australia has not marked cultural heritage places or its national collecting institutions with the emblem, but would examine the use of the emblem where practicable to mark and safeguard property in situations of conflict. Further consideration would need to be given to the criteria for establishment, and the means of identifying and marking cultural property of the greatest importance to the cultural heritage of every people, including very large landscapes, particularly movable cultural property, and noting the complexity of ensuring that protocols relating to Indigenous objects of secret sacred significance are respected.

In **Austria**, many immoveable objects listed by the *Bundesdenkmalamt* as cultural property are marked with the distinctive emblem. Currently, this marking is only used in agreement with the owner of the object, but it may be ordered in accordance with Section 13 (5) *Denkmalschutzgesetz*.

The marking of cultural property in **Azerbaijan** has not been possible due to ongoing conflicts.

In **Belgium**, the Communities and Regions issued regulations regarding the affixing of the distinctive emblem on classified cultural properties within their jurisdiction: the Ministerial Order (Ministry of Dutch Culture and Flemish Affairs, during the era before the Flemish Government was established) of 1 April 1977 deciding on the design of the distinctive emblem to be affixed to monuments protected by Royal order; the Order of the Flemish Government of 3 June 1997 deciding on a distinctive emblem for protected sites; the Order of the Flemish Government of 4 June 2004 implementing the Decree of 29 March 2002 for the protection of the nautical heritage (introducing a distinctive emblem for nautical heritage); the Order of the Walloon Regional Executive of 7 June 1990; the Order of the Government of the Brussels-Capital Region of 16 March 1995; and the Order of the Government of the German-speaking Community of 13 March 1995 (exercising the powers of the Walloon Region over immovable heritage situated in the communes within its jurisdiction).

The majority of the sites and cultural properties located near Brussels and in the Walloon Region have been designated with a distinctive emblem. The protected properties are systematically listed in the URBIS (Brussels Urban Information System) plan, which can currently be consulted by administration, and soon will be accessible by all citizens via the internet.

The distinctive sign of the 1954 Convention has been and is being used at many cultural heritage sites in **Cambodia**. These signs have always been used in good faith and under difficult circumstances to protect Cambodia's Cultural Heritage, starting in the 1960's with sites in and around Angkor, Banteay Chmah, the "Conservation d'Angkor" e. a. The most recent use of the distinctive sign was at the temple of Preah Vihear in 2008.

The distinctive emblem of the Convention has been used in the past to mark a number of Ancient Monuments and archaeological sites in the Republic of **Cyprus**. Provisions will be made in order to ensure the reapplication of the distinctive emblem on cultural property where it has been discoloured, as well as to promote its use on a wider scale.

The distinctive emblem has not been used in the **Czech Republic** because the lists of cultural property protected under the Convention and the Second Protocol have not been completed. Financial and technical analyses regarding future marking, however, are in progress.

Estonia does not mark cultural property with the distinctive emblem of the Convention. However, according to its Heritage Conservation Act, passed 27 February 2002 (and subsequently amended), monuments are marked with traditional runic symbols. Using the emblem of the Convention has not been discussed.

Finland has not officially protected its cultural property pursuant to the Hague Convention, and thus no decision on marking property with its symbol has been made. Its aim in time of peace, however, is to mark publicly owned property under general protection based on the owner's discretion.

In the **Former Yugoslav Republic of Macedonia**, the signs for marking cultural heritage as anticipated by the Hague Convention have been added to Article 416 of the Criminal Code entitled "Abuse of International Signs."

France does not use the distinctive emblems proposed by the Convention to protect cultural property.

Thus far, **Germany** has registered approximately 8,200 historical buildings and sites, as well as over 1,200 museums, archives, libraries and archaeological sites on the territory of the Federal Republic of Germany (before 1990) to be distinctively marked pursuant to Article 16 of the Convention. Some of these have already been marked.

In the German Democratic Republic, immovable cultural property was marked with an emblem similar to that described in Articles 16 and 17 of the Hague Convention but had an additional mark and the label "historical building".

It is expected that a total of 2200 historical buildings and sites will be marked in the new federal states Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Thuringia. The central registration of these sites is being prepared.

In **Greece**, there has not been any use of the distinctive emblem to date, as there have been no monuments or centres containing cultural property placed under special or enhanced protection. The use of the emblem is one of the issues to be examined by the National Advisory Committee on the implementation of the Convention. The Committee will also elaborate the list of monuments under enhanced protection where it will be possible to place the emblem.

Taking into account the inscription of the whole territory of the State of the Vatican City as a "centre containing monuments" on the International Register of Cultural Property under Special Protection, the **Holy See** stresses the need to mark the whole territory with the distinctive emblem of the Convention and not only the movable and immovable cultural property situated therein. Such a measure is not required in time of peace, but it will be taken under the circumstances referenced in the Convention.

In **Japan**, the owners of cultural properties have discretion on whether or not to use the distinctive emblem in times of peace.

Due to the large number of cultural sites located in **Jordan**, the distinctive emblem is not used to mark such properties.

The State Inspection for Heritage Protection of **Latvia** provides real estate owners (management companies) with distinctive plates that have to be fixed in a visible location on the cultural property under Article 50 of the Cabinet of Ministers Regulation 474, *Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading object*.

In **Lithuania**, 19 immovable cultural heritage objects (buildings) from the List of Immovable Cultural Heritage Objects and Buildings and Premises of Outstanding Cultural Significance designed to Protect and Exhibit Movable Cultural Property were intended to be marked with one distinctive emblem of the Convention in 2008 as part of the implementation of Measure 6 of the Plan of Implementing Measures of the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations. The objects to be marked include:

1. The remains of Kaunas Castle; Pilies Str. 17, Kaunas;
2. The building of the Cabinet of Ministers in Kaunas; K. Donelaitis Str. 58, Kaunas;
3. Maironis (S. Sirutis) Palace in Kaunas; Rotušės Sq. 13, Kaunas;
4. Kaunas State Musical Theatre; Laisvės Ave. 91, Kaunas;
5. Kaunas Art School (M. K. Čiurlionis Art Gallery); Mickevičius Str. 27A, Kaunas;
6. The Presidential Palace complex in Kaunas; Vilnius Str. 33, Kaunas;
7. The Officer Club of the Lithuanian Armed Forces (Karininkų ramovė); A. Mickevičius Str. 19, Kaunas;
8. The country seat in Ožkabaliai – J. Basanavičius Memorial Museum and the oak park dedicated to the Lithuanian popular revival; Ožkabaliai village, Bartninkų elderate, Vilkaviškis district;
9. Chaim Frenkel Vila; Vilnius Str. 74, Šiauliai;
10. The remains of Trakai Peninsula Castle; Kęstutis Str. 4, Trakai;
11. Medininkai Castle; Medininkai village, Medininkai elderate, Vilnius district;
12. The remains of Vilnius Lower Castle; Arsenalo Str. 1, Arsenalo Str. 3, Arsenalo Str. 3A, Vilnius;
13. The buildings and their remains of Vilnius Upper Castle; Arsenalo Str. 5, Vilnius;
14. Trakai Island Castle; Kęstutis Str. 7, Trakai;
15. Vilnius Bastion; Bokšto Str. 20/Subačiaus Str. 18, Vilnius;
16. Užutrakis Estate; Užutrakio str. 17, Užutrakio Str. 7, Užutrakio Str. 8, Užutrakio Str. 8A, Užutrakio Str. 2, Užutrakio Str. 4, Užutrakio Str. 5, Užutrakio Str. 3, Užutrakio Str. 10, Trakai;
17. House of the Signatories; Pilies Str. 26, Vilnius;
18. Lithuanian Art Museum; Vilnius Str. 22, Vilnius;

19. Šiauliai “Aušros Museum”; Vytautas Str. 89, Šiauliai.

Mauritius does not currently mark cultural property with the distinctive emblem. Provisions regarding the marking of cultural property with the distinctive emblem are to be included in the amendments to the National Heritage Fund Act.

To date, the Principality of **Monaco** has not used the Convention’s distinctive emblem to distinguish cultural property.

The political stability of the Principality of **Monaco**, its integration in Europe, its membership of the Council of Europe (and of the European Union Customs Union in particular), are facts that lead Monaco to consider that such marking is not urgent at present; nonetheless, the Principality of Monaco does not exclude the possibility of such marking, should the need arise.

Since 1964, the **Netherlands** has used the distinctive emblem for approximately 4,500 items of cultural property under (general) protection. These items can be divided into three categories: immovable property (4.371), movable property (ca. 150) and collections. All items have been registered in a database. Continuous attention is given to the dissemination of the meaning and context of the emblem and to discourage imitation and unauthorized use.

The protected monuments of **Norway** are not marked with the signs of the Hague Convention. Specific information signs are placed on more important cultural objects.

Cultural property in **Poland** is marked with the distinctive emblem specified in the Convention. The rules governing the marking of such property were laid down in the Ordinance of the Minister of Culture of 9 February 2004, based on the model of the emblem placed on immovable cultural property entered onto the register of historical cultural property (Dz.U. No 30, item 259).

Romania has partially implemented the relevant provisions of the Convention relating to the use of the distinctive emblem, particularly for objects of major importance.

Slovakia does not use the distinctive emblem of the Convention to mark all Slovak cultural property.

In **Slovenia**, the rules on the form and position of the distinctive emblem for immovable monuments and sites, adopted in 1986, include the distinctive emblem of the Hague Convention. Due to an ambiguity as to the marking and placement of emblems, the statutory marking with the distinctive emblem of the Hague Convention is, in fact, only applied to some cultural monuments.

Spain does not employ the distinctive emblem because no clear view has yet been taken on its deployment. Nonetheless, considering that the intention is to appropriately and widely disseminate the Convention and its two Protocols now that the Guidelines have been approved, progress may be expected in this respect, as the emblem is considered a useful tool for protection, by discouraging action against the property identified.

Switzerland has provided its cantons with the number of shields needed to mark objects pursuant to the Convention. These shields may, however, only be affixed upon the order of the Federal Council. Once the Swiss inventory of cultural property has been reviewed, a new evaluation of the situation will be considered.

In the **Syrian Arab Republic**, the Directorate General of Antiquities and Museums is preparing to use the distinctive emblem of the convention.

The **Turkish** government notified Governorships and museums of the use of the Convention's distinctive emblem by a circular order dated 5 January 1999. Furthermore, the "Directives for the Entrance, Information and Orientation Signs of Museums and Archaeological Sites", put into force on 23 November 2007, requires relevant authorities to use the distinctive emblem where appropriate.

Article 25: DISSEMINATION OF THE CONVENTION

Article 25 of the Convention concerns the High Contracting Parties' obligation to disseminate, in times of peace, the text of the Convention and Regulations as widely as possible, and in particular to armed forces and personnel involved in the protection of cultural property.

In **Australia**, information on the requirements of the Convention is disseminated within the military through training courses on international humanitarian law and through a variety of publications. These publications include:

- Australian Defence Doctrine Publication 1.2, Operational Health Support;
- Australian Defence Doctrine Publication 06.4, Law of Armed Conflict;
- Australian Defence Force Publication 3.14.2, Targeting Procedures;
- Australian Defence Force Publication, Communications;
- Australian Book of Reference (ABR) 5179 Manual of International Law;
- Australian Air Publication 1003, Operations Law for RAAF Commanders;
- 1st Division Operating Instructions;

Specific training on the Convention is provided to legal officers. As part of the competency based training, legal officers are required to be able to explain the emblem established by the Convention.

In **Austria**, the Convention is disseminated by several measures on different levels aiming at raising as much awareness as possible. The Federal Ministry for Education, the Arts and Culture and the Federal Ministry of Defense supported, organized, took part in or sent experts to the following activities:

- Protection of cultural property in European Union-led military crisis-management operations, Workshop in Bregenz, June 2006, organized by Federal Ministry of Defense
- Civil-Military Relations Seminar – Military Ethics – The Protection of Cultural Property and (Military) Leadership, National Defense Academy, Vienna, 9-11 November 2005
- Seminar on the Implementation of the 1954 Hague Convention, organized by ICRC Regional Delegation for Central Europe, Budapest, 1-2 October 2007
- International Heritage Conventions and Other Major Texts, international conference 11-13 October 2007, Vilnius, Lithuania

- Bilateral work-shop with experts from Estonia, Vienna, November 2007, organized by the Austrian Society for the Protection of Cultural Heritage
- Cultural Heritage – Tradition and Duty (*Kulturelles Erbe – Vermächtnis und Auftrag*), symposium organized by the Austrian Society for the Protection of Cultural Heritage, Klagenfurt, 26-28 September 2007
- *Kulturelles Erbe – Vermächtnis und Auftrag*, publication by the Austrian Society for the Protection of Cultural Heritage

The Hague Convention and its two Protocols are also published in the Federal Law Gazette (BGBl Nr. 58/1964 and BGBl. III 113/2004). A free download of the Federal Law Gazette is available on the internet (www.ris2.bka.gv.at).

In **Azerbaijan**, each civilian and armed person serving in the state service must be aware of the provisions of the 1954 Convention, as well as of other international law documents. The Convention for the Protection of Cultural Property in the Event of Armed Conflict has been included in the training curricula of military units and military education institutions in the framework of studying International Humanitarian Law. Protection of Cultural Property in the Event of Armed Conflict also has been taught since 2004 in military institutes of higher education of the Ministry of Defense, within the framework of the “Political Science and International Relations” discipline.

As noted in the summary of the reports on Article 7 of the Convention in part VII(i), *supra*, the **Bahraini** authorities plan to start with the dissemination and promotion of the Convention and its Second Protocol within the military to introduce their provisions to the military officers. This will allow the military to apply these instruments during an armed conflict.

In **Belgium**, an educational leaflet on the protection of cultural property, written in French and Dutch, has been edited and will be distributed to the authorities of the central government, concerned administrations, and to international institutions such as UNESCO, the International Committee of the Red Cross, and the International Committee of the Blue Shield. It contains particular recommendations to improve the implementation of the Convention and its two Protocols.

These texts (and the Second Protocol as soon as Belgium has ratified it) will also be disseminated through an internal armed forces database. The protection of cultural property is a part of the military forces’ education on the law of armed conflict.

In addition, following a decree adopted by the French Community Parliament on 12 January 2007, a manual entitled “Being and becoming a citizen” will be distributed to pupils in their final years of secondary school. This manual, written by a committee of experts designated by the Government of the French Community, will include information regarding the protection of cultural property.

Finally, the Belgian Committee of the Blue Shield, a non-profit association set-up in 2000, develops concrete actions to disseminate information to and raise awareness of the general public, to educate and train, and to intervene and prevent disasters. A website is already available, and a survey among professional administrators of cultural property that evaluates disasters suffered and identifies risk factors, in order to elaborate a plan of action for safeguarding cultural property in the future.

In the framework of assistance provided to **Cambodia’s** Ministry of Culture and Fine Arts and related governmental institutions (APSARA National Authority and National Authority for Preah Vihear), the UNESCO Office in Phnom Penh organized a training session on

international humanitarian law, including the 1954 The Hague Convention. The training was held from 2-6 March 2009 at the Ministry of Culture and Fine Arts. The attendees included members of the UNESCO Phnom Penh Office, the Ministry of Culture and Fine Arts, the Council of Ministers, the Ministry of Culture and Fine Arts, the Cambodian National Commission for UNESCO), the APSARA National Authority in close collaboration with the Cultural Heritage Police, the Preah Vihear National Authority, the National Museum, and the Tuol Sleng Genocide Museum.

Following this training session, the Ministry of Culture and Fine Arts asked the UNESCO Phnom Penh Office to organize more training on other International Conventions for their staff and the staff of related governmental institutions. As a follow-up, a training course on the 1954 Hague Convention and its implementation will be organized for the Military High Command in March 2010.

Beyond those efforts directed specifically at military personnel, the **Canadian** publication "Bon Voyage, But..." produced by the Department of Foreign Affairs and International Trade (hereafter "DFAIT") informs the general public of their obligations to respect cultural property abroad, and penalties imposed under Canadian law for acts against cultural property. At present, 3.5 million copies of the booklet are produced each year, and provided with each new Canadian passport. It is also available electronically on the Department's website to Canadians travelling internationally, and through a wide range of public awareness-raising activities conducted by DFAIT. Because the new offences created in Canada's *Criminal Code* to implement Article 15(1)(e) of the Second Protocol are not limited to acts committed in other States, or only to those acts that take place during armed conflict, the information contained in "Bon Voyage, But ..." does not specifically mention the Hague instruments. Detailed information about the Hague Convention and its Protocols, obligations, offences and penalties, is made publicly available on the Department of Canadian Heritage website.

In **Cyprus**, the Department of Antiquities is currently in contact with the Ministry of Defence in order to incorporate the provisions of the convention into their military regulations. As this is achieved, the dissemination of these regulations within the armed forces will be promoted and personnel designated to be engaged in protecting cultural property will be properly trained. As a primary step, the dissemination of the text of the Convention and the Regulations for its execution within the military will be promoted with the collaboration of the Ministry of Defence.

In the **Czech Republic**, international humanitarian law (hereafter "IHL"), including the provisions of the 1954 Hague Convention and its two (1954 and 1999) Protocols, is fully integrated into military career courses (basic, specialist, NCO's, officers and staff), and regular soldier training. Upon request (primarily during pre-deployment training), IHL specialists conduct ad hoc trainings focusing on IHL issues. A specialized IHL course for instructors is organized once a year.

The Czech Republic's Committee of the Blue Shield has been established and operates in the Czech Republic. As a non-profit national institution analogous to the International Committee of the Blue Shield, it associates cultural property protection professionals, collections institutions, libraries and archives. The Czech Blue Shield has organized a number of educational events on the protection of cultural property in the event of an emergency situation, including during an armed conflict.

In the **Dominican Republic**, by signing an Agreement between the Ministry of Culture and the Ministry of the Armed Forces, the Ministry of Culture undertook to train and qualify military personnel in Dominican culture and cultural heritage by means of courses organized for this purpose, while the Ministry of the Armed Forces undertook to participate in educational campaigns for knowledge, valuation, dissemination, and prevention of the

misuse of and trafficking in cultural property through the preparation of printed matter and of periodical reports on the monitoring of the Convention. The Ministry of Culture began training and qualifying courses for personnel engaged in protecting the historic centre of Santo Domingo last year.

Pursuant to Decree No. 236-01 of 14 February 2001, the Institute of Human Dignity of the National Police (DIH) incorporates the content of the Convention in the training of the personnel attached to the institution. Likewise, the National Police serves as the Ministry's advisory body in these matters, through the Graduate School of Human Rights and International Humanitarian Law (hereafter "EGDHDIH"), a department of the Ministry of the Armed Forces specializing in human rights and international humanitarian law. The National Police has requested the Ministry of Culture to coordinate through the Institute of Human Dignity one-day training sessions for civilian, police and military personnel for the dissemination and execution of the Hague Convention.

In its instructional programmes for military and civilian personnel, the EGDHDIH includes subjects related to the Convention. The contents, included in the instructional and training programmes for the military, are designed for each command level of the Ministry of the Armed Forces. In the area of human rights and international humanitarian law, the programme includes two degree papers relating to the execution of the Convention throughout the country and particularly in the Colonial City of Santo Domingo.

