

Report to the Committee for the Protection of Cultural Property in the Event of Armed Conflict on the national implementation of the Second Protocol to the 1954 Hague Convention

FINLAND 2008

Finland signed and ratified the 1954 Hague Convention and its First Protocol in 1994 (Act 1135/94) and signed the Second Protocol in 1999. The Protocol was ratified in 2004 (Act 151/2004, 661/2004).

In Finland, the obligations related to defining and protecting cultural property imposed by the Convention fall within the sectors of the Ministry of Education and the Ministry of Defence, but their implementation requires broad cross-administrational cooperation. The Ministry of Education takes the main responsibility for implementing the Convention, but in practice the work has been delegated to the National Board of Antiquities, which centrally coordinates practical measures for protecting cultural property and disseminating information about the Convention.

The Ministry of Education appointed a working group to oversee and coordinate measures for implementing the Convention and its Second Protocol. The working group operated from 13 March 2004 to 31 December 2006, and its tasks included disseminating information about the Convention and looking into aspects related to education, international cooperation, and protecting and marking cultural property. The working 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 Finnish National Gallery. In addition, the working group sought expert advice from different fields. The group's report (in Finnish with an abstract in English) is published at http://www.minedu.fi/OPM/Julkaisut/2007/Kulttuuriomaisuuden_uhat_ja_suojelu?lang=fi&extra_locale=en

At present the Ministry of Education is in the process of appointing a new coordinating working group, which will be responsible for implementing the previous group's proposals for measures. The group's term will last until 2009. No decision has been made on appointing a permanent coordinating body at present. However, the need for this kind of body has been recognised.

General Provisions

Safeguarding

In Finland the protection of cultural property is part of a broader strategy of protecting functions vital to society, as a strategic task related to psychological crisis tolerance. This strategy is a programme adopted by Government, and it guides all Finnish authorities as regards being prepared for and responding to threat scenarios. The strategy expands the safeguarding of cultural property to cover disasters and disorders occurring in normal conditions. The aim of the strategy is to uphold the security of society, including cultural property. Finland prepares itself for predefined threats, so that possible threats can be pre-empted or their effects reduced in all security situations.

Altogether, nine different threat scenarios are defined in the strategy, of which two are military threats. Though the emphasis of the strategy is on non-military threats, it meets the requirements of the Second Protocol to the 1954 Hague Convention, particularly those related to safeguarding measures in time of peace.

In accordance with the strategy for securing functions vital to society, cultural property is protected in all security situations. The Ministry of Education is responsible for coordinating the required measures, but the owner of cultural property is ultimately responsible for its protection.

International cooperation

As regards international cooperation, Finland has actively strived to participate through the international committee and meetings of parties to the Convention. Finland has twice been chosen to be member of the committee established by virtue of the Second Protocol (Committee for the Protection of Cultural Property in the Event of Armed Conflict). Finland has also been member of the Committee's Bureau twice. In the Committee's third meeting in Paris (4-6 June 2008), Finland's representative Karim Peltonen, from the National Board of Antiquities, was chosen as chairman of the Committee. Finland has actively participated in the Committee's work on preparing guidelines for the Second Protocol. Finland considers the international implementation of the Second Protocol to be important, particularly as regards solving institutional questions related to it and creating functional practices.

Enhanced protection

Finland has not requested from the Committee that any cultural property be added under enhanced protection, and so far Finland has not planned 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.

Sanctions

Provisions of the Finnish penal code (39/1889) are already concordant with the Articles of the Second Protocol in terms of criminal responsibility and jurisdiction. The requirement of double punishability (2nd subsection of section 11 of the 1st chapter of the penal code) was amended to comply with the Second Protocol.

Dissemination

Implementation of the Second Protocol requires broad cross-administrational cooperation. The Ministry of Education is responsible for coordinating and consolidating measures for the protection of cultural property. The National Board of Antiquities, subordinate to the Ministry of Education, is responsible for directing and developing measures for safeguarding cultural property.

The National Board of Antiquities is the expert authority on cultural heritage and responsible for the protection of built and archaeological heritage and the general development of museums. The Board also carries out museum activities and possesses a large amount of nationally significant immovable and movable cultural property.

Another important actor from the Ministry of Education sector is the National Archives Service. The Service is comprised of the National Archives and provincial archives, which are directly responsible for keeping up national archive collections and allowing access to them. The National Archives Service directs archiving activities in the public sector and gives recommendations and regulations on safeguarding materials.

Finland lacks a central, official body responsible for library collections. The tasks of the National Library are 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 protecting cultural property – are in the process of developing education and training on the safeguarding of cultural property.

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

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