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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

**COMMITTEE FOR THE PROTECTION OF
CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT**

**FIFTH MEETING
(UNESCO HEADQUARTERS, 22-24 NOVEMBER 2010, ROOM XII)**

**ITEM 5 OF THE PROVISIONAL AGENDA:
CONSIDERATION OF NATIONAL REPORTS
ON THE IMPLEMENTATION OF THE SECOND PROTOCOL**

2008 - 2010

Introduction

1. Article 27 (1)(d) of the Second Protocol provides for the function of the Committee “to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties”. Following the Secretariat’s letters of 3 October 2007 and 16 October 2008 and the resolution of the third Meeting of the Parties to the Second Protocol (UNESCO Headquarters, 24 November 2010), the Secretariat received the following eighteen national reports on the implementation of the Second Protocol (from Austria, Azerbaijan, Bahrain, Canada, Cyprus, the Czech Republic, Estonia, Finland, the Islamic Republic of Iran, Japan, Jordan, Lithuania, the Former Yugoslav Republic of Macedonia, the Netherlands, Saudi Arabia, Slovakia, Slovenia and Switzerland). By way of comparison, as of 14 May 2010, fifty-six States were party to the Second Protocol. In addition, although they are not yet party to the Second Protocol, Belgium, Latvia, Norway and the Syrian Arab Republic have submitted national reports on the implementation of the Hague Convention that include information on the implementation of the Second Protocol. The national reports received from the Dominican Republic, Romania and Spain will be included only in the Secretariat’s overall report on the implementation of all three instruments, which will be published at a later date. However, they are attached as part of the compilation of national reports.

2. As the national implementation of the Second Protocol is closely linked to the national implementation of the Hague Convention and its 1954 Protocol, it is proposed that the Committee considers both the national reports on the implementation of the Second Protocol and also those on the implementation of the Hague Convention and the 1954 Protocol submitted by the Parties.

3. The current document contains in Part II the summary of national reports on the implementation of the Second Protocol and in Part III the summary of national reports on the implementation of the Hague Convention and the 1954 Protocol submitted by the Parties. As the Second Protocol is supplementary to the Hague Convention, it may be noted that States Parties may have condensed their reports to include information on the Second Protocol as part of their implementation of the Hague Convention or vice-versa. A copy of the original reports and their translation into English or French are attached.

4. The Draft Decision for consideration by the Committee is included on the last page of this document.

II. SUMMARY OF THE NATIONAL REPORTS ON THE IMPLEMENTATION OF THE SECOND PROTOCOL¹

1. Article 5: Safeguarding of Cultural Property

Austria has commented on this article in its report on Article 3 of the Hague Convention (cf. Part III of this document).

¹ Note of the Secretariat: This information will also be included in the Secretariat’s overall report on the implementation of the Hague Convention and its 1954 and 1999 Protocols, which will be published later.

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. 132² of the Cabinet of Ministers of the Republic of Azerbaijan dated 2 August 2001 (6,308 monuments are indicated on the list). Further, international cultural tourism routes have been created. Movable historical and cultural monuments under state protection are categorized in accordance with their (1) world, (2) country and (3) local importance.

Cyprus has commented on this article as part of its report on Article 3 of the Hague Convention (cf. Part III of this document).

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 Laws³ into the Integrated Rescue System (operation of police, ambulances, and fire-fighters) and should serve as the basis for the 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)⁴ sets duties for the owner and the user of protected cultural property to protect it from destruction, damage, loss of value or theft. These are applicable even in the event of an armed conflict. The owner and the tenant are furthermore obliged to use such property in a way corresponding with its importance, value and technical state. State authorities supervise the observance by the owners/users 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 the principles for the new act to replace Act No. 20/1987⁵. This new law will also regulate the marking of immovable cultural property under the protection of the Hague Convention and its 1954 and 1999 Protocols.

The relevant rules for museum collections are established in Act No. 122/2000 of the Collection of Laws (the Protection of Museum Collections)⁶. 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 Hague Convention and its 1954 and 1999 Protocols).

² The full text may be made available by consulting the relevant national authorities.

³ The full text may be made available by consulting the relevant national authorities.

⁴ The full text is available in Czech at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/czechrep/rep_czech_law20_1987_czorof.pdf.

⁵ The full text is available in Czech at the following address:

http://www.unesco.org/culture/natlaws/media/pdf/czechrep/rep_czech_law20_1987_czorof.pdf.

⁶ The full text is available in Czech at the following address:

http://www.unesco.org/culture/natlaws/media/pdf/czechrep/rep_czech_law122_2000_czorof.pdf.

In **Estonia**, information related to monuments is entered in the National Register of Cultural Monuments. The register was established, and the statutes for its maintenance were approved by the Government of the Republic pursuant to the procedure 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 usual browsing capabilities of alphanumerical information, the user can see and browse the objects in the map window. By clicking the button “Ava kaardil” (“show on map”), the mapping application based on the Estonian Land Board Web Map Server is activated. The application shows monuments with selected map layers (base maps, cadastral units, administrative boundaries, etc.) on the background. The user has standard web map application zooming and panning functions as well as options to query more monuments or change background map layers. The same web map application is also available directly from 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 Information System for Estonian Museums (“MuIS”) was developed in order to create a system to meet the needs of Estonian museums, to provide a comprehensive overview of museum collections, and to allow the tracking of collection items in and outside museums. The future outcome of the project will be the creation of a databank of Estonian cultural heritage with Internet access. The present system (KVIS – Information System of Cultural Heritage) is currently being restructured, and the 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. Further, in 2007-2008, the **Estonian** Ministry of Culture drafted a sample crisis management plan for its institutions. First Reaction Teams and Crisis Management Teams were formed in state and county museums, three flood pumps were bought for the three biggest state museums (covering the Northern and Southern part of the country), and protection and work equipment was stored up for First Reaction Teams.

Estonia prepared for the removal of museum objects, or the provision for adequate in situ protection, by renovating old storage facilities and/or 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 planned to start in 2011). These facilities reduce the risk of damaging several museum collections located in the Tallinn Old Town (difficult access for fire trucks), and possible evacuation location for museum objects from other areas of Estonia.