In 2008, **Estonia** organized a military training session in Tallinn. Its purpose was threefold: to increase the military's understanding of the Hague Convention and its two Protocols; to stimulate ideas for formulating training programmes in Estonia; and to strengthen international cooperation. This session was followed by an international conference focused on: the exchange of information regarding national implementation of the Second Protocol; strengthening international cooperation; and disseminating the principles of the Hague Convention and its Second Protocol to the military and other personnel engaged in the protection of cultural property.

In **Finland**, general information on the Convention is included in the training and education given to Defence Forces staff, conscripts, and peacekeepers as part of the basic instruction on humanitarian law. Finland aims toward the possibility of including education on the protection of cultural property in voluntary defence training.

According to Finland's renewed Non-Military Service Act (1446/2007), from January 2008, non-military service may be carried out in the field of culture, rescue services, civil defence or environmental protection. This change has increased the need to develop training and education in non-military service.

With regard to other civilians, Finland plans to target dissemination of information on the Convention to special key groups, such as owners of cultural property and people who work with cultural property. At present, there are no plans for widespread education aimed at citizens. The idea of an information campaign targeted at citizens has, however, been raised; possibilities for citizens to actively participate in the protection of cultural property and to have an impact in this regard have been considered.

For Finland, the practice of linking education on the Convention with education on humanitarian law has proven useful, particularly in promoting respect for cultural property. Emphasising the legal and moral obligations of the Convention and the challenges of protecting cultural property in recent conflicts has raised particular interest. Emphasising the practical side of the Convention's obligations to safeguard cultural property also has proved necessary.

In the **Former Yugoslav Republic of Macedonia**, the same programme as mentioned in the summary of the report on Article 7 of the Convention regarding classes on the law of armed conflicts is implemented for non-commissioned officers and soldiers in the training command. A course has also been established entitled “Police and International Humanitarian Law”, which acquaints students of the Police Academy with the principles of the Convention and its two protocols.

In **France**, the Convention is disseminated mainly through the training of heritage professionals. At the *Institut National du Patrimoine (INP)* (National Heritage Institute), which trains curators and restorers, modules on heritage legislation refer to the 1954 Convention. The Convention is also mentioned in the documentary file and bibliography distributed to students. And, at the *Ecole de Chaillot* for heritage architects, the curriculum includes study of the Convention.

There are, however, no specific awareness-raising initiatives for museum personnel on the protection of cultural property in the event of armed conflict. This may be realized with the *Institut National du Patrimoine* and the *Ecole de Chaillot*. If a protection plan in the event of armed conflict were to be updated, these awareness-raising activities could also be incorporated into the various heritage security training activities for museum personnel.

With regard to awareness-raising of the 1954 Convention among the armed forces in France, the Ministry of Defence has implemented internal measures to ensure observance of the Convention. These are:

- of a regulatory nature (Article D.4122-10 of the Defence Code states that soldiers have an obligation to respect cultural property wherever it is located, unless military demands imperatively require the waiver of such an obligation); and
- of a practical nature (The Legal Affairs Department has thus developed teaching materials concerning the protection of cultural property by the armed forces during external operations).

Furthermore, there is a handbook on the law of armed conflict which explains the procedure to follow with regard to this type of property (there is also an interactive CD-ROM on the subject). It describes, among other things, the rules concerning the protection of cultural property, the definition of protected cultural property, the use and protection of property marked with the distinctive emblem, and also contains the full text of the Convention.

Last, an awareness-raising day, organized on 7 December 2007 by the French Committee of the Blue Shield at the Paris National History Museum brought this issue to the attention of a wider public. See France’s report on Article 7, *supra*.

The **German** Bundeswehr contributes to dissemination of the text of the Convention according to Article 25 of the Convention. The Federal Ministry of Defence, in cooperation with the Federal Foreign Office and the German Red Cross, publishes and distributes the publication “Documents on International Humanitarian Law”. This publication includes, among other things, the text of the Convention, the regulations for its execution and the two related protocols in both German and English. Furthermore, the text, the regulations for execution and the First Protocol to the Convention are available to military personnel from all command levels as well as to civilian Bundeswehr personnel pursuant to Joint Service Regulation ZDv 15/3 “*International Humanitarian Law in Armed Conflicts – Anthology*”.

It is via Joint Service Regulation ZDv 15/2 “*International Humanitarian Law in Armed Conflicts – Manual*” that the Convention’s contents and its provisions according to its Articles 7(1) and 25 are disseminated and implemented. This summary presents the provisions on

international humanitarian law and the protection of cultural property as a regulation to be observed by all military personnel. It also serves as a foundation for initial and extension training of military personnel in the field of international law. This Regulation is supplemented by Joint Service Regulation 15/1 "*International Humanitarian Law in Armed Conflicts – Principles*" which provides, in brief statements, a concise overview of the principles of international humanitarian law. In addition, the pocket card "*International Humanitarian Law in Armed Conflicts – Principles*" summarises the principles of international humanitarian law in a compact and comprehensible style for military personnel to study on their own and in preparation for operations.

Section 33 of the Legal Status of Military Personnel Act stipulates that all military personnel have to be instructed in their duties under international law. Such instruction in international humanitarian law includes, in compliance with the stipulations of Article 25 of the Convention, the provisions on the protection of cultural property under international law according to the Convention.

Within the annual training programme for military personnel, instruction in duties under international law is one element of the curriculum and is intended to consolidate existing knowledge. Instruction is given by the responsible superiors or, where appropriate, by legal instructors and legal advisers.

In addition, military personnel assigned to operations abroad receive detailed instruction and training in applicable international and national regulations during pre-deployment training. As part of initial and extension training of legal advisers (and in the future also of military legal instructors), the "Central Training Facility of the Bundeswehr Military Legal System" offers, among other things, a course on international humanitarian law in armed conflicts or the course on the law of air and naval warfare. These courses deal in depth with the legal aspects of cultural property protection in the event of armed conflict. The didactic principle guiding those courses is the principle of congruity between the conduct of operations and the law that governs such operations.

In **Greece**, the Hellenic Ministry of Culture and Tourism has carried out the translation of the Information Kit on the Hague Convention and its two Protocols in order to disseminate the text of the Convention to individuals and bodies responsible for the protection of cultural property. It has been distributed to regional services of the Ministry of Culture and Tourism that are competent in the protection of cultural heritage and to the members of the National Advisory Committee for the implementation of the Convention.

In the **Holy See**, training courses are provided both for the Swiss Guard and the Security Corps. The training courses provided to the Swiss Guards include information on the Convention and measures to take for the protection of cultural property in order to reduce to a minimum the consequences of a possible disaster. The Security Corps, in addition to initial training, receive continuous updates through theoretical and practical courses, which include information on international agreements and treaties.

In **Hungary**, the dissemination of the Convention and the Protocols is facilitated by the fact that, as part of the promulgation of legal instruments, they are in the public domain and are continuously available on the internet under Act XC of 2005 on the Freedom of Electronic Information and as stipulated by Government Decree 225/2009 (X. 14.) on electronic publishing as part of public service, as well as access thereto.

In **Iran (Islamic Republic of)**, the dissemination of the contents of the 1954 Hague Convention is done through educational workshops.

In **Japan**, the Agency for Cultural Affairs distributes documents on the provisions of the Convention and the Law for the Protection of Cultural Property in the Event of Armed Conflict to interested parties, which are primarily the local government divisions concerned with such protection. The Self-Defence Forces have begun internal education programmes on the provisions of the Convention.

The requirements and the safety of heritage is a main issue that is included in the training programmes of different forces in **Jordan**. Educating lectures are presented by the Department of Antiquities to such forces and security departments.

In **Latvia**, the “Law on Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols” of 6 November 2003 is available to the public through the legislative information system. Military personnel are informed of the Convention’s provisions while they are in basic training, through other re-training courses at the National Defence Academy and during pre-mission briefings.

The Law on Procedure of Publication and Entry into Force of Laws and Other Legal Acts of **Lithuania** lays down that laws, international agreements and other legal acts shall be published in the Official Gazette and on the website of the Seimas, as well as on the website of the institution which adopted them. Accordingly, texts of the Convention and the Second Protocol, as well as Regulations for the execution of the Convention are published in the Official Gazette and on the website of the Seimas.

Other internet sources of information about the Convention and related questions include:

- Website of the Commission on Implementation of the International Humanitarian Law within the website of the Ministry of National Defence (<http://www.kam.lt/index.php/lt/144586/>)

On this website the Commission publishes information about its activities and texts of all international humanitarian law treaties to which Lithuania is a State Party (in Lithuanian). Moreover, different issues concerning international humanitarian cooperation are presented and described.

- Website of the Ministry of Culture (<http://www.muza.lt/>)

Activities of the Ministry of Culture is published on this website. Additionally, all basic information regarding cultural heritage protection in the Republic of Lithuania is presented (in Lithuanian).

- Website of the Department of Cultural Heritage under the Ministry of Culture (<http://www.kpd.lt/>)
- Website of Lithuanian National Commission for UNESCO (<http://www.unesco.lt/>)

The following institutions and specialist personnel are responsible for dissemination of the Convention:

- The Department of Cultural Heritage under the Ministry of Culture. This institution organises training for civil personnel working in the field of the protection of cultural heritage. The provisions of the Convention are also disseminated and explained to the representatives of municipalities responsible for the protection of cultural heritage. They have courses once a year.

- The Chief Specialist of Cultural Heritage Protection in the Lithuanian Armed Forces. In order to strengthen knowledge and respect for cultural heritage within the National Defence System, the following educational measures were taken by the Specialist:
 - (a) Pre-mission training. Military personnel to be deployed for international operations and missions undergo training on the protection of cultural heritage in the areas of armed conflict. During this training, the provisions of the Convention and its two Protocols are explained and analysed.
 - (b) Educational articles in military publications.
- The Commission on Implementation of the International Humanitarian Law coordinates dissemination of information on international humanitarian law, including the Convention and its two Protocols. Moreover, the Commission also organises national and international seminars, courses and workshops on international humanitarian law and other related topics for members of the Commission, Lithuanian and foreign civil servants and military officers. The subject of international humanitarian law is included in education programmes of all levels of military personnel, the curriculum of education of police personnel, and secondary schools. International humanitarian law is also an optional course at leading universities as well as at the Institute of International Relations and Political Science.

In **Mauritius**, the follow-up to the implementation of the 1954 Hague Convention is monitored by the National Committee on Humanitarian Law chaired by the Prime Minister's Office. This Committee comprises, amongst others, representatives of the Police Department.

In December 2009, a link entitled "**Mexico** at UNESCO" was added to the National Institute of Anthropology and History website (www.inah.gob.mx), providing access to all available information on the protection of cultural heritage, including the Hague Convention of 1954 and its two Protocols¹³.

Monaco does not maintain its own military forces. As far as the civilian personnel are concerned, no specific measures have been implemented to disseminate the Convention's provisions among them.

Nonetheless, it should to be noted that educational measures have been taken in the Principality of Monaco to raise public awareness of the importance of cultural heritage, emphasize its values and ensure its protection. Such is the aim of the "Presentations of cultural heritage carried out within the framework of European Heritage Days".

The **Netherlands** report with regard to this article is combined with its report concerning Article 30 of the 1999 Protocol.

Norway provides training to its military personal and offers them a pocket-sized information leaflet as detailed in the summary of the report regarding the implementation of Article 7 of the Convention.

Pakistan has commented on this article in the scope of its report on Article 7 of the Convention in part VII(i), *supra*.

¹³ <http://unesco.cultura-inah.gob.mx/index.php?option=com-content&task=view&id=42&Itemid=167>.

In order to familiarize soldiers of the **Polish** Army with the provisions concerning the protection of cultural property in the event of armed conflict, seven training courses were organized for officers of military units between 2003 and 2007. Specialist training courses on the protection of cultural heritage were delivered to sub-units preparing for missions in Iraq and Afghanistan. Sub-units for NATO forces also received specialist training. The Ministry of National Defence prepared information about the protection of cultural property to train Polish Military Contingents. The information was presented through various publications and DVDs. In 2004, the Republic of Poland organized an international conference entitled "Protection of cultural property in the face of threats in war and peace time." The conference was one of the events of the celebration of the 50th anniversary of the signing of the Convention. It was held under the patronage of the UNESCO Director-General, and conference participants included representatives of 22 countries.

One of the specific objectives of the **Romanian** National Strategy on Implementation of International Humanitarian Law is the dissemination of international humanitarian law norms within the armed forces and the other structures with responsibilities in this field, as well as within civil society. This objective is fulfilled through:

- the integration of the international humanitarian law norms within military doctrine, training programs and educational programs; and
- the issuance of certain dispositions or orders for the armed forces, in general reflecting the way in which the Romanian State complies with international humanitarian law.

Within the armed forces, the knowledge of international humanitarian law norms is ensured through training programmes, including specific themes to this end.

The Center of International Humanitarian Law, situated in Ploiești city, is a structure specialized in the training of the Romanian Armed Forces in International Humanitarian Law. This is achieved by disseminating specific information, including the provisions stipulated in international treaties that have been integrated into domestic norms, as well as publishing and disseminating relevant papers. In order to fulfil its functions, the Center of International Humanitarian Law cooperates with those whose responsibilities are related to the implementation of international humanitarian law. This includes the General Staff, Services, instructors of the military educational institutions, legal advisors and the officers who coordinate the activity of dissemination of the International Humanitarian Law within military units.

Within civil society, dissemination of international humanitarian law is carried out by inclusion of specific courses within academic curricula, as well as through the activities of certain NGOs, including: the Romanian Association of International Law; the Romanian Humanitarian Law Association; the Romanian Association for International Law and International Relations; and the Romanian Society for Protection of Cultural Property.

The Romanian Humanitarian Law Association is accredited by the Ministry of Education, Research, Youth and Sport to organize a postgraduate course on international humanitarian law and human rights.

Likewise, the texts of the Convention and the two Protocols were published and disseminated in all social environments.

In partnership with the United Nations Center for Refugees – Romanian Representation, the Romanian Red Cross Society, the National Committee on International Humanitarian Law and the Center of International Humanitarian Law, the "*Nicolae Titulescu*" University

(Bucharest) has organized the second edition of the inter-university contest of humanitarian and refugee law "Nicolae Titulescu".

The curriculum of educational institutions belonging to the Ministry of Administration and Interior promotes themes relevant to this field. One example is the area of "*International Humanitarian Law*"- "*Protection of Cultural property during armed conflict*", which is studied within the Police Academy "Alexandru Ioan Cuza" from Bucharest.

In the framework of specialized instruction for personnel belonging to the Romanian Gendarmerie, a special subject was introduced, entitled "*Implementation of the rules of the 1954 Hague Convention for the protection of cultural property in the event of armed conflict and of the 2 additional Protocols*".

Within the Ministry of Administration and Interior's personnel, events dedicated to the presentation of subjects concerning international humanitarian law take place, focusing on the training of personnel tasked with managing the issue of historical monuments.

Last, within the Romanian National Commission for UNESCO, the UNESCO Information Center provides access to the relevant texts in Romanian language both to experts and the public.

In **Slovakia**, the Ministry of Culture is responsible for the national dissemination of the Convention. The texts of the Convention and its Second Protocol are available in Slovak on the Government website (www.government.gov.sk).

Members of the **Slovenian** Armed Forces receive training in the law of war, which includes provisions on the protection of cultural property as referred to by the Hague Convention and the 1954 (First) Protocol. Prior to deployment, troops that participate in international operations within NATO or other international operations receive relevant training and are familiarized with the law of war, including the Hague Convention. Knowledge of the Hague Convention is tested by the professional examination for curators and restorers in the qualification process for professional service for protection of cultural heritage.

In **Spain**, international law (which includes UNESCO conventions ratified by Spain) is part of the syllabus of military colleges and academies, and of training provisions for State employees in bodies specializing in cultural institutions and historical heritage. In addition, the Ministry of Defence actively participates in the dissemination of international agreements signed by Spain in the area of defence, through seminars and conferences held at the Institute of Strategic Studies, the Higher Centre for Defence Studies and the Gutiérrez Mellado University Institute.

The Ministry of Culture, for its part, is implementing an in-service training plan for Ministry staff, which includes modules on the protection of the historical heritage, although the conduct of these courses is voluntary.

There are now plans to work with the Ministry of Education to promote knowledge of the cultural heritage, particularly among children, so that they may appreciate and respect such heritage. References to international legislation are expected to be included in these plans, particularly aspects such as the Convention emblem, with which greater familiarization is sought. The State Administration shall work with regional governments to develop specific training plans in this area.

In **Switzerland**, various sources provide information to civilians on the subject of protection of cultural property, such as leaflets, reports, exhibitions or media articles, as well as the Protection of Cultural Property (PCP) Forum Review, PCP guidelines and PCP brochure.

The text of the Convention is available via the internet in three national languages. In addition, the provisions of the Convention are dealt with under military regulations in the Armed Forces, including “aide-mémoire 51.007/III: the ten basic rules of international law of armed conflict”, “Regulation 51.997/IV: legal bases of conduct during engagement”, and an online training program at www.pfp.ethz.ch. Armed forces staff have at their disposal educational material on CD-ROM regarding the International Law of Armed Conflict. Further, protection of cultural property is regularly addressed as part of tactical training for officers.

Turkey’s military training includes courses that inform staff members of the need for “the dissemination of the Convention,” as well as military measures to be taken in accordance with the Convention. Additionally, Turkey’s Ministry of Education, in cooperation with the Ministry of Culture and Tourism, executes nationwide educational programmes to inform primary school students about cultural heritage and its preservation. The Education with Museums Program, which is executed through different primary school courses, educates students about movable and immovable cultural properties.

Finally, the official translation of the Convention, Regulations for the Execution of the Convention and its First Protocol are disseminated through official websites of the Ministry of Culture and Tourism, General Directorate for Cultural Heritage and Museums.

Article 26(1): OFFICIAL TRANSLATION

Article 26(1) of the Convention provides for the obligation of States Parties to communicate to one another the official translations of the Convention and the Regulations through the Director-General.

Cyprus, the Czech Republic, Estonia, Finland, Iran (Islamic Republic of), Japan, Poland, Romania and Turkey informed the Secretariat of their submission of the official translation of the Convention. Cyprus also translated the First Protocol and transmitted it to the Secretariat. **Azerbaijan** has presented the Azerbaijani translations of the Convention and its two protocols.

Greece carried out the official translation of all texts drafted within the framework of the Convention (the 1954 Hague Convention, the 1954 (First) Protocol, Resolutions I, II and III, and the Second (1999) Protocol). **Norway** will forward to the Secretariat a translation of the Convention, the First Protocol and the Regulations for its execution as soon as possible. The Convention and its two Protocols also have been officially translated into German (in **Austria**). They were published in the Federal Law Gazette (BGBl No. 58/1964 and BGBl. III 113/2004). The official language of the **Monegasque** State is French; translation is therefore not necessary. **Spain** has three official languages other than Spanish: Galician, Catalan and Basque. Translations are therefore planned for these languages and will be submitted to the Director-General of UNESCO when available.

Belgium, Cambodia, Latvia, Slovakia and Switzerland have already the Hague Convention in their national languages. **Mauritius** does not need to translate the Hague Convention. The **Dutch** translation of the Convention is already in the possession of the Secretariat of UNESCO.

Article 28: SANCTIONS

Article 28 of the Convention deals with the States Parties’ undertaking of all necessary steps to prosecute and impose penalties upon people who commit, or order to be committed, a breach of the Convention, within the context of their own criminal jurisdiction.

Australian Commonwealth, State and Territory legislation contains a wide range of offences directed at the protection of cultural heritage, including historic and Indigenous places and objects. Australian Commonwealth legislation is available online (in English) at <http://www.comlaw.gov.au/>. This website also provides links to State and Territory legislation websites.

Under section 268.80 of the *Criminal Code* (Cth) (the Criminal Code), Australia is able to prosecute any person who directs an attack *during a non-international armed conflict* against a non-military objective, including against a building dedicated to religion, education, art, science or charitable purposes, or against a historic monument. This offence carries a maximum penalty of 20 years imprisonment.

Under section 268.101 of the Criminal Code, Australia is also able to prosecute any person who directs an attack *during an international armed conflict*, the object of which is not in support of the military effort or in the proximity of military objectives, against clearly recognised historical monuments, works or art or places of worship which constitute the cultural or spiritual heritage of peoples and have been given protection by special arrangement (for example, within the framework of a competent international organisation). This offence carries a maximum penalty of 20 years imprisonment.

The *Crimes Act 1914* (Cth) (the Crimes Act) criminalises the intentional destruction or damaging of Commonwealth property (section 29). This offence, which carried a maximum penalty of 10 years imprisonment, applies to all property belonging to the Commonwealth or to Commonwealth authorities, including property held within the National Museum of Australia, National Archives of Australia, the National Gallery of Australia, the Australian National Maritime Museum and the National Film and Sound Archive. The relevant provisions of the Criminal Code are included as Attachment B to the Australian National Report on the implementation of the 1954 Hague Convention.

Australia has a range of offences relating to damage to cultural heritage in Commonwealth laws establishing national collecting institutions. A list of penalties attaching to these offences is included as Attachment B to the Australian National Report on the implementation of the 1954 Hague Convention.

Austria included its report on this article in its report on Article 15 of the Second Protocol in part VII(ii), *infra*.

The Criminal Code of the Republic of **Azerbaijan** proscribes the plunder and/or smuggling through the country of cultural resources or objects having cultural value. It also proscribes socially dangerous acts such as the deliberate destruction or defacement of historical and cultural monuments under state protection.

Moreover, Article 209 of the Criminal-Procedure Code of the Republic of Azerbaijan, the prosecutor leading the primary investigation must immediately begin criminal proceedings on the known fact in cases of desecration of historical and cultural monuments, as well as of graves.

Pursuant to Article 18, Chapter III of the “Law on the Protection of Historical and Cultural Monuments” from April 10, 1998 (Protection of monuments in the event of war and armed conflict), the relocation of movable monuments from territories threatened by danger of battle and from battle zones is carried out by the relevant body of the executive branch. Under Article 7, Chapter II of the “Law on Museums” (Relocation of museums), on the basis of a decision by the relevant body of the executive power, museums and their items and collections must be relocated to safe zones or to places determined by the civil defence

agencies in cases of natural disasters, fire, armed conflict, war and emergence of other forms of danger.

While **Bahrain** is currently revising and modifying the law of antiquities, it will include all necessary penal provisions that sanction the destruction of cultural property and take the necessary steps against those who commit or order to be committed a breach of the convention.

The **Belgian** Act of 5 August 2003, criminalizing serious violations of international humanitarian law, as amended by Act of 1 April 2004 and Act of 7 July 2006 and which replaces the former Act of 16 June 1993, introduced into the penal code an offence of destruction and appropriation of property (including cultural property) not justified by military necessity as prescribed by international law, and carried out on a large scale in an illicit and arbitrary fashion. It also criminalizes violations of Articles 53 and 85(4)(d) of Additional Protocol I to the Geneva Conventions of 12 August 1949, which apply to international armed conflicts, and Article 16 of Additional Protocol II to the Geneva Conventions that protects cultural property in non-international armed conflicts.

In Belgium, Chapter III, Title IX, Book II of the Penal Code (Article 510 *et. seq.*) makes it an offence to destroy, defile or damage properties. These provisions do not, however, directly cover the prohibition in Article 53 of Additional Protocol I to the four 1949 Geneva Conventions.

In **Cambodia**, sanctions in the national law have only been foreseen in relation to the 1970 Convention on Illicit Trafficking. The government is, however, considering proposed sanctions with regard to the 1954 Convention.

Violations of the Convention and Second Protocol may be prosecuted under a range of **Canadian** statutes, depending on the act in question, and whether the act is committed by a member of the armed forces or a civilian. More detailed information is contained in the summary of the Canadian report on Articles 15 and 16 of the Second Protocol in part VII(ii), *infra*.

Cyprus became a high contracting party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention and its 1954 (First) Protocol by accession on 9 September 1964. The Convention was passed as a law in the Republic of Cyprus but no provisions exist that impose penal sanctions in the case of a violation of the Convention.

Section 262 of the **Czech** Criminal Code (Using Prohibited Means of Combat and Unlawful Warfare) criminalizes the use or order to use impermissible means or methods of combat and unlawful warfare that are contrary to provisions and standards of international law. Under the scope of this Section, the destruction of or damage to an internationally recognised cultural or natural monument is punishable by two to seven years of imprisonment (and in serious and severe cases by five to fifteen years). As far as personal jurisdictional matters are concerned, the concept of universality is introduced in Section 19 of the Czech Criminal Code.

In the **Dominican Republic**, the draft bill for the protection, safeguarding and promotion of the cultural heritage of the nation, with the incorporation of special sanctions for cases of damage to Dominican cultural heritage, is currently under review. Also under review are the Regulations of the National Museum Network; Archaeological Research Regulations are in the process of drafting.

Offences regarding cultural property are statutorily prevented and prosecuted through the National Police and the Ministry of the Armed Forces.

Estonia included its report on this article in its report on Articles 15 and 16 of the Second Protocol in part VII(ii), *infra*.

According to the **Finnish** penal code, violating the Convention is punishable. Sanctions can be imposed according to provisions on military offences or offences involving danger to the public.

Recent new laws and amendments to the Criminal Code of the **Former Yugoslav Republic of Macedonia** have increased the legal protection of cultural heritage, and has included legislation allowing the imposition of fines and sentences. Chapter XXIV of the Criminal Code of FYROM, entitled “Criminal Acts against Cultural Heritage and National Rarities”, sanctions criminal acts against cultural heritage. Under this chapter of the criminal code, Article 264 proscribes “damage to or destruction of goods under temporary protection or cultural heritage or natural rarities”; Article 265 protects against the “appropriation of goods under temporary protection or cultural heritage or natural rarities”; and Article 266 makes criminal the “exportation abroad of goods under temporary protection or cultural heritage or natural rarities”.

The majority of the stipulations related to the protection of cultural property in case of a military conflict are contained in Chapter 34 of the Criminal Code of the FYROM. Under this part of the criminal code, Articles 404 and 414 punish the “attack on a cultural property under intensified protection,” “destruction or appropriation of a larger quantity of cultural property protected by the international law,” “stealing or selling or making vandal attacks on cultural property,” and “the destruction of property under temporary protection of cultural heritage and facilities, religious buildings or institutions intended for science, art, education, or humanitarian purposes.”

In addition, a reference to signs for marking cultural heritage under the Convention was added to Article 416 of the Criminal Code (Abuse of international signs). Three new sections were also added to Article 416 in 2002, creating new criminal penalties for military commanders or other persons involved with perpetuating criminal acts described in Articles 403-417 of the Criminal Code.

Besides the listed articles, Chapter XXIII of the Criminal Code defines theft, holding back, damage to objects, and hiding as serious crimes against objects of special scientific, cultural, or historical importance.

Following reforms to the police department, Ministry of the Interior, and Department for Organized Crime, a Department for Illegal Traffic of Cultural Goods was organized. It oversees the undertaking of all preventive measures and activities, protecting cultural goods, and detecting the perpetrators of criminal acts concerning cultural goods. The Ministry of the Interior implements numerous educational projects for police administrators regarding identification of objects and their archaeological and ethnological origin, and the timely detection and resolution of criminal acts in the area of cultural heritage and natural rarities.

France has not adopted any other provisions since ratification of the 1954 Convention. Sanctions are already provided for under French penal law. For example, article L322-2 states that the destruction, degradation or deterioration of property belonging to others “shall be punishable by three years of imprisonment and a fine of €45,000 if the property ... is ... a classified or listed building or movable object”.

The Code of Military Justice covers only the misappropriation of distinctive emblems (Article L.322-16) and incitement to commit acts contrary to duty (Article L.322-18) (Article L.322-16 states that “all persons, whether soldiers or civilians, who, during wartime, in the theatre of operations of armed forces or a formation, violate the laws or customs of war by unduly using the distinctive emblems and signs designated by international conventions to ensure respect for people, property and places protected by these conventions, shall be punished by five years of imprisonment”).

A bill congruent to the Rome Statute, which established the International Criminal Court, is to be examined shortly by the National Assembly and will impose sanctions for offences against immovable cultural property.

Further, Article R.4137-13 of the Defence Code states that all “senior officers have the right and duty to request that their subordinates be sanctioned for wrongful acts or misconduct. Article D.4122-10 of the Defence Code provides that soldiers must respect cultural property wherever it is located, unless military demands imperatively require the waiver of such respect (...)”.

It is therefore understood that soldiers have a duty to respect cultural property and that non-compliance may lead to disciplinary sanctions.

Disciplinary and penal law in **Germany** serves to ensure that respect for the protection of cultural property under international law is obligatory for military personnel. Violating international humanitarian law is considered to be a breach of duty for military personnel. Obligations under international law as stated in the Convention are defined as official duties in Joint Service Regulation ZDv 15/2. According to disciplinary law, breaches of duty may be punished with measures up to disciplinary discharge.

In addition, violations of the protection of cultural property under international law may constitute criminal offences according to general criminal law, international criminal law and military penal law. According to the Military Penal Code, German criminal law also applies to German military personnel serving abroad. In addition, the Military Penal Code provides that the offenses of “abuse of command authority for improper purposes”, “incitement to commit an illegal act” and “inadequate command supervision” may result in penal sanctions on the responsible superior for conduct that may be relevant in the case of violations of the protection of cultural property under international law.

German criminal law contains various provisions which penalise breaches of the Convention, in particular damaging, destroying or stealing cultural property, which are prohibited by Article 4(3) of the Convention. In addition, German soldiers are subject to disciplinary measures if they act in breach of the Convention.

With regard to criminal legislation, protection against damage or destruction of moveable cultural property is guaranteed for ecclesiastical cultural property and cultural property which is on public display by section 304 subsection (1) of the German Criminal Code (*strafgesetzbuch – StGB*) (Damaging Property Which is Harmful to the Public)

Section 303 subsection (1) of the Criminal Code (Damaging Property) is the relevant criminal legislation with regard to damage or destruction of other cultural property, in particular, in private collections.

In connection with an international or non-international armed conflict, section 11 subsection (1) sentence 1 No.2 of the Code of Crimes against International Criminal Law (*Völkerstrafgesetzbuch*) penalises an attack with military means against civil objects as long

as the latter are protected by humanitarian international law, in particular “buildings devoted to religious service, ... art [or] science ..., [as well as] historical monuments.”

Whoever in contravention of international law destroys substantial items belonging to the opposing party which are under the power of their own party without this being necessitated by the requirements of the armed conflict is punishable in accordance with section 9 subsection (1) of the Code of Crimes against International Criminal Law.

Section 20 subsection (1) No.2 of the Act of 18 May 2007 Implementing the UNESCO Convention of 14 November 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (*Gesetz zur Ausführung des UNESCO-Übereinkommens vom 14. November 1970 über Maßnahmen zum Verbot und zur Verhütung der rechtswidrigen Einfuhr, Ausfuhr und Übereignung von Kulturgut*) (Return of Cultural Property Act [*Kulturgüterrückgabegesetz*], Federal Law Gazette [*BGBI.*] Part I p.757) prohibits damage to or destruction of cultural property which was stopped by the competent authorities because it was to be returned to another state.

Depending on the individual case, other criminal offences such as destruction of structures (section 305 of the Criminal Code) or arson (section 306 et seq. of the Criminal Code) may be relevant.

Section 242 of the Criminal Code prohibits theft in general. Section 243 subsection (1) Nos.4 and 5 of the Criminal Code defines as a form of aggravated theft – with an increased sentencing range – stealing objects dedicated to religious worship or objects of significance for science, art or history or for technical development which are located in a generally accessible collection or are publically exhibited, e.g., in a museum.

The purchase and sale of stolen cultural property is criminalized by section 249 of the Criminal Code (Receiving Stolen Property).

In accordance with section 9 subsection (1) of the Code of Crimes against International Criminal Law, punishment is imposed on anyone who in connection with an international or non-international armed conflict plunders or, without this being necessitated by the requirements of the armed conflicts, otherwise appropriates or seizes substantial articles of the opposing party which are under the power of their own party.

In accordance with section 33 of the Military Criminal Code (*Wehrstrafgesetz – WStG*), punishment is imposed on anyone who, by abusing their command responsibility or official position, has ordered a subordinate to commit an unlawful act, committed by the latter, giving rise to a criminal offence. Unsuccessful enticement to commit an unlawful act is also punishable in accordance with section 34 of the Military Criminal Code.

Regarding the punishment of offences in accordance with the Code of Crimes against International Criminal Law, section 4 subsection (1) of the Code of Crimes against International Criminal Law stipulates that a military commander who omits to prevent his/her subordinate committing an offence in accordance with this Code is punished as an offender of the offence committed by the subordinate. A person who exercises de facto command or leadership responsibility and supervision in a unit is deemed equivalent to a military commander here in accordance with section 4 subsection (2) of the Code of Crimes against International Criminal Law. Furthermore, with respect to the violation of the obligation of supervision in accordance with section 13 subsection (1) of the Code of Crimes against International Criminal Law, a military commander is punished who intentionally or negligently omits to properly supervise a subordinate who is subject to his/her command responsibility or de facto supervision if the subordinate commits an offence in accordance with this Code, the

imminence of which was recognisable to the commander and which he or she could have prevented.

According to section 23 of the Soldiers Act (*Soldatengesetz – SG*), a soldier commits a disciplinary offence if he violates his duties.

Section 10 subsection (4) of the Soldiers Act proscribes giving an order that violates rules of international law, which includes the Convention. Section 11 subsection (2) of the Soldiers Act forbids soldiers to follow orders which constitute a crime under domestic law, such as the above-mentioned offences.

An order given in violation of international law or an order followed although it constitutes a crime is therefore a breach of duty. Such a breach can be punished with simple disciplinary measures ordered by the superior, e.g., reprimand, fine or arrest service (section 22 of the Military Disciplinary Code – MDC), or disciplinary measures ordered by a court, e.g., a cut in salary, demotion or discharge from service (section 58 of the Military Disciplinary Code).

Consequently, cultural property is protected comprehensively by German criminal law against damage, destruction or theft in the context of an armed conflict, as well as in peacetime. In addition, soldiers can be subjected to disciplinary measures if they act in breach of the Convention.

In **Greece**, the destruction, damage or alteration of a monument is punished according to penal provisions provided for in the Law 3028/02 “On the Protection of Antiquities and Cultural Heritage in general” (Article 56), as well as the theft or embezzlement of monuments (Articles 53 and 54 respectively).

In the **Holy See**, the legislation of the State of the Vatican City does not foresee any penal or administrative sanctions that would apply to those who commit violations of the Convention.

In **Hungary**, with respect to punitive measures, measures related to public administration and disciplinary sanctions imposed for violations of the Convention and its Protocols, Act XXIX of 2006 added on the definition of the legal fact pertaining to a new criminal act, Article 160/B to Act IV of 1978 on the Penal Code, punishing *violation of the international protection of cultural property*. Additionally, pursuant to Article 146 of Government Decree 218/1999 (XII. 28) on individual legal misdemeanours, failure to comply with duties related to cultural property generally falls within what is known as a broader category of infringement. Disciplinary regulations with respect to the responsibility of soldiers in the Hungarian Army are subject to separate legislation stipulating the legal standing of such individuals (Act XCV of 2001).

In order to criminalize all offenses stipulated in the Convention, the **Japanese** Law on the Protection of Cultural Property in the Event of Armed Conflict provides that a violation of Article 17(3) of the Convention shall be punishable by imprisonment or fine.

Steps to prosecute and enforce penal or disciplinary sanctions upon those who commit or order to be committed crimes against cultural heritage are provided for in **Jordanian** Antiquities Law, Law no. 21, adopted in 1988, and its amendments.

In **Latvia**, sanctions and penalties for damaging or destroying cultural property are set forth in Article 79 and Article 229 of the Criminal Law of 17 June 1998. In addition, the Administrative Violations Code of 1 July 1985 lists possible administrative penalties and defines administrative violations of the protection of environment, history and culture (Article 89-89.5).

The Criminal Code of **Lithuania** provides especially strict sanctions for violation of the provisions of the Convention and other international conventions. Article 106 of the Criminal Code (Destruction of Protected Objects) states:

“[A person], who, by the necessity of war, gives an indefensible order to destroy or destroys historical monuments, cultural, artistic, educational, scientific objects or objects of religion, that are under the protection by international agreements or national internal law acts; who plunders national heritage in the occupied or annexed territory and makes a huge damage, shall be punished by the deprivation of liberty for a period from three to twelve years.”

This is a special norm to which a prescription penalty period does not apply, *i.e.*, the passage of time will not prevent the prosecution of persons committing crimes under this article.

Mauritius has not yet implemented sanctions for violation of the Convention, but such sanctions are to be included in the amendments to the National Heritage Fund Act.

Concerning Article 28 of the Convention, in the Principality of **Monaco**, no specific measure has been incorporated in the Penal Code, as breaches of the Convention are prosecuted under the ordinary criminal law.

It should also be noted that Monaco is Party to the Geneva Conventions and their Additional Protocols. Monaco thus acceded to Protocol I relating to the Protection of Victims of International Armed Conflicts and to Protocol II relating to the Protection of Victims of Non-international Armed Conflicts. Consequently, Articles 53 and 85 (4) (d) of Protocol I and Article 16 of Protocol II are an integral part of the Monegasque legal corpus.

The **Netherlands** report with regard to this article is combined with its report concerning Chapter IV of the 1999 Protocol.

The **Norwegian** penal act is currently undergoing major amendments. The ratification of the Second Protocol will also require some changes in the penal act; it is envisaged that these changes will be made at the same time.

The Act of 6 June 1997 and Chapter XVI of the **Polish** Penal Code (Dz.U. No 88, item 553, as amended in Chapter XVI, Crimes against peace, humanity and war crimes) provide for sanctions against those who breach the Convention during military operations. The Penal Code allows for prosecution of the perpetrator irrespective of his or her nationality if the crime was committed in the territory of the Republic of Poland.

Romania has adopted various criminal law provisions in the field of protection of cultural property. Articles 209(2), 280, and 360 of the Romanian Criminal Code criminalize theft of cultural patrimony, acts that lead to loss of cultural patrimony (or a part thereof) and the destruction, not dictated by military necessity, of enumerated forms of cultural heritage (namely, monuments or constructions of artistic, historic or archaeological value, of museums, big libraries, archives of historic or scientific value, works of art, manuscripts, valuable books, scientific collections or important book collections, archives, or reproductions of the above-mentioned things and, in general, of any cultural values of the peoples), respectively.