Finally, **Estonia** designated authorities responsible for the safeguarding of cultural property. The Heritage Conservation Act (HCA) regulates the rights and obligations of state and local government authorities, and owners and possessors of cultural monuments, by organizing the protection and ensuring the preservation of monuments and heritage conservation areas. According to the HCA, heritage conservation in **Estonia** is organized by the Ministry of Culture, the National Heritage Board, rural municipalities and

city governments. The Emergency Preparedness Act of 22 November 2000⁷ establishes the duties of the ministries. Protection of cultural property constitutes a vitally important sector and is administered by the Ministry of Culture.

The **Finnish** strategy described in the summary of Finnish measures on the implementation of Article 3 of the Hague Convention meets the requirements of the Second Protocol (cf. Part III of this document).

In **Iran (the Islamic Republic of)**, all cultural property has been registered by the Iranian Cultural Heritage, Handicrafts and Tourism Organization (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 Treasures in accordance with the Cultural Properties Law. **Japan** has made inventories of those cultural properties and has taken measures for safeguarding 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.

In **Jordan**, the Law of Antiquities⁸ 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”⁹. 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 changed to another more developed system called MEGA-Jordan System. It is expected to be finally adopted very soon. At present, the list includes more than 10,000 sites and ongoing explorations and investigations will result in additional sites being added to the inventory.

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 the Article 5 of the Second Protocol coincide with the measures taken to implement the provisions of Article 3 of the Hague Convention (cf. Article 3 of the Hague Convention in Part III of this document).

⁷ [Emergency Preparedness Act](#) – Passed 22 November 2000, entered into force 1 January 2001, it was amended by the following Acts: 19.06.2002 (entered into force 01.09.2002); 19.06.2002 (entered into force 01.08.2002). Please contact the relevant national authorities for the full text.

⁸ The original Arabic version and its translation into English are available at the following address:
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

⁹ Please consult the relevant national authorities for the full text.

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

Since 2002, ‘networks for the prevention of damage to cultural heritage’ have been established in towns and regions in the **Netherlands**. The leading principle in the networks is integral safety and security management for people, collections and buildings. The networks received governmental funding (through the Mondriaan Foundation) and receive 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.¹⁰ Under this Act, the protection of cultural heritage against the risk of disasters was foreseen 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.¹¹ The centre has a national role in collecting and making available information and expertise on risk preparedness and safety to heritage institutions.

Although officially outside of the timeframe of this periodic report, we would like to 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; however the principal responsibility of municipalities and provinces remains. They are being advised by the 25 Safety Regions. In the near future, heritage concerns will be taken into account by these authorities in four 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 which have responsibilities in a Safety region. In every one of the 25 Safety Regions the Netherlands Armed Forces

¹⁰ Wet kwaliteitsverbetering rampenbestrijding.

¹¹ Kenniscentrum veiligheid cultureel erfgoed, KVCE; The centre will be transferred in 2010 from the Royal Library to the Cultural Heritage Agency.

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. Through the Archive decree and the Archive arrangement¹² 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 the risk preparedness.

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 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 commitments to the Second Protocol to the 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 (LOAC) 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.

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

The Ministry of Culture, along with 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 in time of war. The Civil Defence Agency in Directorate of Defence Affairs provides civil experts, which offer consultancy services to the Slovenian Armed Forces and to the bodies of the alliance in peacekeeping operations and other crisis response operations.

¹² Archive Decree (Archiefbesluit 1995) Article 13; Archive arrangement (Archief regeling 2009) Article 28. Please consult the relevant national authorities for the full text.

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 are held by the Administration of the Republic of **Slovenia** for Civil Protection and Disaster Relief (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. For accidents occurring in the event of an earthquake, flood, plain accident, large wildfire and terrorism, the “protection of cultural heritage” measures are likewise included in the protection measures. Experts from the field of cultural heritage implement them in cooperation with the Civil Protection units and other protection, relief and assistance forces.

The Civil Defence Agency in the Directorate of Defence Affairs provides civil experts, which offer consultancy services to the **Slovenian** Armed Forces and to the bodies of the alliance in peacekeeping operations and other crisis response operations. It is also responsible for a timely and active integration of the experts from the Ministry of Culture and other expert public services in the planning of the host nation support and for supplementing the catalogue of Slovenia’s capabilities in the field.

Within its ministerial jurisdictions to form and implement the defence policy, the Ministry of Defence, Directorate of Defence Policy works towards suitable implementation of norms and responsibilities into the Republic of **Slovenia**’s defence system.

The civil protection and disaster relief responsibilities in the protection of cultural heritage in **Slovenia** are:

- preparation of civil protection and disaster relief plans;
- preparation of inventories of different cultural heritage;
- preparation of plans for the transfer of movable cultural heritage;
- detailed definition of protective measures for the protection of cultural heritage;
- training forces for civil protection, relief and assistance;
- taking fire protection into consideration.

The Administration of the Republic of **Slovenia** for Civil Protection and Disaster Relief (ACPDR) is responsible for the above tasks, while the Ministry of Culture prepares the expert contents from the cultural heritage field.

Regulations from the field of protection against natural and other disasters, which take into consideration the protection of cultural heritage:

- Act on the Protection against Natural and Other Disasters (Official Gazette of the Republic of Slovenia, No. 51/06)¹³;

¹³ Please consult the relevant national authorities for the full text.

- Regulation on the contents and the preparation of civil protection and disaster relief plans, which prescribes the contents of the protection and rescue plans and the appendixes (action plan) of individual ministries in their field of work (Official Gazette of the Republic of Slovenia, No. 3/02, 17/02, 17/06 and 76/08)¹⁴;
- Instruction on the preparation of the threat assessment, which regulates the contents and the method for the preparation of threat assessments also for cultural heritage (Official Gazette of the Republic of Slovenia, no. 39/95)¹⁵;
- Instruction on the implementation of protective measures, which regulates the protection of cultural heritage in Article 15 (records, areas, facilities, objects, holders of the activity and means) (Official Gazette of the Republic of Slovenia, No. 39/94)¹⁶.