Articles 85 and 86 of Law no. 182/ 2000 regarding the protection of the movable national heritage criminalize, *inter alia*, the intentional or negligent act of, or attempt to degrade, cause the impossibility of use or destruction of a classified movable cultural object.

Article 36(1) of Law no. 311/2003 on museums and public collections criminalizes the deliberate destruction, degrading or causing the impossibility of use of movable goods of a museum or public collection patrimony, classified or unclassified as national cultural heritage, as well as the deliberate destruction, degrading or causing the impossibility to use of historical monuments.

Article 54 of Law no. 422/2001 on the Protection of Historical Monuments prohibits the unauthorized destruction, partial or total loss, expropriation without the endorsement of the Ministry of Culture and Religious Affairs, damaging, as well as profanation of the historical monuments. In these cases, the perpetrator is compelled to recover the damaged object and reconstitute the monument or the damaged parts of the monument, in accordance with the endorsements stated in the law.

In **Slovakia**, ordinary criminal jurisdiction provides for the imposition of penal sanctions for a breach of the Convention. The relevant legislation comprises the Constitution of Slovakia, the Criminal Code as enacted in Law 300/2005, and several Laws enacted between 1998 and 2005 (Law 115/1998; Law 183/2000; Law 49/2002 as amended by Law 479/2005; Law 395/2002 as amended by Law 515/2003; Law 416/2002).

A new Penal Code of the Republic of **Slovenia** entered into force on 1 November 2008 (Official Gazette of the RS, No. 55/08 and corrigendum 66/08). Pursuant to Article 102 of the Penal Code, anyone who, in violation of the rules of international law, orders or commits war crimes during armed conflict, or when carrying out or supporting the policy of the state as part of a large systematic attack, is subject to penalty. Such acts include the misuse of the distinctive emblem under the Hague Convention, resulting in the death or serious injury of a person, intentional attacks on buildings intended for art, cultural or historic monuments, or intentional attacks on cultural property marked with the distinctive emblem if such facilities are not military targets. A war crime is punishable by a minimum of fifteen years imprisonment. Article 104 of the Penal Code specifies the responsibility of military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalizes association with or incitement to commit war crimes.

In **Spain**, all necessary measures have been adopted to ensure that people committing or giving orders to commit a breach of the Convention are prosecuted and punished with penal or disciplinary sanctions. In particular, these measures incorporate the five categories of offences provided for in paragraph 1 of Article 15, and also referred to in Article 16 of the Second Protocol, into domestic law.

More specifically, Chapter II of Title XVI of the Spanish Penal Code, approved by Enabling Act No. 10/1995 of 23 November, is devoted to offences against historical heritage (Offences relating to land-use planning and to the protection of historical heritage and the environment).

Of note, Articles 321 and 322 of the Penal Code criminalize the demolition or an authority's knowing approval of demolition, of buildings specially protected on account of their historical, artistic, cultural or monumental value. Articles 323 and 324 criminalize the damage of archives, a register, a museum, a library, an education institution, scientific body or similar institution, or property of historical, artistic, scientific, cultural or monumental value or archaeological excavations.

Title XXIV of the Penal Code deals with offences against the international community, and Chapter III specifically covers "offences against persons and protected property in the event of armed conflict." In accordance with Enabling Act No. 15/2003 of 25 November, Article 613 criminalizes the committing or ordering of enumerated acts in the event of armed conflict, which include "[a]ny attack, act of reprisal or any other hostile act causing significant destruction, against cultural property or places of worship that are clearly recognized as

such, constitute the cultural and spiritual heritage of peoples and are protected under special agreements, or against cultural property afforded enhanced protection, unless such property is located in the immediate vicinity of military targets or is used to support the opponent's military operations"; and " [d]estruction and appropriation of property belonging to another or any act causing damage to such property, without military justification, the appropriation of property through coercion or the commission of any other acts of looting." If the cultural property in question is afforded special protection and if the case is one of extreme gravity, the penalty for the aggravated charge may be imposed.

Article 614 also generally protects cultural property, criminalizing the committing or ordering of any other offence or act contrary to the provisions of the international treaties to which Spain is a Party, in relation to the conduct of hostilities, the protection of the wounded, sick and shipwrecked, the treatment of prisoners of war and the protection of civilians and cultural property in the event of armed conflict. The degree of penalty is increased for such acts committed if they form part of a plan or policy or are committed on a large scale.

With regard to the Military Criminal Code, governed by Enabling Act No. 13/1985 of 9 December, its Title II (Violation of the laws and customs of war) contains two articles imposing prison sentences for military officers in the following cultural property-related cases.

Article 77 criminalizes a military officer's committing the "[d]estruction or damage, not justified by the constraints of war of the documentary and bibliographical and heritage, architectural monuments and groups of property of historical or environmental interest, movable property of historical, artistic, scientific or technical value, archaeological excavations, property of ethnographic interest, natural sites, gardens and parks of historical, artistic importance or anthropological interest and, in general, any property forming part of the historical heritage"; looting of such heritage is similarly punished under this article.

Finally, similar to Article 614, *supra*, Article 78 criminalizes the committing or ordering by a military officer "any other act contrary to the provisions of the international treaties that Spain has ratified on the conduct of hostilities, protection of the wounded, sick and shipwrecked, the treatment of prisoners of war and the protection for civilians and cultural property in the event of armed conflict".

No disciplinary provision exists under the **Swiss** penal code. In the event of armed conflict, however, the military justice system is responsible for instigating penal proceedings arising from violations of the Convention. The provisions of Articles 110 and 111 of the military penal code are applicable in the case of damage to the cultural heritage caused by persons subject to that code.

In **Syria**, there is no criminal jurisdiction for violations of the Convention, but such sanctions in general fall within the framework of the Law of Antiquities.

In **Turkey**, the Conservation Law (Law no. 2863, Prohibition of Unauthorized Use and Intervention) prohibits all constructional and physical intervention, reuse or change of function in immovable cultural and natural properties. Repair, construction, installation, sounding, partial and total demolition, burning, excavation and similar activities are considered constructional and physical intervention. An amendment (Law No. 5728) to the Conservation Law entered into force on 8 February 2008. This law revised the sanctions and rates of penalties that were already defined in the Conservation Law so that its punishment provisions are parallel to the Turkish Criminal Code, international penal code system and European Union's legal system.

In the Conservation Law (Law No. 2863) penal acts are defined as follows:

- Opposition to the Prohibition of Unauthorized Use and Intervention;
- Illegal Documents, Notices and Announcements;
- Opposition to the Obligation of Notification;
- Opposition to the Prohibition of Cultural Property Trade;
- Opposition to Prohibition on Taking Properties out of Turkey;
- Opposition to Inspection; and
- Unlicensed Study, Sounding and Excavation.

THE 1954 (FIRST) PROTOCOL

The 1954 (First) Protocol provides, among other things, for the obligation of the High Contracting Parties to prevent the exportation of cultural property from a territory occupied by it, and requires the return of such property to the territory of the State from which it was removed.

Australia is not party to the 1954 (First) Protocol; it does, however, have in place legislation protecting Australia's movable cultural heritage, and provides for the return of cultural property illegally exported from the country of origin and illegally imported into Australia. The government of a foreign country may submit a formal request for the seizure or forfeiture and return of such foreign cultural property under the *Protection of Movable Cultural Heritage Act 1986*.

In **Belgium**, apart from the Federal State, the Flemish and French Communities have adopted two decrees (11 July 2002 and 24 January 2003) that establish penal sanctions for the crime of unauthorised export of protected cultural properties.

In **Canada**, a mechanism to allow return of cultural property in conformity with Canada's obligations under the First Protocol has been introduced to the *Cultural Property Export and Import Act*. The new section mirrors an existing provision that allows Canada to return illegally exported cultural property to its country of origin as part of Canada's obligations under the 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*.

The Republic of **Cyprus**, in addition to the 1954 Hague Convention, has ratified the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Law No. 61/1979). Furthermore, the export and return of cultural objects in the Republic of Cyprus is exercised in accordance with the Export of Cultural Goods Law of 2002 (Law No. 182(1) of 2002) and with the Return of Cultural Objects Law of 2002 (Law No. 183(1) of 2002). The legislation in force in the Republic of Cyprus ensures the application of the provisions of the 1954 Protocol and has been a tool in cases of illicit exportation of cultural property from the occupied area of the Republic.

The export of cultural property from the territory of the **Czech Republic** is governed by laws which do not differentiate between times of peace, war or occupation. Act 20/1987 of the Collection of Laws regulates the export of movable cultural items that have been declared cultural heritage or national cultural heritage, and provides sanctions for violations. Act 71/1994 of the Collection of Laws deals with the permanent exportation of movable cultural property that has not been declared cultural heritage or national cultural heritage, is not an

inventoried museum collection or archival object from such collections, was not brought to the Czech Republic for temporary use, and is not a piece of art by a living author. This Act likewise provides sanctions for breach. The protection of museum collections was legislated by Act No. 122/2000 of the Collection of Laws on the Protection of Museum Collections, which enumerates the conditions for legal export of museum collection items and sets sanctions for its violation.

In **Estonia**, the return of cultural objects unlawfully removed from the territory of an European Union member state is regulated by the Act on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the European Union, passed on 11 June 2003, which was harmonized with European Council Directive 93/7/EEC.

Under the **Finnish** Act (1135/94) ratifying the Convention – which also covers the implementation of its First Protocol – cultural property, as defined in the Act, may be confiscated and returned to its original owner. The National Board of Antiquities is the expert authority on defining cultural property. Finland is also party to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

In the Criminal Code of **Former Yugoslav Republic of Macedonia**, Article 53 of the Law on Protection of Cultural Heritage defines that the cultural heritage that has been stolen from museums, religious and similar public facilities or institutions on the territory of another state must not be imported, in conformity with the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which the FYROM is a party. In furtherance of this legislation, Article 266 proscribes the “exportation abroad of objects under temporary protection or cultural heritage or natural rarities.” Article 266(a) sentences anyone who sells, gives as a present or in any other way transfers cultural heritage of special importance in state ownership, of one to five years imprisonment. And finally, Article 266(b) sentences anyone who imports movable cultural heritage stolen from museums, religious and similar public buildings or institutions on the territory of another state, to one to ten years imprisonment.

The protection of cultural property during export has long been covered by special provisions in **France**. The European Community Regulation of 1992, codified under reference 116/2009 of 18 December 2008 (harmonizing the rules of all Member States for monitoring the export of cultural property to third-party countries), is implemented and provides for the issue of export permits.

Furthermore, as part of the monitoring of cultural property leaving national territory, France has also introduced export authorizations (certificates) under Articles L. 111-2 to L. 111-7 of the Heritage Code and decree No. 93-124 of 29 January 1993 (amended). This provision enables the relevant authorities to be more attentive to the protection of cultural property coming from other States that may have been illegally trafficked or stolen. It may also be applied for special monitoring during wartime.

In addition, directive No. 93/7 of 15 March 1993 of the Council of the European Communities on the return of cultural objects unlawfully removed from the territory of a Member State implements inter-State cooperation mechanisms and imposes the creation of a central authority by States.

The Central Office for the Fight against Trafficking in Cultural Goods (OCBC), under the oversight of the Ministry of the Interior, has been designated as the central authority for such matters. It is in charge of implementing the claims and restitution procedures as well as conservation measures for national treasures unlawfully moved from the territory of one Member State to that of another. Though confined to the Community level, this system,

transposed into national law, may be considered as a translation of the restitution obligation provided for by the 1954 Convention, by enabling the institution of legal proceedings to claim full ownership before French courts.

Restitutions are part of the broader framework of the fight against the illicit trafficking of cultural property. Strong international cooperation exists, based in particular, on the 1970 Convention. Specific controls are performed on the trade of cultural property to prevent the trafficking of stolen objects: all professionals are therefore checked through the use of a police register which they shall keep. Under the 2008 Act on Archives, aggravating circumstances must be recognized in cases of stolen cultural property and the penalty would accordingly be substantially increased.

In **Greece**, Law no. 3028/2002, Article 34 provides for the prohibition of exporting cultural property from Greek territory. Article 63 of this law includes penal sanctions for illegal removal of cultural objects from the territory of another state pursuant to international conventions approved and in force in **Greece** or under the legislation of the European Union (Article 65).

Iran (Islamic Republic of) will restore to the country of origin all illegally imported cultural and historical property belonging to other countries. This has particularly been the case for Afghanistan and Kuwait.

The **Japanese** Constitution does not provide for Japan's occupation of the territories of other countries. Its Law for the Protection of Cultural Property in the Event of an Armed Conflict prohibits the unapproved importation of such cultural properties, and makes any person who destroys, delivers or receives such cultural properties punishable by imprisonment or fine.

The laws and regulations of **Latvia** include a requirement to return displaced cultural property to the state from which it was removed. Article 18.2 of the Culture Monument Protection Law provides for the possibility of submitting an appeal for illegal removal of arts and antiquities no later than one year from the date when the location, owner, manager or possessor of the property in question becomes known. Return of unlawfully removed items of art and antiquities is also subject to the procedures laid down in the Cabinet of Ministers Regulation 526, *Recovery of illegally removed arts and antiquities*, of 16 September 2003.

Lithuania has never occupied any country or part of a country's territory; the provisions of the 1954 First Protocol concerning the export of cultural heritage from occupied territories and their return to the territories of such countries is therefore not applicable.

Monaco does not maintain its own military forces and the circumstances foreseen by the First Protocol are therefore not specifically applicable. Similarly, the Principality applies European Union Customs regulations; Customs checks are carried out in Monaco by French Customs services, who consequently control the imports and exports of cultural property on the Principality of Monaco's territory.

With a view to a duty of memory, and wishing to shed full light on the spoliation of the property of persons living in Monaco during the Second World War, His Serene Highness Albert II established on 1 March 2006 an independent Commission to assist claimants in the search for their property. The purpose of this National Commission is to examine claims for compensation, made by individuals on behalf of deportation victims or their successors, for material or financial damages following the spoliation of their property in Monaco during the occupation of the Principality in the Second World War.

The Monegasque Government has moreover requested from France the assistance of the Commission for the Compensation of Victims of Spoliation in order to be able to extend their research where appropriate.

Any expropriation or dispossession of movable or immovable property, or of rights thereto, unduly carried out on Monegasque territory, under duress or subsequent to arrest, impoundment, confiscation or deportation, constitutes spoliation. This decision affirms the commitment to transparency and ethics desired by Prince Albert II for his country.

In 2007, the **Netherlands** adopted the Cultural Property Originating from Occupied Territory (Return) Act.¹⁴ With this Act, the (First) Protocol of the Hague Convention has been implemented in Dutch Law. The Protocol includes obligations which necessitated the drafting of statutory rules for the return of cultural objects taken from occupied territory. In a folder "Import and Export of Cultural Property", published in March 2010, information has been included on the prohibition of import or of possession of cultural property from a territory occupied during an armed conflict that was taken after 1959 (the year the Netherlands became a Party to the Protocol).

The **Norwegian** Cultural Heritage Act §§ 23(a)-(f) are targeted at the situation described by the 1954 (First) Protocol, and were legislated in connection with Norway's ratification of the 1995 UNIDROIT Convention.

Poland implemented internal regulations to protect historical objects and buildings through the Act of 23 July 2003 on historical objects and buildings and the protection of historical objects and buildings (Dz.U. No 62, item 1568, as amended).

In **Saudi Arabia**, the Sector of Antiquities and Museums (within the Saudi Commission for Tourism and Antiquities) collaborates with Security forces to prevent antiquities of countries in conflict from entry into the Kingdom of Saudi Arabia. If the Sector receives such antiquities, it returns them to the country of origin.

In **Slovakia**, law 416/2002 was enacted to prevent the export of cultural property.

There is no record of **Spain** having been involved in cases of exportation of cultural property in a territory occupied by it. The Spanish State security forces have specialist units monitoring illicit trafficking in cultural property (the Historical Heritage Investigation Brigade of the National Police and the Historical Heritage Group of the Civil Guard).

Switzerland has no provisions in this regard.

Turkey became party to the Convention and its First Protocol at the same time, and their provisions are included in Law No. 563. The movable cultural and natural property that must be preserved inside the country cannot be removed beyond its borders, according to the National Law on Conservation of Cultural and Natural Heritage (Law No. 2863).

RESOLUTION II OF THE HAGUE CONFERENCE OF 1954

Taking into account the need to involve all high-level experts in the fields of archaeology, national defence, foreign affairs or international law in the protection of cultural property at a national level, it is advisable to create a coordinating body.

¹⁴ Official full title in English: Act of 8 March 2007 containing rules on the taking into custody of cultural property from an occupied territory during an armed conflict and for the initiation of proceedings for the return of such property; the title in Dutch: Wet tot teruggave cultuurgoederen afkomstig uit bezet gebied.

Australia has not established a national advisory committee as referred to in Resolution II.

Austria has not established a national advisory committee as referred to in Resolution II. Both governmental and non-governmental organizations, however, are working closely with one another and exchanging their views on an informal basis.

In **Belgium**, the Interministerial Commission on Humanitarian Law (hereafter the "ICHL") currently functions as the national advisory committee recommended to be set up by Resolution II annexed to the Hague Convention. The ICHL has been the advisory organ of the Federal Government on international humanitarian law since 1987. Because Belgium is a federal State, the federated entities with competence over the protection of cultural property (the Communities and the Regions), are involved in the work of the ICHL.

In accordance with the text of Resolution II, the **Cambodian** Government established a National Commission for the Protection of Cultural Goods in the Case of Armed Conflict on 24 June 1970. The current National Commission is composed of nine members and four high advisors.

At present, no national advisory committee has been formed in the Republic of **Cyprus** as suggested in Resolution II of the 1954 Hague Conference. This question was raised during the recent meeting held with the representatives of the Ministry of Defence, as well as in previous contacts between the Department of Antiquities, the Ministry of Foreign Affairs and the Law Office of the Republic of Cyprus. The Department of Antiquities is coordinating efforts to set up a national advisory committee with the participation of representatives of the above-mentioned governmental authorities, in order to further promote the implementation of the Convention.

The **Czech Republic** has not established a national advisory committee as referred to in Resolution II. On the initiative of the Ministry of Foreign Affairs (MFA), however, an inter-ministerial Commission for International Humanitarian Law convened for the first time in September 2008. It will advise the Government on issues relating to or stemming from the IHL, including the Convention and its two Protocols.

In **Estonia**, the National Joint Commission (hereafter "NJC") was created on 21 September 2005. The task of the NJC is the national implementation of the Convention and its Protocols and the coordination of different development activities related to this subject. The chairman of the NJC is the Undersecretary of the Estonian Ministry of Culture. Other ministries and organisations that are represented include: the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of the Environment, the Ministry of the Interior, the Estonian Rescue Board, the General Staff of the Defence Forces, the Estonian Red Cross, the National Heritage Board, the Estonian National Archive, the Estonian National Museum, the Estonian Heritage Society, and the Estonian National Commission for UNESCO.

Finland is in the process of appointing a working group for 2008–2009 that will be tasked with coordinating measures for implementing the Convention, in particular, its Second Protocol. This working group is to continue the work of the previous working group, which operated from 2004 to 2006. The need for a permanent body has been acknowledged, but sufficient resources are currently unavailable.

Greece has established a National Advisory Committee on the implementation of the Convention. Nine of the members come from the Hellenic Ministry of Culture and Tourism, and one member comes from each of the following bodies: the Ministry of Foreign Affairs, the Ministry of National Defence and the Ministry of Citizen Protection. The Committee meets under the chairmanship of the Director General of Antiquities and Cultural Heritage of the

Ministry of Culture and Tourism. Its mission is to determine the measures to be taken by Greece in peacetime, in accordance with Article 5 of the Second Protocol to the Convention, including: the creation of an inventory of monuments under enhanced protection; taking emergency measures to protect cultural property in the event of fire or structural collapse; preparing the transport of cultural property or providing for its adequate *in situ* protection; determining the competent services for the safeguarding of cultural property; and placing the blue shield emblem on monuments of outstanding value which will be placed under enhanced protection.

In **Hungary**, pursuant to section I. 1.8. (i) of PART ONE of Directive 3/2009 (IX.4.), issued by the Ministry of Education and Culture on the promulgation of the bylaws of the Ministry for Education and Culture, the minister is personally responsible for running the Hungarian Advisory Committee to ensure international protection for cultural property. The members of the aforementioned committee are invited via the Undersecretary for Culture by the minister to partake in committee work; those invited are outstanding theoreticians and practitioners within their fields. The committee is currently still in the formative stages. (Regulation with respect to the said committee was previously contained in a statutory measure, *i.e.*, Decree 2/1958 (III. 9.) MM, issued by the Ministry for Education and Culture on the forming of a Hungarian advisory committee to ensure the international protection of cultural property. This regulation was rendered ineffective, however – with due consideration to constitutional-related criteria related to issues of legal source and legislation – by Decree 29/2008 (VII. 23.) OKM of the Ministry of Education and Culture on the international compendium of cultural property subject to special protection.)

Japan has not established a national advisory committee as referred to in Resolution II.

According to Article 4 of the Law on the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols of 6 November 2003, the Ministry of Culture of **Latvia** is responsible for commitments under the Convention and its Protocols.

Lithuania has not established a national advisory committee as referred to in Resolution II.

Mauritius has not established a national advisory committee as referred to in Resolution II.

Norway has not established a national advisory committee as referred to in Resolution II, but will consider this issue in relation to becoming party to the Second Protocol.

Poland established a consultative body in accordance with Resolution II following the passage of the Ordinance of the Council of Ministers of the Republic of Poland of 27 April 2004 on the Polish Consultative Committee (Dz.U. No 102, item 1066). The Polish Consultative Committee is an auxiliary body to the Council of Ministers. It is headed by the Minister of Culture and National Heritage, or the Undersecretary of State responsible for the protection of historical objects and buildings. The members of the Committee include representatives of the Minister of National Defence, the Minister of Interior and Administration, the Minister of Foreign Affairs, the Minister of Justice, the Minister of Education, and an individual with specialist qualifications in the field of protection and maintenance of cultural property.

The **Romanian** Government Decision no. 420/2006 from March 29th, 2006 established the National Committee on International Humanitarian Law, which is a consultative structure of the Government, without legal capacity.

The functions of the National Committee on International Humanitarian Law are to:

- a.) examine and propose necessary measures to be taken at a national level, with a view to implementing, observing and preventing the violation of humanitarian law norms provided by the international legal instruments to which Romania is party;
- b.) supervise and analyse the transposition of international humanitarian law norms into internal legislation;
- c.) recommend the ratification of international legal instruments and issue advisory opinions on normative drafts in the field of humanitarian law;
- d.) elaborate the National Strategy on Implementation of International Humanitarian Law, which is submitted for the approval of the Prime minister;
- e.) elaborate annual reports with respect to implementation measures that are carried out by institutions represented in the National Committee for International Humanitarian Law, as well as regarding the activities carried out as a consultative body of the Government;
- f.) promote the dissemination of humanitarian law through the national education system and has organized scientific sessions, training and specialized courses in humanitarian law;
- g.) cooperate with national committees from other states and international institutions in this field.

The Romanian National Committee on international humanitarian law is constituted by one representative from each of the Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Justice, Ministry of Administration and Interior, Ministry of Education, Youth and Sport, Ministry of Health. According to the National Strategy on Implementation of International Humanitarian Law, Government Decision no. 420/2006 on the establishment and functioning of the National Committee on International Humanitarian Law, such operation of the National Committee shall be modified through the inclusion within the National Committee of representatives from the Ministry of Culture and National Heritage. **Slovakia** has not established a national advisory committee as referred to in Resolution II.

The **Swiss** Committee for the Protection of Cultural Property was established by Article 9 of the Federal Law on the Protection of Cultural Property in the Case of Armed Conflict. Its enforcement order sets out the composition and tasks of the Committee. All of the federal and cantonal offices and professional organizations involved in the protection of cultural property (museums, archives, libraries, preservation of historical monuments and archaeology) are represented on the Committee.

Under Article 34 of the enforcement order, the Committee advises the federal government, the department and the federal office, and ensures a specialized service in the field of protection of cultural property.

As an extra-Parliamentary commission, the Swiss Committee is established by the Federal Council for a period of four years. Its secretariat is ensured by the Section for the Protection of Cultural Property (Art. 32, enforcement order).

Spain has not established a national advisory committee. Nonetheless, the Spanish Ministry of Culture and the Ministry of Defence established an inter-ministerial working group to prepare this report and to follow up the implementation and dissemination of the Convention and its Protocols on Spanish territory, taking into account that progress is expected in this

area now that the Guidelines have been approved. This working group will deal with issues such as enhanced protection and preparation of a “tentative list”, consideration of the use of the Convention’s distinctive emblem in Spain and other activities publicizing the Convention and its two Protocols among the public. Cooperation with regional governments is planned for some of these initiatives.

**VII. (ii). NATIONAL REPORTS ON THE IMPLEMENTATION OF THE 1999
SECOND PROTOCOL TO THE 1954 HAGUE CONVENTION**

Article 5: SAFEGUARDING OF CULTURAL PROPERTY

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing some examples of peacetime preparatory measures, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

Austria has commented on this article in its report on Article 3 of the Convention in part VII(i), *supra*.

A list of movable historical and cultural monuments under state protection on the territory of the Republic of **Azerbaijan** has been approved by a Decision No. 132¹⁵ of the Cabinet of Ministers of the Republic of Azerbaijan dated August 2, 2001 (6,308 monuments are indicated on the list).

Azerbaijan has also started reforms concerning the protection and support of the intangible cultural heritage of Azerbaijan, which has included a monitoring of cultural and political safeguarding mechanisms, establishment of a State Register of intangible cultural monuments, establishment of an Inventory Passport System, creation of international cultural tourism routes and the establishment of a Database of subjects of intangible cultural heritage of Azerbaijan.

Canada has commented on this article in its report on Article 3 of the Convention in part VII(i), *supra*.

In **Cyprus**, the peacetime preparatory measures taken by the Department of Antiquities concerning 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, have been implemented to accord with Article 3 of the Convention.

The Ministry of Culture of the **Czech Republic** has prepared the Guidelines for the Elaboration of the Plan of Protection of Cultural Property, which covers the protection of cultural property, museums and galleries, and libraries and documents. These Guidelines have been incorporated by Regulation No. 328/2001 of the Collection of Laws into the Integrated Rescue System (operation of police, ambulances, and fire-fighters) and should serve as the basis for preparation of "Plans for Protection of Cultural Property" by the regional governments.

In addition, Act No. 20/1987 of the Collection of Laws (State Heritage Preservation) sets the duties of the owner and of the user of protected cultural property to protect such property from destruction, damage, loss of value or theft. These duties are applicable even in the event of an armed conflict. The owner and the tenant are furthermore obliged to use such property appropriate to its importance, value and technical state. State authorities supervise observance by the owner and/or user's compliance and have the right to impose fines or prohibit activities inconsistent with the required maintenance of the property. The Ministry of Culture is currently working on principles for a new Act to replace Act No. 20/1987. This new law will also regulate the marking of immovable cultural property under the protection of the Convention and its Protocols.

¹⁵ For the complete text, please consult the relevant national authorities..

The relevant rules for museum collections are established in Act No. 122/2000 of the Collection of Laws (the Protection of Museum Collections). Apart from other duties, the museum owner has to protect the collection from damage, and enable the marking of the building housing the collection with the international emblem to protect the collection in the event of an armed conflict. The marking foreseen by this Act has not yet been launched. The Act provides for monetary contributions from the public budget to cover owners' costs resulting from their compliance with international obligations of the Czech Republic (including the Convention and its Protocols).

In the **Dominican Republic**, the inventories of six museums under the General Directorate of Museums have been updated. The participation of the Dominican Republic in the Virtual Museum of Latin America and the Caribbean will assist in the protection of movable cultural property as a result of its public dissemination. Furthermore, an information network of international and intergovernmental contacts has been formed for the protection of such property. This network facilitates knowledge and prevention regarding activities in the field of Ibero-American movable cultural heritage.

With respect to the planning of emergency measures for the protection of cultural heritage, the General Directorate of Museums has begun the process of drafting plans for risk prevention, mitigation and response for each department. Regarding the Colonial City of Santo Domingo, the National Directorate of Monumental Heritage coordinates the Emergency Committee for the historic centre, together with other public and private institutions. This committee prepares a General Risk Management Plan and sector plans for particular events. Likewise, the Cultural Heritage Vice-Ministry set up a "World Heritage Committee", which monitors UNESCO convention related actions.

In **Estonia**, information related to monuments is entered on the National Register of Cultural Monuments. The register was established and statutes for its maintenance approved by the Government of the Republic of Estonia pursuant to the procedures provided in the Databases Act. The location of immovable monuments and their protected zones is entered in the land cadastre. The register is online and accessible to the public at <http://register.muinas.ee>. In addition to text-based information, users can browse through images in the map window. The interface application shows monuments with selected map layers (base maps, cadastral units, administrative boundaries, etc.) in the background. The user is able to zoom and pan, as well as query for more monuments or change background map layers. The same web map application is also available directly from the Estonian Land Board's homepages.

The Estonian procedure for registration and preservation of museum objects is established by regulation of the Minister of Culture. In 2005, the development of the Information System for Estonian Museums (hereafter "MuIS") was initiated to create a system meeting the needs of Estonian museums, to provide a comprehensive overview of museum collections and to allow the tracking of collection items in and outside of museums. The future outcome of the project will be the creation of a databank of Estonian cultural heritage accessible via the internet. The present system (KVIS – Information System of Cultural Heritage) is being restructured; data migration is a work in progress.

Estonia has also planned emergency measures for protection against fire or structural collapse. In 2006, "Benchmarks in Collection Care for Museums, Archives and Libraries: A Self-assessment Checklist," which includes information on emergency preparedness, was translated into Estonian. Furthermore, in 2007-2008, the Estonian Ministry of Culture drafted a sample crisis management plan for its institutions. First Reaction and Crisis Management Teams were formed in state and county museums. Three flood pumps were procured for the

three largest state museums (covering both the Northern and Southern part of the country) and protection and work equipment was stocked for First Reaction Team use.

Estonia prepared for the removal of museum objects, or the provision for adequate *in situ* protection, by renovating old storage facilities and building the following new ones: Estonian History Museum at Maarjamäe (compl. 2005); Estonian National Museum at Raadi (compl. 2005) + new building (in the planning phase); Art Museum of Estonia (compl. 2006); Lääne County Museum (compl. 2008); Mahtra Peasantry Museum (in the planning phase); Pärnu County Museum (in the planning phase); joint storage facilities for museum objects of the Tallinn museums (construction work is slated to begin in 2011). These facilities reduce the risk of damage to several museum collections located in the Tallinn Old Town (where access is difficult for fire trucks), and possible evacuation location for museum objects from other areas of Estonia.

Finally, Estonia has designated authorities responsible for the safeguarding of cultural property. The Heritage Conservation Act (hereafter "HCA") regulates the rights and obligations of state and local government authorities, owners and possessors of cultural monuments by organising the protection and preservation of monument and heritage conservation areas. According to the HCA, heritage conservation in Estonia is organised by the Ministry of Culture, the National Heritage Board, rural municipalities and city governments. The Emergency Preparedness Act of 22 November 2000 establishes the duties of the ministries. Protection of cultural property is one of the vitally important sectors and it is administered by the Ministry of Culture.

The **Finnish** strategy is described in the summary of Finnish measures on the implementation of Article 3 of the Convention in part VII(i), *supra*, and is considered by Finland to meet the requirements of the Second Protocol.

The steps taken by **Greece** to safeguard its cultural property can be categorised as follows:

Recording of Monuments

All monuments, movable and immovable, are systematically recorded and documented in Greece, because, in conformity with Law No. 3028/2002 "On the Protection of Antiquities and the Cultural Heritage in general", it is obligatory to create an inventory of archaeological finds that are discovered during systematic and rescue excavations by specific deadlines (cf. Article 39(3), (4))¹⁶.

The general archives of excavations and archaeological research are kept by the regional and special regional services of the Hellenic Ministry of Culture and Tourism. It manages the inventory and electronic registration of movable and immovable finds, and also records relevant documentation material. The Organizational Chart of the Ministry displays the functional organization of the special departments within the above-mentioned services assigned to these competency areas.

At the central level, archaeological legislation provides for the recording, documentation and registration of monuments on the National Archive of Monuments of the Hellenic Ministry of Culture and Tourism (Article 4 of Law No. 3028/2002). According to the Organizational Chart of the Hellenic Ministry of Culture and Tourism, the Directorate of the National Archive of Monuments is competent to: (a) keep a standing inventory of archaeological sites, historical places and monuments (and the publication thereof); (b) maintain the electronic registration

¹⁶ *Note of the Secretariat*: The full text of the law is available through the UNESCO Database of National Cultural Heritage laws (<http://www.unesco.org/culture/natlaws/index.php?&lng=en>).

and digitalization of the archive of monuments; and (c) coordinate the electronic registration, management, documentation and digitalization of material related to the monuments.

The Directorate of the National Archive of Monuments drafted the Standing List of Archaeological Sites and Monuments of Greece, which is a database of the listed archaeological sites and monuments of Greece. The monuments are classified by prefecture, province, and municipality or community. This database is available in Greek and English, and it is accessible to the public through the website of the Hellenic Ministry of Culture and Tourism: <http://listedmonuments.culture.gr>.

At the central level, the Organizational Chart of the Ministry also shows a special Department of the Directorate of Modern Culture, competent to, *inter alia*, register the tangible testimony of historical, artistic or scientific value, as well as all evidence of pro-industrial, industrial and technical civilization.

Measures for safeguarding cultural properties against the foreseeable effects of an armed conflict

Greece has drafted special emergency plans for the protection of cultural property in the event of armed conflict. These plans aim at protecting, safeguarding and safekeeping national treasures from destruction and looting in the event of war. “National treasures” include archaeological items, all kinds of relics (religious and non-religious), historical documents, books, paintings, and works of folk art that are kept in locations, including museums, galleries, monasteries, churches, and archaeological sites. In case of an emergency, plans will be executed with collaboration between central and local competent services.

In **Iran (Islamic Republic of)**, all cultural property has been registered by the Iranian Cultural Heritage, Handicrafts and Tourism Organization (hereafter “ICHHTO”) in the inventories of governmental property. A copy of this inventory is preserved in the Ministry of Economy and Finance. Moreover, the Directorate for the Protection of Movable Cultural and Historical Property was issued under the supervision of ICHHTO to acknowledge and protect the movable cultural property of other national executive institutions, and is being implemented by the Vice-President for Cultural Heritage of ICHHTO.

Important cultural properties in **Japan** are given special status (such as “National Treasure”) in accordance with the Cultural Properties Law. Japan has inventoried these cultural properties and has taken measures to safeguard them, even in times of peace. The competent authorities responsible for safeguarding cultural properties are the Agency for Cultural Affairs at the national level and Boards of Education at the local level.

Jordan has commented on this article in the scope of its report on Article 3 of the Convention in part VII(i), *supra*.

In **Lithuania**, the administrative and legislative preparatory measures taken in times of peace for the safeguarding of cultural heritage against the foreseeable effects of an armed conflict provided in Article 5 of the Second Protocol align with the measures taken to implement the provisions of Article 3 of the Convention.

In **Mexico**, in May 1972, the Federal Law on Archaeological, Artistic and Historical Monuments and Sites was passed. It provides that “Movable and immovable archaeological monuments ... produced by cultures before the establishment of the Spanish Empire in the national territory, are the inalienable, imprescriptible property of the Nation”. It further provides that the National Institute of Anthropology and History (hereafter “INAH”) is responsible for keeping a record of the country’s movable and immovable archaeological

monuments and, for that purpose, Article 21 of the same law provides for the establishment of the Public Register of Archaeological Monuments and Sites. This register is administered by INAH's National Archaeology Coordination Department under the ongoing project, Cataloguing and Registration of Archaeological Sites, through which more than 1,000 archaeological sites are registered each year. In 2009, the National Catalogue of Archaeological Collections contained 1,410,393 items, described on some 419,940 fact sheets.

The purpose of the National Programme for the Protection of Movable Historical Property is to coordinate and consolidate the national inventory of movable cultural property owned by the Federation and held by religious associations. INAH's National Cultural Heritage Conservation Coordination Department conducts this programme, which sees participation from public universities, higher education institutions, federal agencies, state and municipal governments, and civil society as a whole.

In September 2001, INAH, the Government of Puebla and the Archbishopric of Puebla signed a framework collaboration agreement in order to carry out the detailed registration of movable historical monuments owned by the Federation and held by the Church. By July 2009, 185 churches in 35 municipalities had been catalogued.

In April 2002, National Institute of Anthropology and History (INAH), the Government of Tlaxcala, the Tlaxcala Institute of Culture and the Bishopric of Tlaxcala signed a specific implementation agreement for the registration and cataloguing of movable property located in churches and religious buildings. Under this instrument, more than 10,000 items had been catalogued by April 2008.

In March 2003, INAH, the Government of Durango, the State Attorney General's Office, Juárez University and the Archdiocese of Durango signed a collaboration agreement in order to carry out joint activities for crime prevention and the preservation and defence of cultural heritage located in the State. By December 2008, a total of 629 items of seventeenth, eighteenth, nineteenth and twentieth-century sacred art had been catalogued by INAH in the State.

INAH also provides the "General Safety Rules for Museums", Article 14 of which provides that "Museums must have the necessary fire-prevention equipment and devices, as well as adequate emergency exits, taking into account their structure and the cultural property they house, in the event of an incident of that nature". Similarly, Article 19 of said Rules stipulates that "A programme of practice drills for the operation of fire-fighting equipment and evacuation of buildings must be established in order to ensure that there are personnel qualified to deal with this type of incident".

A course on "Fire prevention, detection and control" was held on 23 and 24 July 2009 in Mexico City and attended by staff from all INAH centres in Mexico. The course covered topics such as risk prevention in laboratories, processing of hazardous waste, preventive measures in archaeological buildings and sites, and fire prevention and fire-fighting. National Institute of Anthropology and History's (INAH) National Cultural Heritage Conservation Coordination Department has compiled a Handbook on Fire Prevention in Religious Buildings, and INAH also has a Handbook on Preventive Conservation in Archaeological Sites.