Regulations from the field of fire control, which also apply to the protection of cultural heritage in **Slovenia**:

- Fire Protection Act (Official Gazette of the Republic of Slovenia, No. 3/07)¹⁷;
- Rules on Fire Rules (Official Gazette of the Republic of Slovenia, No. 52/07)¹⁸;
- Rules on the Inspection and Testing of Built-in Systems of Active Fire Protection (Official Gazette of the Republic of Slovenia, No. 45/07)¹⁹;
- Rules on Fire Safety Studies (Official Gazette of the Republic of Slovenia, No. 28/05, 66/06 – Decision of the Constitutional Court and 132/06)²⁰;
- Regulation on Choosing and Placing of Fire Extinguishers (Official Gazette of the Republic of Slovenia, No. 67/05)²¹.

Planning of Civil Protection and Disaster Relief in **Slovenia**:

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. The plans are elaborated on the basis of threat assessment for an individual disaster and include the following contents:

- a summary of a threat assessment, short presentation of the disaster and possible chain-reaction accidents;
- the scope of planning, which defines the levels of planning;
- the concept of civil protection, relief and assistance, which defines the hypothesis, the concept of the implementation of the protection, rescue and relief actions and the application of the plan;
- forces, means and resources for the implementation of the plan, financial and material means as well as their availability;

¹⁴ Please consult the relevant national authorities for the full text.

¹⁵ Please consult the relevant national authorities for the full text.

¹⁶ Please consult the relevant national authorities for the full text.

¹⁷ Please contact the relevant national authorities for the full text.

¹⁸ Please contact the relevant national authorities for the full text.

¹⁹ Please contact the relevant national authorities for the full text.

²⁰ Please contact the relevant national authorities for the full text.

²¹ Please contact the relevant national authorities for the full text.

- observing, informing and alarming people, holders of the activity and other states at threat – the collection, processing and the transmission of data are defined;
- activation of forces and means – the manners and procedures are defined;
- administration and management, at which the competences and the tasks of the holders of the activity, including the Ministry of Defence, are defined;
- measures and tasks of the civil protection, relief and assistance in which the measure on the protection of cultural heritage is included;
- personal and mutual protection, where the directions for the prevention and mitigation of consequences of the accident are defined;
- damage assessment;
- explanation of terms and abbreviations;
- list of appendixes and annexes.

The ACPDR tests the civil protection and disaster relief plans at exercises in the context of which it verifies: the adequacy of the planned concepts, individual solutions in the plans, operation and implementation of the notification centres tasks, qualification and preparedness of the protection, rescue and relief forces as well as the coordination of the operation upon the activation of the units.

Training of the Protection, Relief and Assistance Forces in **Slovenia**:

The contents of the cultural heritage protection will be included in training programmes performed by the Training Centre for civil Protection and Disaster Relief of the Republic of **Slovenia**.

The contents of the protection of cultural heritage will be included in:

- updated old training programmes;
- new training programs for fire fighters;
- forthcoming higher education program for fire fighters;
- training programs for commanders and other units for civil protection and disaster relief in the cultural heritage facilities, in the event of a disaster.

The cultural heritage protection will likewise be taken into account at determining the organizational measures and at preparing new regulations and guidelines, which refer to the civil protection and disaster relief education and training.

Protection of Cultural Heritage against Fire in **Slovenia**:

- Rules on Fire Rules determine the facilities for which fire rules, fire plan and evacuation plan as well as conditions and the manner of preparing documents, determining the organization of protection against a fire in a building, have to be prepared.
- Rules on the Inspection and Testing of Built-in Systems of Active Fire Protection indicate the periodic dates of inspecting and testing the built-in systems of active fire protection as well in the cultural heritage facilities, if there are built-in systems in the facilities.

- Rules on Fire Safety Studies determine the contents, the manner and conditions for the preparation of studies on fire safety in the facilities. The preparation of the fire safety studies can also be obligatory for some cultural heritage buildings (if they are, in compliance with the CC-SI (Classification of Types of Construction) classification, enlisted in the 1262 subclass and if the gross surface area of all rooms surpasses 2000 m²).
- Regulation on choosing and placing of fire extinguishers determines demands for the choice and the installation of fire extinguishers, at which fire hazard, surface and the expected fire class has to be taken into account, and an adequate fire extinguisher has to be determined, which is particularly important in the cultural heritage facilities.

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 works (evacuation, protection ...);
- elaboration of the assessment of damage incurred on the cultural heritage;
- preparation of a restoration and renovation program for immovable cultural heritage, the program of restoration and conservation interventions for the restoration of archives and archival material and the restoration program of 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 various documents existing 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 or official buildings, or even farmhouses, but also with archive collections, libraries, museums and sacred buildings. Thanks to this process, the specialized service for the protection of cultural property now has information that is 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. The **Swiss** Confederation today 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, and 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 points in some historical buildings. The manner in which collections are stored is also a matter of concern.

Moreover, **Switzerland** and fire-fighting brigades have drawn up a set of minimum standards to ensure cooperation in the event of fire. This has meant, for example, devising mechanisms to help fire-fighters make initial tactical decisions and providing 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 cover civilians in danger and cultural institutions.

The information acquired in conjunction with the above-mentioned procedure lays 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.

2. Chapter 3: Enhanced Protection (Articles 10-14)

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 the inclusion in the List of Cultural Property under Enhanced Protection, and intends to present the list of the said cultural property to the Committee. This list will contain the Icherisheher Historical and Architectural Reservation, Maiden Tower, the complex of Shirvanshah's Palace and Gobustan National Historical and Art Reservation, all of which are on UNESCO's World Heritage List.

Canada has not yet determined when or whether it may nominate Canadian sites for enhanced protection because the Second Protocol Intergovernmental Committee is still in the process of developing Guidelines for the implementation of the Second Protocol to the Hague Convention, including aspects connected to the granting of "enhanced protection".²²

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.

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 fulfill 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 that will be included in the World Heritage list. All the sites entered in the List of Cultural Property under Enhanced

²² 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).

Protection will be marked in accordance with the Guidelines for the Implementation of the Second Protocol endorsed 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

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

Finland has not requested the 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 the Parties to the Second Protocol.

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 the threat of an armed conflict is existent.

Slovakia's cultural property on the World Heritage List is not under enhanced protection.

At present, **Slovenia** does not intend to request the granting of enhanced protection to cultural property.