The Trust for the Promotion and Conservation of Cultural, Anthropological, Archaeological and Historical Heritage of Mexico has had a great impact on the protection of cultural heritage. The agreement establishing the Trust was signed in December 2008 by the Ministry of Finance and Public Credit, the National Bank of the Army, Air Force and Navy of Mexico, the Ministry of Public Education and the National Institute of Anthropology and History. The

Trust approved, among other things, the resources required to implement the initiative entitled “Projects considered for the 2009 period in the monument area of Teotihuacán”. This site is included in UNESCO’s World Heritage List and it was therefore considered essential to support measures to keep the area in good condition. In order to avoid structural collapse, authorization was given to change the roof of some buildings in the Citadel, the Avenue of the Dead and La Ventilla. It was important to do so, as some pre-Hispanic murals could be seriously damaged by exposure to the elements.

The Presidential Agreement establishing the minimum requirements for the safeguarding of cultural property housed in museums (19 February 1986) refers to security systems, responsible authorities, coordination among the three levels of government (federal, state and municipal) and the participation of civil society in security and protection programmes concerning cultural heritage kept in museums. That Agreement provides that the removal of movable property from museums “shall be subject to the applicable provisions contained in the relevant regulations”.

In this respect, the Circular-Agreement circulated by the Director-General of the National Institute of Anthropology and History setting out the provisions for the transport of archaeological and historical monuments and other items from museums, within or beyond the Institute (11 October 1979), stipulates that the only authority competent to authorize the transport of museum objects is the INAH General Directorate or, where appropriate, the INAH Administrative Secretariat. The aforementioned Agreement also stipulates that in order to transport collections or parts of collections, measures in respect of security, packing, insurance or deposits must be taken to guarantee their recovery, integrity or restoration in the event of loss or damage. It further stipulates that air, land and sea carriers require INAH’s written authorization to move monuments, subject to penalties provided for in the Federal Law on Archaeological, Artistic and Historical Monuments and Sites.

Under Article 2 of the Organic Law establishing the INAH, the Institute is responsible for conducting research in the areas of anthropology and history, conserving and restoring archaeological and historical heritage – including paleontological heritage – and protecting, conserving, restoring, recovering and disseminating such heritage.

In performing these tasks, INAH is advised by the National Disaster Prevention Centre (CENAPRED) and the Civil Protection Coordination Department of the Ministry of the Interior, coordinates action with the Civil Protection Coordination Department and the Mexican Army in order to support the protection of cultural heritage and makes a photographic record that shows the condition of the buildings and their contents. Another competent authority in this area is the Federal Attorney General’s Office, with whom INAH signed, in November 2006, a collaboration and coordination agreement for the investigation and prosecution of crimes against the cultural heritage of the Federation, and for the protection, recovery and conservation of such cultural heritage.

In the **Netherlands**, the preparatory measures for the safeguarding of cultural property in peacetime are covered by the policy for disaster risk reduction, crisis and disaster response.

Since 2002, ‘networks for the prevention of damage to cultural heritage’ have been established in towns and regions in the Netherlands. The leading principle of the networks is complete, integrated safety and security management for people, collections and buildings. The networks receive governmental financial support (through the Mondriaan Foundation) as well as substantive support from provincial museum advisors. The networks include a broad scope of heritage institutions: museums, archives, libraries, churches, mills, managers of monuments and archaeological services. Continuous cooperation is sought with the police and fire brigade. The goal of the networks is to establish disaster plans for all participants, as

well as cooperation between participants in the event of a calamity within safety regions e.g., for the evacuation of collections.

Beginning in 2004, the safeguarding of cultural heritage against disasters has been governed by the Disaster Response (Quality Improvement) Act.¹⁷ Under this Act, the protection of cultural heritage against the risk of disasters was understood to be regulated in municipal disaster response plans, subsequently evaluated by the provinces.

In 2008 the ‘Expertise centre on safety and security for heritage institutions’ was established.¹⁸ The centre has a national role in collecting and making available information and expertise on safety and risk preparedness to heritage institutions.

Although officially outside of the timeframe of this periodic report, the Netherlands would like to inform in this report that starting in 2010 the policy for disaster risk reduction, crisis and disaster response will change with the establishment of the Law on Safety Regions; the principal responsibility of municipalities and provinces nonetheless remains unchanged. They are being advised by the 25 Safety Regions. In the near future, heritage concerns will be taken into account by these authorities in 4 stages:

- First, the Safety Regions continually make an inventory of the regional safety risks.
- Second, based upon the risk inventory, the Safety Regions analyse the relevant incident scenarios for all safety risks.
- Third, the assessments of the impact and probability of all risk scenarios are brought together in a two-dimensional “risk diagram”.
- Fourth, the municipalities and local fire services cooperate with individual museums, libraries and so forth for better preparedness in regard to fire and safety risks and specific risk reduction measures, based upon the regionally selected strategic safety policies.

The ministry of Defence is one of the “crisis partners” of the local and regional authorities that have responsibilities in a Safety region. In every one of the 25 Safety Regions the Netherlands Armed Forces maintains liaison officers. They serve as advisors on military matters to civilian authorities. The Dutch method for regional risk inventory and assessment is described in a national guideline.

Risk preparedness through disaster plans is mandatory for government subsidized museums and heritage institutions. State subsidized museums are receiving subsidies for drawing up an integral safety plan and for making up the backlog in regard to safety issues. Under the Archive decree and the Archive arrangement¹⁹, archives have the obligation to take measures to secure archival depots against fire and water intrusion. The Cultural Heritage Inspectorate supervises the management and care of these collections and archives, including risk preparedness.

Romania has commented on this article in the scope of its report on Article 3 of the Convention in part VII(i), *supra*.

A list of the historic buildings of **Slovakia** has been established by the Office of Historic Buildings, which is a part of the Ministry of Culture of Slovakia. This list is available on the

¹⁷ Wet kwaliteitsverbetering rampenbestrijding.

¹⁸ Kenniscentrum veiligheid cultureel erfgoed, KVCE; the centre will be transferred in 2010 from the Royal Library to the Cultural Heritage Agency.

¹⁹ Archive Decree (Archiefbesluit 1995) art. 13; Archive arrangement (Archief regeling 2009) art. 28.

official website of the Ministry of Culture. In addition, 56 district security committees operate both during peacetime and in the event of armed conflict.

The **Slovenian** Ministry of Defence fulfils its obligations under the 1999 Second Protocol to the 1954 Hague Convention within the framework of action of the armed forces, civil defence, and civil protection and disaster relief.

The General Staff of the Slovenian Armed Forces, a body within the Ministry of Defence, fulfils international commitments to the protection of cultural property in the event of armed conflict through subordinate commands. It also provides military education and training for all categories of military personnel. Military education and training of the Slovenian Armed Forces in the field of International Law for Armed Conflict is provided by the Doctrine, Development, Education and Training Command (DDETC), principally in the Non-Commissioned Officers School, the Officer Candidate School and the Command and Staff School. A part of specialized training and legal courses are performed abroad at places such as the International Institute of Humanitarian Law in Sanremo, Italy, and the NATO School in Oberammergau, Germany.

The Chief of the Slovenian Armed Forces General Staff issued an order for the enforcement of the contents of the NATO Slovenian military standard STANAG 2449(1) "Training in the Law of Armed Conflict", no. 860-39/2006-4 dated 9 April 2008.

As part of basic military training, the protection of cultural property is treated within the "protected persons and facilities" project. Notably, in the Officer Candidate School syllabus, 31 school hours are dedicated to the International Law of Armed Conflict under the subject Law for Officers (60 hours). Five of these school hours are devoted to topics such as "methods of warfare", "protection of cultural property", "the use of force in peacekeeping operations", "STANAG 2449(1)" and "commander's responsibility".

The Ministry of Culture, with the participation of the Civil Defence Agency in Directorate of Defence Affairs and the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, is responsible for the planning of cultural heritage protection during time of war. The Civil Defence Agency in Directorate of Defence Affairs provides civil experts, who offer consultancy services to the Slovenian Armed Forces and to the bodies of the alliance in peacekeeping and other crisis response operations.

The Ministry of Culture participated in the preparation of a new government Decision on the definition of preparations for the implementation of readiness measures, and in the inter-ministerial coordination group for the coordination of the preparations of the critical infrastructure protection in the Republic of Slovenia. The Ministry of Culture is convinced that the archival material, national museums, monuments of state importance, libraries, galleries and cultural heritage facilities could be deemed critical infrastructure.

The civil protection and disaster relief responsibilities in the protection of cultural heritage belong to the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (hereafter "ACPDR"). In compliance with the Decree on the contents and the elaboration of the civil protection and disaster relief plans, the ACPDR prepares protection and rescue plans for natural and other disasters. "Protection of cultural heritage" measures are likewise included in the protection measures for accidents occurring in the event of an earthquake, flood, plain accident, large wildfire and terrorism. Experts from the field of cultural heritage implement such measures in cooperation with the Civil Protection units and other protection, relief and assistance forces.

The following tasks are implemented in the event of accidents in which cultural heritage is damaged:

- collection and processing of data on the damaged cultural heritage;
- making decisions regarding immediate protective measures;
- implementation of immediate security actions (evacuation, protection, etc.);
- elaboration of the assessment of damage incurred by the cultural heritage;
- preparation of a restoration and renovation programme for immovable cultural heritage, a programme of restoration and conservation intervention for the restoration of archives and archival material and a restoration programme for movable cultural heritage.

The Fire Protection Act prescribes preventive measures of fire protection, such as constructional, technological, technical and organizational measures, which diminish fire hazard and provide fire safety in the cultural heritage facilities. They are detailed in numerous executive acts.

In **Switzerland**, significant efforts have been made to analyse the existing documents within the framework of cultural property inventories. With respect to the classification of cultural property of national importance, a matrix has been designed for the purpose of comparing different types of Swiss construction. For the first time, evaluation and classification has been concerned not only with buildings such as churches, monasteries, aristocratic residences, administrative and official buildings, and even farmhouses, but also with archive collections, libraries, museums and sacred buildings. As a result of this process, the specialized service for the protection of cultural property now has information vital to the planning and implementation of additional protection measures.

For the past 20 years, cultural institutions and cantons have received financial support for the preparation of security documents and for making microfilms of cultural property of national or regional importance. Today, the Swiss Confederation stocks some 61,000 pieces of microfilm in a protected site.

A recent expert report on the subject of earthquakes analyses the situation from the perspective of buildings and collections. It makes recommendations aimed at reinforcing security for cultural property in Switzerland in case of an earthquake. Also noteworthy is the funding of a thesis specially dedicated to sacred buildings, their structures, and possible measures of protection, which has made it possible to identify weak structural points in some historical buildings. The manner in which collections are stored is also a matter of concern.

Moreover, with the assistance of fire-fighting brigades, Switzerland has drawn up a set of minimum standards to ensure cooperation in the event of fire. This has resulted in the devising of mechanisms to help fire-fighters make initial tactical decisions and the providing of expert advice while the fire is being brought under control.

In addition to the risk of fire, rising water levels and floods can also endanger cultural property. In the event of a disaster, the systematic inclusion of experts in federal and cantonal operational teams ensures that warning and safeguarding mechanisms encompass not only civilians in danger, but also cultural institutions.

The information acquired in conjunction with the above-mentioned procedures lay the groundwork for the preparation and implementation of additional measures in the area of staff, organization, training and construction in the event of armed conflict.

Chapter 3: ENHANCED PROTECTION

Chapter 3 of the Second Protocol provides for cultural property meeting certain requirements to be placed under enhanced protection.

In **Austria**, decisions on the nomination of cultural property for enhanced protection will be taken when the current list of cultural property is revisited.

The Republic of **Azerbaijan** has identified its cultural property for inclusion in the List of Cultural Property under Enhanced Protection, and intends to present the list of cultural property to the Committee. This list will contain the Icherisheher Historical and Architectural Reservation, Maiden Tower, the complex of Shirvanshahs' Palace and Gobustan National Historical and Art Reservation, all of which are on UNESCO's World Heritage List.²⁰

In **Canada**, their relevant authority, the Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict, is still in the process of developing guidelines for the implementation of the Second Protocol, including aspects of the granting of enhanced protection. Canada has therefore not yet determined whether it may nominate Canadian sites for enhanced protection.²¹

The Republic of **Cyprus** intends to nominate cultural sites to be placed under enhanced protection. Priority will be given to the cultural sites inscribed in the World Heritage List of UNESCO, *i.e.*, the Choirokoitia Neolithic settlement, the Painted Churches in the Troodos region and Paphos.²²

The Ministry of Culture of the **Czech Republic** is responsible for preparing the list of cultural property subject to enhanced protection under the Second Protocol. This Ministry and the Ministry of Defence agreed in 2007 to fulfil the requirements of Article 10 of the Second Protocol. The property which is currently on the World Heritage List will be submitted to the Committee for enhanced protection. The Ministry of Culture plans to include in the List of Cultural Property under Enhanced Protection those sites which will be included in the World Heritage list. All the sites entered in the list of Cultural Property under Enhanced Protection will be marked in accordance with the Guidelines for the Implementation of the Second Protocol once they have been approved by the Meeting of the Parties.

The Ministry of Culture of the Czech Republic would like the UNESCO Secretariat to develop the official forms for historic sites to be included on the List of Cultural Property under Enhanced Protection. The Czech Republic believes that these forms are necessary, and suggests that such a form could be agreed upon by the Committee for the Protection of Cultural Property in the Event of Armed Conflict.²³

The **Dominican Republic** reports that the Colonial City of Santo Domingo meets the three conditions for enhanced protection.

²⁰ Note of the Secretariat: The fifth meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (22-24 November 2010) decided to adjourn the debate on the requests for the granting of enhanced protection for the *Walled City of Baku*, including the *Shirvanshahs' Palace and Maiden Tower* and *Gobustan Rock Art Cultural Landscape* until its sixth meeting; and it decided to refer back to Azerbaijan the requests for the granting of enhanced protection for *Atashgah Fire-worshippers temple, Momina-khatun Turbasi (the Mausoleum of Momina-khatun), Sheki Khan Sarayi (The Palace of the Sheki Khan), and the Mausoleum of Yusuf ibn Kuseyir (Yusuf son of Kuseyir)*.

²¹ Note of the Secretariat: The Canadian report was submitted in November 2008 when the Guidelines had not yet been elaborated. They were endorsed by the third Meeting of the Parties to the Second Protocol (UNESCO Headquarters, 23-24 November 2009).

²² Note of the Secretariat: The fifth meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (22-24 November 2010) decided to grant enhanced protection to the following cultural properties: Choirokoitia, Paphos (Sites I and II), and the Painted Churches of the Troodos Region.

²³ Note of the Secretariat: This form was developed as Annex I to the Draft Guidelines for the Implementation of the Second Protocol to the Hague Convention and finalized by the Extraordinary Meeting of the Committee (UNESCO Headquarters, 2 September 2009).

Estonia has not begun discussing the option of placing cultural property under enhanced protection.

Finland has not requested enhanced protection of any cultural property and does not currently plan to make such a request. However, Finland considers it to be important that enhanced protection becomes a functional instrument. Finland aims to support building functional protection mechanisms through the Committee and meetings of Parties to the Convention.

One of the objectives of the **Greek** National Advisory Committee, which was established in accordance with the Resolution II of the Convention, is to draft a list of monuments under enhanced protection with the assistance and advice of the Hellenic Ministry of Culture and Tourism. The views and proposals of the regional and special services of the Hellenic Ministry of Culture and Tourism responsible for the protection of monuments and museums of their area will play a key role in the selection of the monuments. Their proposals have been requested and the majority of them have already been received. They will subsequently be elaborated by the National Advisory Committee.

Japan is considering which cultural properties should be placed under enhanced protection.

Nomination of cultural heritage for enhanced protection, particularly those cultural heritage sites inscribed in the World Heritage List complying with criteria of Article 10, is still under consideration in **Lithuania**.

The **Netherlands** has not considered the possibility of nominating cultural property for enhanced protection during the period covered by this report. In the international context, the Netherlands is of the opinion that priority should be given to applications of States Parties where there exists a threat of an armed conflict.

Romania is currently analyzing the possibility of requesting the granting of enhanced protection for a number of cultural objects.

Slovakia's cultural property on the World Heritage list is not under enhanced protection. Registration of cultural property included in the World Heritage List falls under Slovakia's ordinary criminal jurisdiction.

At present, **Slovenia** does not intend to request the granting of enhanced protection to cultural property.

Spain is interested in compiling a tentative list of property of its cultural heritage for which it would like to receive such protection. Accordingly, consideration is being given to including in this list not only property declared World Heritage, but also items declared to be of cultural interest, in accordance with Act No. 6/1985 of 25 June on the Spanish Historical Heritage, referred to at the beginning of this report.

Switzerland plans to complete the review of its inventory of cultural property of national importance during 2008-2009 before addressing the question of possibly placing cultural property under enhanced protection.

Article 15: SERIOUS VIOLATIONS OF THIS PROTOCOL

This article provides for the obligation to establish as a criminal offence under domestic laws of the Parties five categories of offences enumerated in paragraph 1 of this article and to make them punishable.

When ratifying the Second Protocol, **Austria** made the following Interpretative Declaration:

Concerning Article 15 sub-paragraph 1 (c): The Republic of Austria considers that the term “appropriation” refers to the offence of (grave) theft as set forth in §§ 127 and 128 sub-paragraph 1 (3) of the Austrian Criminal Code (österreichisches Strafgesetzbuch – StGB).

The relevant provisions of the Austrian Criminal Code²⁴ relating to cultural heritage are: §§ 125 and 126(1)3-4, criminalizing damage and aggravated damage to such heritage; §§ 127 and 128(1)3, criminalizing theft and aggravated theft of such heritage; and § 133(1)-(2), on the misappropriation of such heritage.

The Republic of **Azerbaijan** included its report on this article in its report on Article 28 of the Convention in part VII(i), *supra*.

Acts against cultural property that would amount to serious violations of the Convention and Second Protocol (specified in Article 15(1)(a)-(e) of the Second Protocol) would be liable for prosecution under either **Canada's National Defence Act** (as a violation of the Code of Service Conduct therein) or the *Crimes Against Humanity and War Crimes Act*. The latter defines a war crime as “an act or omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission” and would therefore include serious violations of the Convention and Second Protocol. Both legislative acts establish jurisdiction over such acts when committed within or outside Canada.

The offences enumerated in Article 15 of the Second Protocol are established as penal offences under **Cyprus** domestic law. The law provides for incarceration of up to 15 years or a fine of up to 20,000 CY pounds (31.400 Euro) or both or any other punishment the court may decide to impose.

In the **Czech Republic**, punishment of all five categories of violations is covered by the Criminal Code (Act No.140/1961 of the Collection of Laws, as amended), “Using Prohibited Means of Combat and Unlawful Warfare and Plundering in the War Area”. Categories of offences listed under Article 15 (a), (b), and (d) are covered by Section 262 of the Criminal Code. Persons convicted of such offenses will be punished by two to seven years of imprisonment (in serious and severe cases, by five to fifteen years). Categories of offences listed under Article 15 (c) and (e) are covered by Section 264 of the Criminal Code. Violators convicted of such offenses will be punished by three to fifteen years of imprisonment or by an exceptional sentence.

Estonia incorporated in its Penal Code sanctions that punish both the “exploitative abuse of emblems and marks designating international protection” (Division 4 of the Penal Code, War Crimes, § 105) and “attacks against cultural property” (Division 4 of the Penal Code, War Crimes, § 107). These provisions were passed 6 June 2001, entered into force 1 September 2002, and amended by several Acts.

In **Finland**, provisions of the penal code are already concordant with the Second Protocol in terms of criminal responsibility and jurisdiction. The punishment requirement (Chapter 1, Section 11, subsection 2 of the Finnish Penal Code) was amended to comply with the Second Protocol.

²⁴ Note of the Secretariat: The unofficial translation was provided by the Austrian authorities and adjusted by the Secretariat.

The adoption by **Greece** of relevant internal legislation for the implementation of Chapter 4 shall be undertaken by an *ad hoc* legal committee that will be established to insert new provisions to the Greek Penal Code penalizing serious and other violations of the Second Protocol. This subject has been discussed within the framework of the National Advisory Committee. Nevertheless, in accordance with Law No. 3028/2002, the destruction, damage to or alteration of a monument, as well as the theft or embezzlement of a monument are punishable offenses (Articles 56, 53 and 54, respectively). This law further prohibits the exportation of cultural property from Greek territory, subject to Article 34, and imposes penal sanctions for its illicit exportation (Article 63), as well as for non-compliance with the enforceable judgment of a court or an arbitral tribunal ordering the return of cultural objects illegally removed from the territory of another State pursuant to international conventions approved and in force in Greece or under legislation of the European Union (Article 65). The provisions of the aforementioned law are expected to be included, *inter alia*, in the new amendments to the Greek Penal Code.

Hungary reported on this article under Article 28 of the Convention in part VII(i), *supra*.

The **Japanese** Law for the Protection of Cultural Property in the Event of Armed Conflict was newly adopted to implement the Second Protocol, and it makes the offences under Article 15.1(a) to (d) punishable by imprisonment. The offences detailed in Article 15.1(e) are already punishable under the existing Penal Code.

In **Lithuania**, the provisions of Article 15 of the Second Protocol are implemented in the same way as Article 28 of the Convention: in accordance with Article 106 of the Criminal Code (Destruction of the Protected Objects).²⁵ No statute of limitations applies to this norm; persons committing such offenses may be prosecuted without any time limit.

In the **Netherlands**, the acts defined as offences in Chapter IV of the Second Protocol were expressly criminalized in the International Crimes Act.²⁶ Although the International Crimes Act does not explicitly state that these acts are criminal offences when committed in a non-international armed conflict, they are nonetheless criminalized under the catch-all provision of section 7 of the International Crimes Act.²⁷

²⁵ “Person, who, by the necessity of war, gives an indefensible order to destroy or destroys historical monuments, cultural, artistic, educational, scientific objects or objects of religion, that are under the protection by international agreements or national internal law acts; who plunders national heritage in the occupied or annexed territory and makes a huge damage, shall be punished by the deprivation of liberty for a period from three to twelve years.”

²⁶ Wet Internationale Misdrifven. The relevant part of the International Crimes Act reads:

“4. Anyone who, in the case of an international armed conflict, intentionally and unlawfully commits one of the following acts shall be liable to a term of imprisonment not exceeding fifteen years or a fifth category fine:

(a) making the object of attack cultural property that is under enhanced protection as referred to in articles 10 and 11 of the Second Protocol, concluded in The Hague on 26 March 1999, to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (Netherlands Treaty Series 1999, 107);

(b) using cultural property that is under enhanced protection as referred to in (a) or the immediate vicinity of such property in support of military action;

(c) destroying or appropriating on a large scale cultural property that is under the protection of the Convention, concluded in The Hague on 14 May 1954, for the Protection of Cultural Property in the Event of Armed Conflict (Netherlands Treaty Series 1955, 47) or the Second Protocol thereto;

(d) making cultural property that is under protection as referred to in (c) the object of attack; or

(e) theft, pillaging or appropriation of – or acts of vandalism directed against – cultural property under the protection of the Convention referred to in (c).”

²⁷ The relevant part of the International Crimes Act reads:

“1. Anyone who, in the case of an international or non-international armed conflict, commits a violation of the laws and customs of war other than as referred to in sections 5 or 6 shall be liable to a term of imprisonment not exceeding ten years or a fifth category fine.”

2. A term of imprisonment not exceeding fifteen years or a fifth category fine shall be imposed:

(a) if an act as referred to in subsection 1 is likely to result in the death of or serious bodily injury to another person;

(b) if an act as referred to in subsection 1 involves one or more outrages committed upon personal dignity, in particular humiliating and degrading treatment;

Romania has commented on this article in the scope of its report on Article 28 of the Convention in part VII(i), *supra*.

Slovakia included its report on this article as part of its report on Article 28 of the Convention in part VII(i), *supra*.

Pursuant to Article 102 of the **Slovenian** Penal Code (entering into force 1 November 2008), anyone who, in contravention of the rules of international law, orders or commits war crimes during armed conflicts or when carrying out or supporting the policy of the state as part of a large systematic attack, is subject to a penalty. A war crime is punishable by a minimum of fifteen years imprisonment. Article 104 of the Slovenian Penal Code defines the responsibility of military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalises association with and incitement to commit war crimes.

Apart from the punishment of violations under the military penal code, as detailed in the summary of Swiss comments on Articles 7 and 28 of the Convention, **Switzerland** has not provided in its national legislation for the punishment of violations of the Second Protocol.

Article 16: JURISDICTION

This article provides for the obligation of the Parties to take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15.

When ratifying the Second Protocol, **Austria** made the following interpretive declaration: "Concerning Article 16 sub-paragraph 1(c), The Republic of Austria considers with regard to the provision of Article 17 paragraph 1 that the obligation under Article 16 sub-paragraph 1(c) to establish jurisdiction over the serious violations set forth in Article 15 sub-paragraphs (a) to (c) only applies to such cases where the alleged offender cannot be extradited (aut dedere aut judicare)."

In the event that certain acts violating Article 15(1)(e) of the Second Protocol might not be considered grievous enough to be considered war crimes, **Canada** has amended its *Criminal Code* to extend extraterritorial jurisdiction over six existing offences in the *Criminal Code* which we interpret to cover the requirements of 15(1)(e): theft, fraudulent concealment, robbery, fraud, mischief (vandalism) and arson. As a result of these amendments, which were made in order to facilitate Canada's accession to the Second Protocol, such acts are now considered criminal offences in Canada when committed by Canadians anywhere abroad against cultural property at any time, providing that the cultural property in question is sufficiently important to meet the definition of that term in Article 1 of the Convention.

According to Law No. 4 (III)/2001, the courts of the Republic of **Cyprus** have jurisdiction over offences set forth in Article 15 of the Second Protocol, when these are committed in the cases referred to in Article 16 of that Protocol.

As far as jurisdictional matters are concerned, the **Czech** Criminal Code introduces in its Section 19 the concept of universality, which applies to all five categories of offences listed in Article 15 of the Second Protocol to the Convention.

Estonia's penal law extends territorial jurisdiction over acts committed within Estonia, and acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of

(c) if an act as referred to in subsection 1 involves compelling another person to do, refrain from doing or permit something, or

(d) if an act as referred to in subsection 1 involves pillaging a city or place, even when taken by assault."

3. Section 5, subsection 6, shall apply mutatis mutandis to an act as referred to in subsection 1".

the country where the offence is committed (Estonia Penal Code § 6). Further, territorial jurisdiction extends to an act committed outside the territory of Estonia if the act is punishable pursuant to an international agreement binding on Estonia, regardless of the law of the place of commission (Penal Code § 8).

Personal jurisdiction of Estonia's penal law extends to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if: 1) the act is committed against a citizen of Estonia or a legal person registered in Estonia; 2) the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been detained in Estonia and is not extradited (Penal Code § 7(1)). It also applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and the offender is a member of the Defence Forces performing his or her duties (Penal Code § 7(2)).

Finland has commented on this article in the scope of its report on Article 15 of the Second Protocol, *supra*.

Greece has commented on this article in the scope of its report on Article 15 of the Second Protocol, *supra*.

Japan newly established its jurisdiction over offences committed outside the territory of Japan as stipulated in Article 16.1(b) and (c) of the Second Protocol by passage of domestic legislation, including the Law for the Protection of Cultural Property in the Event of Armed Conflict, which makes the relevant provisions of the Penal Code applicable to the offences.

Lithuania applies universal jurisdiction to crimes against humanity and war crimes under Article 7 (Criminal Liability for Crimes provided in International Agreements) and Article 106 (Destruction of the Protected Objects) of the Criminal Code. Article 7 "Criminal Liability for Crimes provided in International Agreements" of the Lithuania Criminal Code states:

Persons shall be criminally liable under this Code regardless of their citizenship, their place of residence, the place of commission of the crime and whether the committed act is punishable under the laws of the place where the crime was committed, if they commit the following crimes the liability for which is provided on the grounds of international agreements:

- 1) Crimes against humanity and war crimes (Articles 99 to 113)
- 2) Trafficking in human beings (Article 147)
- 3) Sale, purchase of a child (Article 157)
- 4) Making, possession or sale of counterfeit money or securities (Article 213)
- 5) Legalization of criminally gained money or assets (Article 216)
- 6) Act of terrorism (Article 250)
- 7) Unlawful seizure of aircrafts, ships or steady-state platform in continental shelf (Article 251)
- 8) Hostage taking (Article 252)

- 9) Unlawful handling of radioactive materials (Articles 256 and 257)
- 10) Crimes related to disposal of narcotic drugs, psychotropic, poisonous or highly active substances (Articles 259 to 269)
- 11) Crimes against the environment (Articles 270, 270-1, 271, 272, 274).

In the **Netherlands**, Section 2 of the International Crimes Act provides for jurisdiction over these offences, in accordance with Article 16 (1) of the Second Protocol.

Slovakia included its report on this article as part of its report on Article 28 of the Convention in part VII(i), *supra*.

Apart from the punishment of violations under the military penal code, as detailed in the summary of Swiss comments on Articles 7 and 28 of the Convention, **Switzerland** has not provided in its national legislation for jurisdiction over violations of the Second Protocol.

Article 21: MEASURES REGARDING OTHER VIOLATIONS

Article 21 provides for the obligation of the Parties to adopt the relevant legislative, administrative or disciplinary measures to suppress any intentional use of cultural property in violation of the Convention or the Second Protocol as well as an illicit export, other removal or transfer or ownership of cultural property from occupied territory in violation of the Convention or the Second Protocol.

Austria has commented on this article in the scope of its report on Articles 15 and 16 of the Second Protocol, *supra*.

In accordance with the “Law on Culture” of the Republic of **Azerbaijan** and its implementing Decree of the President of the Republic of Azerbaijan dated 16 April 1998, the price of cultural property, the degree of its safeguarding and the possibility of its export is determined by the Ministry of Culture and Tourism by means of expert examination. To this end, there exist several expert commissions in the Ministry of Culture and Tourism of the Republic of Azerbaijan that determine the history and artistic and scientific value of cultural property and that grant safeguard certificates in accordance with the Regulations approved by the Minister of Culture and Tourism of the Republic of Azerbaijan. If the cultural property presented to the expert commissions exhibits the values detailed above, that cultural property, regardless of the date of its creation, will not be allowed to be removed from the country.

A Complex Automated Museum Information System (CAMIS) was used in the State Museum of Azerbaijani Musical Culture in 2008. Currently, work is being conducted with the goal of establishing electronic databases of collections of other Azerbaijani museums. An electronic database server of collections of Azerbaijani museums will be established in the near future.

Finally, the Customs Code of the Republic of Azerbaijan provides for a specific function of the Customs Authorities with regard to the fight against the illicit traffic of cultural property.²⁸

In **Canada**, additional legislative amendments have been made to the *Cultural Property Export and Import Act*²⁹ to prohibit, and to establish extraterritorial jurisdiction over, export or

²⁸ The Customs Code of the Republic of Azerbaijan, Article 10. “9) Major functions of customs authorities of the Republic of Azerbaijan: 9) Combating customs crimes, violations of customs regulations and tax legislation, prevent illegal transportation through the customs border of the Republic of Azerbaijan of narcotic substances, weapons, articles representing artistic, historical and archaeological property of the people of Azerbaijan and other countries, objects of intellectual property....”

²⁹ Cultural Property Export and Import Act (see section 36.1).

(http://laws.justice.gc.ca/en/ShowFullDoc/cs/C-51//20080229/en?command=HOME&caller=SI&search_type=all&shorttitle=cultural&day=29&month=2&year=2008&search_domain=cs&showall=L&statuteyear=all&lengthannual=50&length=50&noCookie)

removal of cultural property from occupied territories of States that are party to the Second Protocol in violation of Article 21(b) of that Protocol.

In **Cyprus**, per domestic Law No. 4 (III)/2001, the acts referred to in paragraphs (a), (b) and (c) of Article 9 are offences punishable with incarceration of up to 10 years or a fine of up to 15,000 CY pounds (23,550 Euro) or both.

In the **Czech Republic**, sanctions for the unlawful exportation of cultural property have been described in the summary of the report on the 1954 Protocol in part VII(i), *supra*. Other misuses of cultural property are regulated by the legislation enumerated in that summary.

Under Article 46(1) of **Estonia's** Heritage Conservation Act, knowingly removing an object of cultural value from the place it is found, and for damage thereto, is punishable by a fine of up to 200 fine units. The same act, if committed by a legal person, is punishable by a fine of up to 20,000 kroons (Article 46(2)). Under Article 48(1) of the same Act, damage to or destruction of a monument is punishable by a fine of up to 300 fine units. The same act, if committed by a legal person, is punishable by a fine of up to 50,000 kroons (Article 48(2)).

Finland has commented on this article in the scope of its report on Article 15 of the Second Protocol, *supra*.

Greece has commented on this article in the scope of its report on Article 15 of the Second Protocol, *supra*.

Japan has adopted the Self-Defense Forces Law, inter alia, to suppress activities detailed in Article 21(a) of the Second Protocol. Offences detailed in Article 21(b) have not been legally addressed, since the Japanese Constitution does not contemplate Japan's occupation of the territories of other countries.

To implement Article 21 of the Second Protocol, **Lithuania** has adopted legislative, administrative and disciplinary measures necessary to suppress any use of cultural heritage in violation of the Convention and its 1954 and 1999 Protocols. Protection of cultural heritage is regulated by the Law of the Republic of Lithuania on the Protection of Immovable Cultural Heritage³⁰ and the Law of the Republic of Lithuania on the Protection of Movable Cultural Property.³¹ In case the aforementioned laws are violated, Article 91, "Violation of the Law on the Protection of Immovable Cultural Heritage and Movable Cultural Property", of the Code of Administrative Offences³² provides for administrative liability.³³

All military personnel must follow rules and regulations established by the Disciplinary Statute of the Armed Forces of Lithuania (hereafter "Disciplinary Statute"). Article 79 of the Disciplinary Statute provides grounds for the disciplinary punishment for violations of the rules of international humanitarian law.³⁴

³⁰ The current edition of this law is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=320782&p_query=&p_tr2=

³¹ The current edition of this law is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=325143&p_query=&p_tr2=

³² The current edition of this code is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=325253&p_query=&p_tr2=

³³ "Violation of the Law on the Protection of Immovable Cultural Heritage and Movable Cultural Property – carries a warning or a fine from five hundred to three thousand Litas to ordinary citizens, and from three to five thousand Litas – to the officers."

³⁴ "1. For violation of international humanitarian law, servicemen of the compulsory military service are reprimanded or given additional service tasks, or are not permitted to leave their service place, or their military rank is reduced, servicemen of the professional military service are reprimanded, or their wage is diminished, or their military rank is reduced.

2. For the same acts, committed under aggravating circumstances, servicemen of professional military service are dismissed from the service, cadets are dismissed from military education institutions".

Sanctions concerning any illegal export or shipment of cultural property or transfer of property from occupied territory in violation of the Convention and the Second Protocol are provided in Part 2 of Article 189 “Purchase or Realization of Property gained illegally” of the Criminal Code.³⁵ In addition, Part 1 of Article 199, “Smuggling”, of the Criminal Code imposes punishment.³⁶

The **Netherlands** already has penal sanctions for a number of serious violations, including the Cultural Heritage Preservation Act (Sections 7 and 14a-d, in conjunction with section 1 of the Economic Offences Act). In addition, definitions of offences of a more general nature (such as handling stolen goods in article 416, paragraph 1 of the Criminal Code) may be applicable in certain situations.

Romania has commented on this article in the scope of its report on Article 15 of the Second Protocol, *supra*.

Slovakia included its report on this article as part of its report on Article 28 of the Convention in part VII(i), *supra*.

Apart from the punishment of violations under the military penal code, as detailed in the summary of Swiss comments on Articles 7 and 28 of the Convention, **Switzerland** has not provided in its national legislation for the punishment of violations of the Second Protocol.

Article 30: DISSEMINATION

Article 30 provides for a wide range of obligations related to the dissemination of the provisions of the Second Protocol and, in particular, the communication, through the Director-General, of the laws and administrative provisions to ensure the application of the Second Protocol.

Austria included its report on this article as part of its report on Article 25 of the Convention in part VII(i), *supra*.

As the protection of cultural property is of special importance for the people of **Azerbaijan**, public and state television and radio channels regularly inform the population through educational and informational programs.

On January 27, 2010, a conference on the “Protection of cultural property in the event of armed conflict” was organized jointly by the Ministry of Culture and Tourism of the Republic of Azerbaijan and the International Committee of the Red Cross. Conference participants included the members of the “Commission on the Implementation of the Convention for the Protection of Cultural Property in the Event of Armed Conflict”, representatives of: the Ministries of Internal Affairs, Foreign Affairs, Defense, Justice, Emergency Situations and Education, the State Customs Committee, the National Academy of Sciences of Azerbaijan, the Ombudsman’s Office, the UN and the OSCE, as well as directors and employees of all museums and reservations of Baku. The work of this conference was well-publicized by the media.

³⁵ “Person, who gains, uses or realizes property of high monetary value, or cultural property of great scientific, historical or cultural significance, and knows that the property is gained illegally, is fined or arrested, or is punished by the deprivation of liberty for up to four years.”

³⁶ “Person, who, crossing the border of the Republic of Lithuania, carries goods, the value of which extends the sum of 250 MSL (minimal subsistence level) [The figure of 250 MSL is not applied if movable cultural property or antiquarian things are carried.], and does not declare them to the customs control or has avoided this control in another way or carries movable cultural property or antiquarian goods across the border of Lithuania without a special clearance, is fined or punished by the deprivation of liberty for up to eight years.”

As a first step of dissemination, the **Bahraini** authorities are planning to promote the Hague Convention and its Second Protocol within the military so that they can apply them during armed conflict.

In **Cyprus**, the dissemination of the Second Protocol applies as per Article 25 of the Convention.

The **Czech Republic** reports that this issue has already been covered in its report on Articles 7 and 25. In addition, the Ministry of Culture of the Czech Republic informs the public through its annual reports. The Hague Convention and its 1954 and 1999 Protocols were also published in the Collection of Laws and Collection of International Treaties, respectively. In 2007, the National Institute for the Protection and Conservation of Monuments and Sites developed a publication entitled *International Documents on Protection of Cultural Heritage* containing, among other items, the Hague Convention and its 1954 and 1999 Protocols in both original and translated versions.