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.

3. Article 15: Serious Violations of this Protocol

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

²³ Note of the Secretariat: This form is attached as Annex I to the Guidelines for the Implementation of the Second Protocol to the Hague Convention, endorsed by the third Meeting of the Parties (UNESCO Headquarters, 23-24 November 2009).

the Austrian Criminal Code (österreichisches Strafgesetzbuch – StGB). The relevant provisions of the Austrian Criminal Code²⁴ are included herein²⁵.

The Republic of **Azerbaijan** included the relevant information on this issue when reporting on Article 28 of the Hague Convention.

Acts against cultural property that would be the most serious violations of the Hague 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**²⁶ (as a violation of the Code of Service Conduct therein) or the

²⁴ Note of the Secretariat: The unofficial translation was provided by the Austrian authorities and adjusted by the Secretariat.

²⁵ “Damage to property

§ 125. A person who destroys, damages, defaces or disables an object, shall be sentenced to prison term up to six months or a money fine of up to 360 daily rates.

Aggravated Damage to property

§ 126. (1) A person shall be sentenced to a prison term of up to two years or a money fine of up to 360 daily rates who commits damage to property regarding

[...]

3. a public monument or an object protected as cultural heritage

4. an object of general accepted scientific, ethnological, artistic or historic value in a publicly accessible collection or in such a place or in a publicly accessible building

[...].

Theft

§ 127. A person who takes away a moveable object in the intention of enriching himself/herself or a third party unlawfully by appropriating the object, shall be sentenced to prison term up to six months or a money fine of up to 360 daily rates.”

Aggravated Theft

§ 128. (1) A person shall be sentenced to a prison term of up to three years who commits theft.

[...]

3. regarding an object of generally recognized scientific, folkloristic, artistic or historical value which is located in a generally accessible collection, or any other such place, or in a public building;

[...].

Misappropriation

§ 133. (1) A person, who has been entrusted with an object, appropriates the object for himself/herself or a third party, with the intention of enriching himself/herself or a third party unlawfully, shall be sentenced to a prison term of up to six months, or a money fine of up to 360 daily rates.

(2) A person who misappropriates an object, the value of which is in excess of 2,000 Euros, shall be sentenced to a prison term of up to three years; a person misappropriating an object, the value of which is in excess of 40,000 Euros, shall be sentenced to a prison term of between one and ten years.”

²⁶ National Defence Act: http://laws.justice.gc.ca/en/ShowFullDoc/cs/N-5//20080229/en?command=HOME&caller=SI&search_type=all&shorttitle=defence&day=29&month=2&year=2008&search_do_main=cs&showall=L&statuteyear=all&lengthannual=50&length=50&noCookie

*Crimes Against Humanity and War Crimes Act*²⁷. 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 Hague Convention and Second Protocol. Both statutes establish jurisdiction over such acts when committed within or outside **Canada**.

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*²⁸ to extend extraterritorial jurisdiction over six existing offences in the *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 Hague Convention.

The offences enumerated in Article 15 of the Second Protocol are established as a penal offence under **Cyprus** domestic law.²⁹ 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”³⁰. Categories of offences listed under Article 15(a), (b), and (d) are covered by Section 262 of the Criminal Code³¹. They will be punished by two to seven years of

²⁷ Crimes Against Humanity and War Crimes Act
http://laws.justice.gc.ca/en/ShowFullDoc/cs/C-45.9//20080229/en?command=HOME&caller=SI&search_type=all&shorttitle=humanity&day=29&month=2&year=2008&search_domain=cs&showall=L&statuteyear=all&lengthannual=50&length=50&noCookie

²⁸ Criminal Code (see section 7.(2.01)
http://laws.justice.gc.ca/en/ShowFullDoc/cs/C-46//20080229/en?command=home&caller=SI&search_type=all&shorttitle=criminal%20code&day=29&month=2&year=2008&search_domain=cs&showall=L&statuteyear=all&lengthannual=50&length=50&noCookie

²⁹ Please contact the relevant national authorities for the full text.

³⁰ The full text may be made available by consulting the relevant national authorities.

³¹ “Section 262 : Using Prohibited Means of Combat and Unlawful Warfare

- 1) Whoever in time of war or in combat :
 - a. Orders the use of prohibited weapons or material, or who uses such weapons or material ; or
 - b. Orders a use of impermissible methods of combat, or who himself uses such methods,
 Shall be sentenced to imprisonment for *two to seven years*.
- 2) The same sentence shall be imposed on a commander who, contrary to provisions of international law on means and methods of warfare, intentionally :
 - a. Harms civilian population or civilians on their life, health or property by a military action, or leads an attack against them for reasons of reprisals ;
 - b. Leads an attack against a defenceless place or a demilitarised zone ;
 - c. Destroys or damages a water dam, a nuclear power plant or a similar facility containing dangerous forces ; or
 - d. Destroys or damages premises serving for humanitarian purposes, or an intentionally recognised cultural or natural monument.

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 Code³². They will be punished by three to fifteen years of imprisonment or by an exceptional sentence.

Estonia incorporated in its Penal Code serious sanctions that punish both the “exploitative abuse of emblems and marks designating international protection” (Division 4 of the Penal Code, War Crimes, §105³³) and attacks against cultural property (Division 4 of the Penal Code, War Crimes, §107³⁴). 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 (39/1889³⁵) are already concordant with the Second Protocol in terms of criminal responsibility and jurisdiction. The punishment requirement (2nd subsection of section 11 of the 1st chapter of the Penal Code³⁶) was amended to comply with the Second Protocol.

A **Japanese** law³⁷ 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.³⁸

In **Lithuania**, the provisions of Article 15 of the Second Protocol are implemented in the same way as Article 28 of the Hague Convention: in accordance with Article 106 of the Criminal Code (Destruction of the Protected Objects).³⁹ No statute of limitations applies to this norm. Thus, persons who committed this offense may be prosecuted without any time limit.

-
- 3) An offender shall be sentenced to imprisonment for five to fifteen years or an exceptional sentence if, by the act given in paragraph 1 or 2 he causes an extremely serious effect.”

³² “Section 264 : Plundering in the War Area

Whoever in a war area, on a battlefield, in places affected by military operations or on an occupied territory :

- a) appropriates a thing of another, abusing such person’s anxiety ;
- b) wilfully destroys a property of another or forfeitures (sic) it under pretence (sic) of military necessity ; or
- c) preys on the dead,

shall be sentenced to imprisonment for three to fifteen years or an exceptional sentence.”

³³ “§ 105. Exploitative abuse of emblems and marks designating international protection

Exploitative abuse of an emblem or name of the red cross, red crescent or red lion and Sun, or of a distinctive mark of a structure containing a camp of prisoners of war, a cultural monument, civil defence object or dangerous forces, or of the flag of truce, is punishable by a pecuniary punishment or up to 3 years’ imprisonment.”

³⁴“ § 107. Attacks against cultural property

Destruction, damaging or illegal appropriation of a cultural monument, church or other structure or object of religious significance, a work of art or science, an archive of cultural value, a library, museum or scientific collection not used for military purposes is punishable by a pecuniary punishment or 1 to 5 years’ imprisonment.”

³⁵ Please consult the relevant national authorities for the full text.

³⁶ Please consult the relevant national authorities for the full text.

³⁷ The Japanese version is available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/japan/jap_law_protection_culturalproperty_jporof.pdf

³⁸ Please consult the relevant national authorities for the full text.

³⁹ “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

In the **Netherlands**, the acts defined as offences in Chapter IV of the Second Protocol were expressly criminalized in the International Crimes Act.⁴⁰ Although the International Crimes Act does not explicitly state that these acts are criminal offences when committed in a non-international armed conflict, they will still be criminal under the catch-all provision of section 7 of the International Crimes Act⁴¹.

Slovakia included its report on this Article as part of its report on Article 28 of the Hague Convention.

Pursuant to Article 102 of the **Slovenian** Penal Code that entered into force on 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.⁴²

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.”

⁴⁰ 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).”

⁴¹

“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;
 - (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.”

⁴² The text of the relevant Articles is attached to the compilation of national reports.

Apart from the punishment of violations under the military penal code, as detailed in the summary of Swiss comments on Article 28 of the Hague Convention, **Switzerland** has not provided any provisions in its national legislation for the punishment of violations under the Second Protocol.

4. Article 16: Jurisdiction

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).”

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 it.

As far as jurisdictional matters are concerned, the **Czech** Criminal Code introduces in its Section 19⁴³ the concept of universality, which applies to all five categories of offences listed in Article 15 of the Second Protocol to the Hague 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 the country where the offence is committed (Penal Code §6⁴⁴). 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 §8⁴⁵).

⁴³ Section 19

The Czech law shall apply when determining the liability to punishment of subversion against the Republic (Section 92), terror (Section 93), terrorist attack (Section 95), diversionist activities (Section 96), sabotage (Section 97), espionage (Section 105), counterfeiting and altering money (Section 140), uttering counterfeit and altered money (Section 141), illicit manufacturing and possession of instruments for counterfeiting and forgery (Section 142), assaulting a state organ (Section 153) and assaulting public official under (Section 155), participation in criminal conspiracy (Section 163a par. 2 and 3), genocide (Section 259), use of a prohibited means of combat and unlawful warfare (Section 262), war cruelty (Section 263), persecution of civilians (Section 263a), plundering in the war area (Section 264), misuse of internationally recognised and state emblems (Section 265) and an offence against peace under section 1 of the Peace Protection Act, No. 165/1950 Coll., even if such offence was committed in a foreign country by a foreign national or a stateless person with no permanent residence permit on the territory of the Czech Republic.”

⁴⁴“ § 6. Territorial applicability of penal law

(1) The penal law of Estonia applies to acts committed within the territory of Estonia.
 (2) The penal law of Estonia applies to 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 the country where the offence is committed.”

⁴⁵“ § 8. Applicability of penal law to acts against internationally protected legal rights

Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to an act committed outside the territory of Estonia if the punishability of the act arises from an international agreement binding on Estonia.”

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)⁴⁶). 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)⁴⁷).

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 the Law, which makes the relevant provisions of the Penal Code applicable to the offences.⁴⁸

Lithuania applies universal jurisdiction to crimes against humanity and war crimes through Articles 7 (Criminal Liability for Crimes provided in International Agreements)⁴⁹ and Article 106 (Destruction of the Protected Objects) of the Criminal Code.

⁴⁶“ § 7. Applicability of penal law by reason of person concerned

(1)The penal law of Estonia 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 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.”

⁴⁷ “§ 7. Applicability of penal law by reason of person concerned

(2) The penal law of Estonia 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.”

⁴⁸ Please contact the relevant national authorities for the full text.

⁴⁹“ Article 7 of the Criminal Code, Criminal Liability for Crimes provided in International Agreements, 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 keeping with the requirement in Article 16 (1) of the Second Protocol⁵⁰.

Slovakia included its report on this Article as part of its report on Article 28 of the Hague Convention.

5. Article 21: Measures Regarding other Violations

In accordance with the “Law on Culture”⁵¹ of the Republic of **Azerbaijan** and its implementing Decree⁵² 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, several expert commissions exist in the Ministry of Culture and Tourism of the Republic of **Azerbaijan** that determine the history, artistic and scientific value of cultural property and grant safeguard certificates in accordance with the Regulations⁵³ approved by the Minister of Culture and Tourism of the Republic of Azerbaijan. If the cultural property presented to the expert commissions are assumed to present the values detailed above, regardless of the date of their creation, it is not allowed to be taken out of 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 in the direction 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 property⁵⁴.

In **Canada**, additional legislative amendments have been made to the *Cultural Property Export and Import Act*⁵⁵ to prohibit, and to establish extraterritorial jurisdiction over, exports or removal of cultural

⁵⁰ The relevant part of the International Crimes Act reads:

1. Without prejudice to the relevant provisions of the Criminal Code and the Code of Military Law, Dutch criminal law shall apply to:
 - (a) anyone who commits any of the crimes defined in this Act outside the Netherlands, if the suspect is present in the Netherlands;
 - (b) anyone who commits any of the crimes defined in this Act outside the Netherlands, if the crime is committed against a Dutch national;
 - (c) a Dutch national who commits any of the crimes defined in this Act outside the Netherlands.’
2. The expression ‘any of the crimes defined in this Act’ as referred to in subsection 1 shall be equated with the crimes defined in Articles 131-134, 140, 189, 416-417bis and 420bis-420quater of the Criminal Code, if the offence or crime referred to in such articles is a crime defined in this Act.’
3. Prosecution on the basis of subsection 1 (c) may also take place if the suspect becomes a Dutch national only after committing the crime.’