A presentation was delivered in 2008 to a nationwide meeting of site-managers of monuments on the World Heritage List, which acquainted the participants with the Hague Convention system and its issues.

The general public is also being educated on the Hague Convention and its 1954 and 1999 Protocols through the media. For instance, the Czech radio show “Monuments serious and not so serious”, which was broadcasted in the fall of 2007, was fully devoted to the Hague Convention and its 1954 and 1999 Protocols.

In the **Dominican Republic**, through a permanent training programme, the Ministry of Culture and the Ministry of the Armed Forces promote knowledge, appreciation and respect of cultural property among personnel responsible for protecting the historic centre. Courses have also been provided for building community awareness regarding protection of the Dominican cultural heritage in peacetime.

There are several national programmes managed by the **Estonian** Ministry of Culture that strengthen appreciation and respect for cultural property within the entire population: national programmes for schools in old manor houses, national programmes for the preservation and development of churches, support programmes for regional ethnographic cultures and development plans for the digitisation of cultural heritage, rural architecture and landscapes and traditional sacrificial sites.

The Ministry of Culture of Estonia is also working on the Development Plan for sustaining and valuing Estonian cultural heritage. It will cover all areas connected with preserving memory: archives, heritage conservation, museums, libraries and folk culture. These areas are in turn divided into three horizontal aspects: (1) collection; (2) research; documentation and preservation; and (3) access and valuation.

Implementation of the Second Protocol requires broad cross-administrational cooperation. The **Finnish** Ministry of Education is responsible for coordinating and consolidating measures for the protection of cultural property. The National Board of Antiquities, which is subordinate to the Ministry of Education, is responsible for directing and developing measures for safeguarding cultural property. The National Archives Service, which is composed of the National Archives and provincial archives, is directly responsible for keeping up national archive collections and allowing access to them. It directs archiving activities in the public sector and gives recommendations and regulations on safeguarding materials. The National Library is limited to providing expert services and safeguarding its own collections.

The Ministry of Education, the National Board of Antiquities and the National Archive Service – the expert bodies on protection cultural property – are in the process of developing education and training on the safeguarding of cultural property. Furthermore, as non-military service may be carried out in the field of culture, rescue services, civil defence or environmental protection (under the renewed Non-Military Service Act (1446/2007), there is an increased need to develop training and education in non-military service.

Greece has made the following steps with regard to Article 30:

Awareness-raising

Three of the seven points included in Law No. 3028/2002 determining the content of the protection of cultural heritage are related to awareness-raising and informing the public (Article 3). More particularly, the protection of cultural heritage consists, *inter alia*, of the following:

- a) facilitation of the public's access to and communication with cultural heritage;
- b) enhancement and integration of heritage in modern social life; and
- c) education of and awareness-raising among citizens concerning cultural heritage.

This policy is embodied in a series of measures, the most characteristic of which are the following:

- Planning and implementation of several educational programmes at archaeological sites and museums which will be widely disseminated. These programmes have great appeal and are addressed to pupils of primary and secondary education as well as groups of adults and other special social groups (repatriated citizens, people with disabilities, minorities, and others). They aim to create links between monuments and local communities, as well as to integrate cultural heritage in modern life. The Department of Educational Programmes and Communication, a special Service in the Hellenic Ministry of Culture and Tourism, falls under the competence of the Directorate of Museums, Exhibitions and Educational Programmes. The educational programmes that are organized by the Hellenic Ministry of Culture and Tourism, and the relevant local Services, are provided free of charge:
- Provision of free passes or reduced tickets for special groups of citizens;
- Special dates when museums, archaeological collections, monuments and archaeological sites are open to the public, including Sundays between the 1st of November and the 31st of March, national holidays, the 18th of April (International Day of Monuments), the 18th of May (International Day of Museums), the 5th of June (World Environment Day) and the European Heritage Days (last weekend of September); and
- Organization of cultural events, open to the public, in museums, monuments, archaeological sites, etc.

Dissemination of the Second Protocol

The Hellenic Ministry of National Defence, through the Hellenic National Defence General Staff, has already started informing its military personnel of issues concerning the protection of cultural property in the event of armed conflict. The text of the law related to the ratification of the Second Protocol to the Convention was forwarded to the Secretariat and is included in

the UNESCO Database of Cultural Heritage laws (<http://www.unesco.org/culture/natlaws/index.php?&lng=en>).

The **Japanese** Agency for Cultural Affairs has made appropriate efforts to increase public awareness of protection of cultural properties through public relations activities, such as “Protection of Cultural Properties Week”, and the use of the Protection of Cultural Properties Logo. The Self-Defense Forces have begun internal education programmes on the Second Protocol.

In **Lithuania**, the provisions of Article 30 of the Second Protocol are implemented in the same way as the provisions of Article 25 of the Convention.

In the **Netherlands**, the protection of cultural property is part of the curriculum in military education programmes at all levels. Instruction is increasingly detailed in the higher ranks. The subject of cultural heritage protection is taught in the specific preparations which military personnel undergo prior to a deployment. The Netherlands armed forces military directive on training (directive A-700) specifically mentions that pre-deployment training should always address the cultural heritage and cultural history of the mission area, as well as provide detailed information on local culture, religious beliefs, social customs and “do’s and don’ts”.

The Hague Convention, the 1954 and 1999 Protocols and the Regulations have been included in the Ministerial Publications publication series, which is made available electronically to all Defence personnel and, in part, publicly via the Internet. The main rules and principles are also included in doctrinal publications, including the Manual on the Law of Armed Conflict issued by the Commander of the Royal Netherlands Army, which is also used by the other services of the armed forces. The relevant provisions of the Second Protocol are also taken into account in drafting rules of engagement.

Within the Dutch armed forces an important role in the implementation of Article 30 has been assigned to the Cultural Affairs and Information Section (CAI Section) and the 1st CIMIC Battalion (the military unit responsible for Civil-Military Cooperation, hereafter “1CIMICBAT”). The role of CAI Section has been outlined in part VII(i), Article 7: Military Measures *supra*. The Commanding Officer of the 1CIMICBAT is responsible within the Netherlands’ Armed Forces for maintaining a network of some 33 reserve officers who, in their civilian capacity, are experts in the fields of cultural affairs and education. This is called the ‘1st CIMIC Battalion Network for Cultural Affairs and Education’ (hereafter “CA&E Network”). Any one of them can be called for a tour of duty with a CIMIC team attached to a Dutch military taskforce taking part in a military operation abroad. Experts in the field of archaeology, museum management, architectural monuments and cultural heritage protection are available whenever their services are needed in the field. The Network has close personal links with the CAI Section. From 2005 to 2008 the Head of the CAI Section served as chairman of the CA&E Network. Other regional experts at the CAI Section have joined the Network as well. Three of them have served as cultural advisors in Kandahar, Afghanistan.

On the occasion of the tenth anniversary of the Second Protocol on 26 March 2009, the Netherlands Ministry of Foreign Affairs, in cooperation with the Ministries of Defence and Culture organized an international symposium to highlight the added value of this Protocol under international law. Preceding this symposium, on 25 March 2009, the Ministry of Defence organised a seminar on the topic of “Cultural Property Protection in times of Armed Conflict”. Both meetings were attended by military personnel, legal advisors and diplomats, as well as by experts in the field of the protection of cultural property.

In 2009, based on a similar initiative by the United States, for the purpose of disseminating the principles of the Hague Convention and its 1954 and 1999 Protocols, so called “Heritage

Resource Preservation” playing cards were developed as a tool in training Dutch military personnel for peacekeeping or peace enforcement missions abroad.

Romania has commented on this article in the scope of its report on Article 25 of the Convention in part VII(i), *supra*.

Slovakia included its report on this article as part of its report on Article 25 of the Convention in part VII(i), *supra*.

In **Switzerland**, most of the measures laid down in Article 30 have been implemented. The full text of the Second Protocol can be accessed on the internet (www.admin.ch/ch/d/sr/0.5.html#0.520), and “Protection of Cultural Property” brochures (in German, French, Italian and English) and an associated leaflet are used to keep the public informed; these are disseminated to citizens in conjunction with national or regional events (Heritage Day, etc.). A DVD has also been produced and the “Protection of Cultural Property” manual was updated in 2006.

Within the Swiss Armed Forces, the protection of cultural property is an integral part of the international law of armed conflict, and knowledge in this field is part of the basic readiness of armed forces. It is transmitted to all members of the Swiss Armed Forces. Soldier training particularly includes the 10 basic rules of the international law of armed conflict.

An important detail in relation to the previous service instructions has been added to the regulation entitled “Legal bases of conduct during engagement”, which came into force under the Chief of the Armed Forces on 1 July 2006. Point 207 of the regulation, addressed to all officers and senior non-commissioned officers, clearly prohibits the building of military facilities or the establishment of combat posts within a 500 meter perimeter of protected cultural property. As part of their training, commanding officers and staff are made aware of how important it is to protect cultural property and to integrate this protection into planning, decision-making and military operations.

Article 37: TRANSLATION AND REPORTS

Paragraph 1 of this article provides for the obligation of the Parties to translate the Second Protocol into their national languages and to communicate these official translations to the Director-General.

Azerbaijan, Brazil, Cyprus, Estonia, Japan, the Netherlands and **Romania** have submitted their translation. Translations in **Czech**, German, Italian, French (**Switzerland’s** official languages) and **Slovak** are also available. As noted in the summary of the Convention, Article 26(1), *supra*, **Azerbaijan** has also prepared a translation.

An official **Greek** translation of the Second Protocol was published with the law on the ratification of the Second Protocol (L.3317/2005, Official Government Gazette A/45/23.2.2005). As previously mentioned, this law was provided to the Secretariat.

Iran (Islamic Republic of) has translated the Second Protocol into Persian, and will convey it to UNESCO in due course.

ANNEX I**THE DANISH NATIONAL REPORT
ON THE IMPLEMENTATION OF THE 1954 HAGUE CONVENTION³⁷****The Danish national report on the implementation of the 1954 Hague Convention****1. Safeguarding of cultural property**

The Danish Ministry of Culture has during this process been in contact with the stakeholders (the various ministries, museums, archives, libraries etc.) to gather information for the completion of the national report.

The Danish cultural institutions have all invested in different security measures, mainly in the interest of protecting the cultural property from criminal actions in peacetime as well as keeping the cultural property in a state in which it will last for future generations to come.

After the Second World War, there were build several evacuation bunkers for the cultural property in Denmark. The thought behind this was to evacuate the cultural property to these bunkers if an armed conflict should arise once more in Europe.

As the museums grew larger and implemented better security measures the evacuation plan was cancelled in the late 1980's. Today the bunkers serve as a very sturdy storage facilities for The National Museum amongst others.

Because of the political climate today the Danish Government does not expect an armed conflict on Danish soil. This attitude echoes throughout Denmark and might explain the reason to why the cultural institutions have not implemented more than the above-mentioned general security issues.

2. Military Measures

The Danish military personnel are taught the rules of international law including the rules of safeguarding of cultural property. Knowledge of the conventions' distinctive emblem is included in the education.

The defence command has issued a guide in which it states that it is prohibited to attack objects of cultural significance. All military personnel are fitted with a pocket-size copy of this guide and military personnel are required to have the necessary knowledge of its content.

In the planning of missions concrete measures are made to prevent the destruction of cultural property. An example of such a measure was in Iraq where the Danish military personnel were instructed to assist the national cultural agencies in the safeguarding of cultural property.

In addition to this the missions are planned by the officers in charge accompanied by advisors with special knowledge in military and international law. This precaution has been made so strategies can be planned to avoid any cultural sites.

Any offence against the convention is sanctioned by the military penalty law.

3. The distinctive emblem

³⁷ This report was received in a letter from the Ministry of Culture of Denmark dated February 10, 2011. It has been reproduced in this annex in its entirety.

The Danish Red Cross has published a book concerning international law such as the Hague Convention. In this book the emblem of the Hague Convention is displayed so it will be recognizable for the general public as well as the Red Cross workers who are stationed all over the world.

As above mentioned, are all Danish military personnel familiar with the distinctive emblem as it is a part of the military personnel's training.

Some of the Danish state museums will begin the task of marking the most important pieces with a distinctive mark during the near future as a part of a greater registration process.

4. Dissemination of the Convention

As part of various initiatives to disseminate information, the Danish Government, including members of the Ministry of Foreign Affairs and the Ministry of Defence, have participated in numerous events throughout the country informing the general public on the laws of armed conflict

International law is also a very important part of a military education, and all personnel receive lessons about Denmark's international obligations.

5. Official translations

Enclosed is an official Danish translation of the Hague Convention of 1954.

6. Sanctions

The Danish military operates under the duties and responsibilities stated in the military penalty code. The Ministry of Defence informs that a breach of the international commitments can be punished by life imprisonment hence the military penalty code § 36, 2.

7. First Protocol

It is very important for the Danish military to preserve cultural objects in the countries where they belong. It is therefore stated in the general regulations for military personnel in international missions, that it is prohibited to take any souvenirs of historic or archaeological importance.

ANNEX II

REPORTS ON THE IMPLEMENTATION OF THE SECOND PROTOCOL TO THE 1954 HAGUE CONVENTION SUBMITTED BY STATES NOT PARTY TO THE SECOND PROTOCOL

While **Poland** is not a party to the Second Protocol, it reports that legal activities aimed at the accession of Poland have been initiated.

Article 5: SAFEGUARDING OF CULTURAL PROPERTY

In **Latvia**, the national inventorying of cultural property is performed in accordance with Article 12 of the Cultural Monument Protection Law. After identification and examination, monuments are entered into the national information system (National Protected Heritage Register). The State Inspection for Heritage Protection is the authority responsible for maintaining and updating the National Protected Heritage Register. Under Article 45 of the Cabinet of Ministers Regulation 474, "Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading object", the Inspector is obliged to give cultural property owners recommendations regarding how to use and preserve the cultural property in question. A list of more than 100 unique cultural monuments was finalised in 2006. These properties are closely monitored to ensure their protection against potential threats.

Norway has taken steps to align its national legislation with the Second Protocol, as well as translate the Second Protocol into Norwegian prior to ratification.

The responsibility of protecting the cultural heritage in the **Syrian Arab Republic** belongs to the Ministry of Culture, the high council of antiquities and the Directorate General of Antiquities and Museums (hereafter "DGAM"). The relevant rules for protection are prescribed by the legislative decree /222/ for the year 1963 (and its modifications, the most recent of which was law number /1/ dated 28/02/1999). Other laws supplement the law of antiquities in this field, including the Punishments law declared by legislative decree number /148/ dated 22/05/1949, and the civil law which was declared by legislative decree number /84/ dated 18/05/1949. Local management law declared by decision number /15/ dated 11/05/1971 (modified by law number /12/ dated 20/06/1971) and law number /9/ dated 22/01/1974 concern organization and classification of cities. Legislative decree number /25/ dated /09/04/2007, which contains forest law and environmental and touristic investees, and law number /1/ dated /29/03/2003, deal with this preservation.

The DGAM prepares inventories of movable objects and saves it in a special archive which contains the identity and all other information of such objects.

The Historical Monuments Directorate prepares registration files for immovable cultural prosperities in all Syrian cities. These registration lists include all information about the cultural property that ensures its maintenance from damage.

Chapter 3: ENHANCED PROTECTION

In **Latvia**, the Cultural Monument Protection Law of 3 November 1992, Cabinet of Ministers Regulation 474, *Registration, protection, use and renovation of cultural property, government first-refusal right and status of environment-degrading object*, and other laws and regulations provide for protection of properties listed in the UNESCO World Heritage Convention and inscribed on the World Heritage List.

Norway will nominate cultural properties for enhanced protection as part of the implementation process of the Convention and Protocols. It will consider nominating core areas of the World Heritage Sites complying with the criteria in Article 10 after an individual assessment.

The **Syrian** Directorate General of Antiquities and Museums is preparing the official letter to request the granting of enhanced protection for its World Heritage Sites.

Article 15: SERIOUS VIOLATIONS OF THIS PROTOCOL

In **Belgium**, Article 8 of the Act of 5 August 2003 provides for the insertion into the Penal Code of Article 136 quarter, paragraph 3, which criminalizes “the serious breaches defined in Article 15 of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the event of Armed Conflict, adopted at The Hague on 26 March 1999”.³⁸

In **Latvia**, serious violations and offences involving cultural property are punished according to the Criminal Law of 17 June 1998. Article 79 specifies that, “Intentional destruction of cultural and national heritage items is punished with imprisonment up to 7 years and penalty up to 200 minimum wages.” Article 229 provides that “Destruction or damaging of the property from the National Protected Heritage Register are punished with imprisonment up to 4 years, detention, community work or fine amounting to 80 minimum wages,” and “other offences of a kind involving arson, explosives or other harmful methods are punished with imprisonment up to 10 years or fine amounting to 80 minimum wages.”

In Article 15, Section 1 of the Second Protocol, five categories of offences are listed. Below is a table displaying the corresponding paragraphs in **Norwegian** Penal Law:

Second Protocol	New Penal Act (Norwegian)	Remarks
Section 1a.	§ 106.f	
1b	New § 152b	Not yet sanctioned by the Parliament
1c	§ 104b	
1d	§ 106f	
1e	§ 104a	

Offences of the five above-mentioned categories are considered to be war crimes and will be punished as such. The sanctioning of new law § 152b after its consideration in the Parliament will mean that all offences in Article 15 have been covered.

Article 16: JURISDICTION

In **Latvia**, Articles 79 and 229 of the Criminal Law describe the offences involving cultural heritage and the applicable penalties. The Administrative Violations Code (Articles 89-89.5) identifies administrative procedures for cases where environment, history and culture protection rules have been violated.

³⁸ This article was to enter into force on the date of entry into force of the Second Protocol for Belgium, as of the date of Belgium’s reporting in 2008; the Second Protocol entered into force three months after Belgium’s deposit of its instrument of ratification on 13 October 2010.

Please refer to Article 15, *supra*, for a summary of **Norway's** actions regarding Article 16 of the Second Protocol.

Article 21: MEASURES REGARDING OTHER VIOLATIONS

In **Latvia**, serious violations and offences involving cultural property are punished according to the Criminal Law of 17 June 1998.

Some portions of the **Norwegian** Cultural Heritage Act concern the violation of cultural heritage and associated penalties. Norway is party to the UNIDROIT Convention on the return of stolen property and the 1970 Convention on illicit traffic. The Cultural Heritage Act has been amended to comply with these conventions.

Article 30: DISSEMINATION

Latvia has not yet ratified the Second Protocol to the Convention. Dissemination of these provisions through national legislation is therefore not necessary.

The Convention is well known among the military and civilian authorities on Cultural Heritage of **Norway**, as was reported in the report on Article 7 of the Convention in part VII(i), *supra*.

Article 37: TRANSLATION AND REPORTS

Although **Latvia** is still in the process of ratifying the Second Protocol, it has translated it into Latvian to initiate the ratification.

Norway has translated the Second Protocol into two of its official national languages, though these translations will not become official until ratifications have been completed. At that point a copy will be sent to the Secretariat. The Ministry is also preparing a report with national guidelines on how to implement the Convention and the Protocols.