⁵¹ Please see: http://www.unesco.org/culture/natlaws/media/pdf/azerbaijan/az_culture1996_rusorof.pdf

⁵² For the complete text, please consult the relevant national authorities.

⁵³ For the complete text, please consult the relevant national authorities.

⁵⁴ 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....”

property from occupied territories of States that are party to the Second Protocol in violation of Article 21(b) of that Protocol.

In **Cyprus**, as per domestic Law No. 4 (III)/2001⁵⁶, 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 when dealing with the national implementation of the 1954 Protocol. Other misuses of cultural property are regulated by legislation (cf. the relevant summary in Part III of this document).

In **Estonia**, Chapter 7 of the Heritage Conservation Act defines liability for damage caused to a “finding of cultural value”⁵⁷, and damage to or destruction of monuments⁵⁸.

Japan has adopted necessary measures to suppress activities detailed in Article 21(a) of the Second Protocol, including relevant laws such as the Self-Defense Forces law.⁵⁹ Offences detailed in Article 21(b) of the Second Protocol 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 Hague 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 Heritage⁶⁰ and the Law of the Republic of Lithuania on the Protection of Movable Cultural Property.⁶¹ In case the aforementioned laws are violated,

⁵⁵ 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

⁵⁶ Please consult the relevant national authorities for the full text.

⁵⁷ “§ 46. Damage to findings of cultural value

(1) Knowingly removing a finding of cultural value from the place it is found and for damage thereto is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.”

⁵⁸ “§ 48. Damage to or destruction of monuments

(1) Damage to or destruction of a monument is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.”

⁵⁹ Please contact the relevant national authorities for the full text.

⁶⁰ 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=

⁶¹ The current edition of 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=

Article 91, “Violation of the Law on the Protection of Immovable Cultural Heritage and Movable Cultural Property”, of the Code of Administrative Offences⁶² provides for administrative liability⁶³.

All military personnel must follow rules and regulations established by the Disciplinary Statute of the Armed Forces of **Lithuania**. Article 79 of the Statute provides grounds for the disciplinary punishment for violations of the rules of international humanitarian law (“IHL”).⁶⁴

Sanctions concerning any illegal export or shipment of cultural property or transfer of property from occupied territory, violating the Hague Convention and the Second Protocol, are provided for in Part 2 of Article 189 “Purchase or Realization of Property gained illegally” of the Criminal Code.⁶⁵ In addition, Part 1 of Article 199 “Smuggling” of the Criminal Code imposes punishment.⁶⁶

The **Netherlands** already has penal sanctions for a number of serious violations, including the Cultural Heritage Preservation Act (Sections 7, 14a-d in conjunction with section 1 of the Economic Offences Act)⁶⁷, and the definitions of offences of a more general nature (such as handling stolen goods in Article 416, paragraph 1 of the Criminal Code)⁶⁸ may be applicable in certain situations.

Slovakia included its report on this Article as part of its report on Article 28 of the Hague Convention (cf. the relevant summary in Part III of this document).

⁶² The current edition of the Code of Administrative Offences is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=325253&p_query=&p_tr2=

⁶³ “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.”

⁶⁴ “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.”

⁶⁵ “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.”

⁶⁶ “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.”

⁶⁷ The original Dutch version together with its English translation are available at the following address: http://www.unesco.org/culture/natlaws/media/pdf/netherlands/netherlands_loi49_01_02_1984_dut_orof.pdf

http://www.unesco.org/culture/natlaws/media/pdf/netherlands/netherlands_loi49_01_02_1984_eng_tno.pdf. The modified version in English is available at the following address:

http://www.unesco.org/culture/natlaws/media/pdf/netherlands/netherlands_loi49_amended_01_02_1984_eng_tno.pdf.

⁶⁸ Please contact the national authorities for the full text.

6. Article 30: Dissemination

Austria included its report on this Article as part of its report on Articles 7 and 25 of the Hague Convention (cf. the relevant summary in Part III of this document).

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, State Customs Committee, National Academy of Sciences of Azerbaijan, Ombudsman’s Office, UN, OSCE, as well as directors and employees of all museums and reservations of Baku. The work of the Conference was covered by the most important mass media.

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.

Cyprus has submitted its report on this Article as part of its report on Article 25 of the Hague Convention (cf. the relevant summary in Part III of this document).

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. The National Institute for the Protection and Conservation of Monuments and Sites developed in 2007 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 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.

There are several national programmes managed by the **Estonian** Ministry of Culture that are strengthening appreciation and respect for cultural property by the entire population: national programmes for schools in old manor houses and for the preservation and development of churches, support programmes for regional ethnographic cultures, and the development plans for the digitisation of cultural heritage, rural architecture and landscapes, and traditional sacrificial sites.

Currently, the Ministry of Culture is working on the Development Plan until 2030 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 **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 began its internal education programs 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 Hague Convention (cf. the relevant summary in Part III of this document).

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)⁶⁹ 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 ‘Cultural Affairs and Information Section’ (henceforth: CAI Section) and ‘1st CIMIC Battalion’ (the military unit responsible for Civil-Military Cooperation). The role of CAI Section has been outlined under I (2) (Art. 7 of the Hague Convention) above. The Commanding Officer of the ‘1st CIMIC Battalion’ (henceforth: 1CIMICBAT) is responsible within the **Netherlands’** Armed Forces for maintaining a network of some 33 reserve officers who in civilian life are experts in the fields of cultural affairs and education. This is called the ‘1st CIMIC Battalion Network for Cultural Affairs and Education’ (CA&E Network). Any one of them can be called out 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,

⁶⁹ Please contact the relevant national authorities for the full text.

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, 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.

Slovakia included its report on this Article as part of its report on Article 25 of the Hague Convention.

In **Switzerland**, most of the measures laid down in Article 30 have been implemented. The full text of the Second Protocol can be consulted on the internet, and “Protection of Cultural Property” brochures (in German, French, Italian and English) and a leaflet are used to keep the public informed and 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 armed forces basic readiness. It is transmitted to all members of the 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 207⁷⁰ 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 500m 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.

7. Article 37: Translation and Reports

Cyprus, Estonia, Japan and the Netherlands submitted their translation. Translations in **Czech, German, Italian, and Slovak** are also available.

Iran (the Islamic Republic of) has carried out the translation of the Second Protocol into Persian and will convey it to UNESCO in due course.

⁷⁰ Please contact the relevant national authorities for the full text.

8. Assessment of issues covered

Of the eighteen reports included in the summary, the below points were covered as follows:

1. Safeguarding of cultural property:

- 1) Austria
- 2) Azerbaijan
- 3) Cyprus
- 4) The Czech Republic
- 5) Estonia
- 6) Finland
- 7) Iran (the Islamic Republic of)
- 8) Japan
- 9) Jordan
- 10) Lithuania
- 11) The Netherlands
- 12) Slovakia
- 13) Slovenia
- 14) Switzerland

2. Chapter 3 – Enhanced Protection

- 1) Austria
- 2) Azerbaijan
- 3) Canada
- 4) Cyprus
- 5) The Czech Republic
- 6) Estonia
- 7) Finland
- 8) Japan
- 9) Lithuania
- 10) The Netherlands
- 11) Slovakia
- 12) Slovenia
- 13) Switzerland

3. Serious violations of the Protocol:

- 1) Austria
- 2) Azerbaijan
- 3) Canada
- 4) Cyprus
- 5) The Czech Republic
- 6) Estonia
- 7) Finland
- 8) Japan
- 9) Lithuania

- 10) The Netherlands
- 11) Slovakia
- 12) Slovenia
- 13) Switzerland

4. Jurisdiction:

- 1) Austria
- 2) Cyprus
- 3) The Czech Republic
- 4) Estonia
- 5) Japan
- 6) Lithuania
- 7) The Netherlands
- 8) Slovakia

5. Measures regarding other violations:

- 1) Azerbaijan
- 2) Canada
- 3) Cyprus
- 4) The Czech Republic
- 5) Estonia
- 6) Japan
- 7) Lithuania
- 8) The Netherlands
- 9) Slovakia

6. Dissemination:

- 1) Austria
- 2) Azerbaijan
- 3) Bahrein
- 4) Cyprus
- 5) The Czech Republic
- 6) Estonia
- 7) Finland
- 8) Japan
- 9) Lithuania
- 10) The Netherlands
- 11) Slovakia
- 12) Switzerland

7. Translation and reports:

- 1) Cyprus
- 2) The Czech Republic
- 3) Estonia
- 4) Iran (the Islamic Republic of)

- 5) Japan
- 6) Slovakia
- 7) The Netherlands

9. Additional information provided by Parties

Two States (**Finland** and **Lithuania**) informed the Secretariat of their contact information with regard to the implementation of the Second Protocol.

III. Summary of National Reports on the Implementation of the Hague Convention and its 1954 (First) Protocol provided by the Parties⁷¹

1. Article 3: Safeguarding of Cultural Property

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)⁷². This law makes a special reference to 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 Hague Convention in the 1970's and 1980's. The list is going to be revised in 2009, and it will be made accessible on the internet.

In **Azerbaijan**, the five following most important museums have been renovated: the Museum of National History of Azerbaijan, the Nizami Ganzavi Museum of Azerbaijan Literature, and the State Museum of Azerbaijan Carpet and Applied Art.

Further, in accordance with the order of the President of the Republic of Azerbaijan, restoration and development measures have been undertaken in the Icherisheher Historic and Architectural Preserve (included on the World Heritage List). These measures include building tourism infrastructure and repairing buildings, and the security of cultural property in the event of armed conflict will take an important place in the renovation.

The Gobustan Historical and Art Reservation (included on the World Heritage List) is also being restored pursuant to an order of the President of the Republic of Azerbaijan. The reconstruction of the main administrative building is scheduled to start mid-2010, and the protection of rock art engravings has been carried out with the help of Russian experts.

The Qala Historical and Ethnographical Reservation can be protected by the most modern equipment while exposed to natural and military danger.

⁷¹ Note of the Secretariat: This information will be also published in the Secretariat's overall report on the implementation of the Hague Convention and its 1954 and 1999 protocols.

⁷² Please contact the relevant national authorities for the full text.

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 (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 emergency response efforts in Canada when heritage is threatened or impacted by emergencies. The Institute undertakes pro-active efforts in emergency preparedness by delivering training to individuals and institutions within Canada's heritage community. Training sessions address planning; the development of response plans; risk assessment; and the reduction, salvage, treatment and long-term recovery of artifacts. CCI is also involved in emergency and disaster response, ranging from advice 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 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, 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 amendments⁷³. The declared Ancient Monuments, ranging chronologically from the Neolithic to the 20th century, are registered in the Departments of Antiquities' archives; therefore, an inventory of the Ancient Monuments is available. At present, inventories are mostly in hard copy, while their digitization with the use of a Geographical Information System (GIS) is also currently being developed. Furthermore, excavation records are available, which concern archaeological sites where excavations were conducted but may not be 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, i.e. 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 mostly in hard copy but

⁷³ Please contact the relevant national authorities for the full text.

a large number of movable cultural property has been digitized or its digitization is under way, as for the monuments.

Emergency measures for protection against fire are applied 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 been equipped in their totality with highly sensitive and technologically advanced fire detection and fire protection systems and for six of them a fire extinguishing system has also been applied. 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 apply 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 aimed in the development, among others, of a mechanism that will designate competent groups of individuals responsible for the safeguarding of cultural property and 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 Hague Convention. Immovable cultural property that is now declared *national cultural property* under Act No. 20/1987 of the Collection of Laws (State Heritage Preservation)⁷⁴ will be nominated for the granting of special protection under Chapter II of the Hague Convention.

This property will likewise be marked with the distinctive emblem (based on Articles 16 and 17 of the Hague Convention). The special protection status will be registered on the central list of national cultural heritage (maintained under the above 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 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 it.

Estonia included its report on Article 3 of the Hague Convention in its report on Article 5 of the Second Protocol (cf. Part II of this document).

⁷⁴Please see: http://www.unesco.org/culture/natlaws/media/pdf/czechrep/repczech_law20_1987_czorof.pdf

To oversee and coordinate measures for the implementation of the Hague 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 Hague 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 expert advice from different fields. At present, the Ministry of Education is in the process of appointing a new working group, which will be responsible for implementing the previous group's proposal for 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 this body has been recognized.

In **Finland**, the Government adopted a strategy to guide all Finnish authorities regarding the preparation for and response to threat scenarios. In particular, the strategy expands the conditions of safeguarding of cultural property to include naturally occurring disasters and disorders (occurring under normal conditions). The Ministry of Education is responsible for coordinating the required measures, but the owner of cultural property is ultimately responsible for its protection.

With regards 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 three to four years is to finalize the list of cultural property items under general protection, which, due to the cross-administrational effects of protection, will then be ratified by a Government decision.

In **Iran (the 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, such as National Treasures, to regulate physical alterations to them and to provide assistance for their repair and maintenance in accordance with the Law for the Protection of Cultural Properties.⁷⁵

Jordan included its report on this Article under Article 5 of the Second Protocol (cf. the relevant section of Part II of this document).

In **Lithuania**, a 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

⁷⁵ Law N.214 for the Protection of Cultural Property (last amendment Law N.7, March 30, 2007)

http://www.unesco.org/culture/natlaws/media/pdf/japan/japan_lawprotectionculturalproperty_japorof.pdf (Japanese version)

http://www.unesco.org/culture/natlaws/media/pdf/japan/japan_lawprotectionculturalproperty_engtof.pdf (English version)

of the Programme is to use preventive measures and rapid interventions to protect cultural heritage. Furthermore, the Plan of Implementing Measures of the Programme (the “Plan”) was approved on 5 September 2006.

The Plan provides for 10 measures that should be implemented by respective institutions in order to implement certain provisions of the Hague Convention and the Second Protocol.⁷⁶

In the **Former Yugoslav Republic of Macedonia** (“FYROM”), Article 56 of the 1991 Constitution⁷⁷ 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 Republic guarantees the protection, promotion, and enhancement of the historical and artistic wealth of FYROM and all of its communities, as well as the objects 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 Nos. 20/04 and 71/04)⁷⁸ created a legal framework for the implementation of the constitutional concept of the protection of property of

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Measure 1. To make lists of immovable cultural heritage objects of outstanding cultural significance.

Measure 2. To prepare rules for marking objects included in the lists of immovable cultural heritage objects of outstanding cultural significance with the distinctive emblem of the Convention.

Measure 3. To prepare instructions for participation of the Armed Forces during immovable cultural heritage objects’ preservation works in the event of armed conflict or other extreme situations.

Measure 4. To prepare itineraries for transitional, military and industrial transport carrying hazardous cargo in order to bypass objects included in the lists of immovable cultural heritage objects of outstanding cultural significance.

Measure 5. To prepare instructions for protection and evacuation of movable cultural property kept in museums, libraries, archives and cult buildings.

Measure 6. To mark objects included in the lists of immovable cultural heritage objects of outstanding cultural significance (except archeological sites) with a distinctive emblem of the Convention.

Measure 7. To organise courses on protection of cultural heritage in the event of armed conflict or other extreme situations for personnel working in the field of cultural heritage, officers of special services, representatives of armed forces, employees of educational system and other institutions.

Measure 8. To supplement legends of topographical maps with a new symbol – the distinctive emblem of the Convention. The National Land Service under the Ministry of Agriculture is responsible for implementation of this measure. The symbol should be introduced into the system of arbitrary symbols within 2008.

Measure 9. To make lists of movable cultural property of outstanding ethnical, historical, aesthetic or scientific significance kept in museums, libraries, archives and cult buildings.

Measure 10. To equip special premises in museums, libraries and archives designed for protection and safeguard of movable cultural property included in the lists of movable cultural property of outstanding ethnical, historical, aesthetical and scientific significance. This measure should be implemented by the end of 2010.

⁷⁷ Please consult the relevant national authorities for the full text.

⁷⁸ Please consult the relevant national authorities for the full text.

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 intended to implement the law:

- Rule-book for the pattern on the legitimization and the appearance of the armband of the official person responsible for the protection or the person responsible for the control of the cultural heritage in the event of an armed conflict and the modalities of their issuance (Official Gazette of the Republic of Macedonia No. 25/05)⁷⁹;
- Rule-book for the contents and modalities of running the national inventory of protected property in the event of an armed conflict (Official Gazette of the Republic of Macedonia No. 25/05)⁸⁰;
- Rule-book for the national registry of cultural heritage (Official Gazette of the Republic of Macedonia, No. 25/05)⁸¹;
- Rule-book for the use of signs for cultural heritage defined by an international agreement (Official Gazette of the Republic of Macedonia, No. 56/08)⁸².

Finally, the next task is to prepare a special methodology for assessment of damage to cultural heritage caused during and as a consequence of an armed conflict or a natural disaster pursuant to Article 109⁸³ of the Law on Cultural Heritage.

The **Netherlands** report with regard to this article is combined with the report concerning Article 5 of the Second Protocol (cf. Part II of the current document).

In **Saudi Arabia**, protection by the Sector of Antiquities and Museums (within the Saudi Commission for Tourism and Antiquities) of movable and immovable cultural property within the Kingdom is pursuant to the Antiquities Order.⁸⁴

In **Slovakia**, it has been decided to take appropriate measures regarding the safeguarding of the cultural property against the foreseeable effects of an armed conflict.

In **Slovenia**, the Ministry of Culture, in cooperation with the Civil Defense 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

⁷⁹ Please consult the relevant national authorities for the full text.

⁸⁰ Please consult the relevant national authorities for the full text.

⁸¹ Please consult the relevant national authorities for the full text.

⁸² Please consult the relevant national authorities for the full text.

⁸³ Please consult the relevant national authorities for the full text.

⁸⁴ Please consult the relevant national authorities for the full text.

effects of an armed conflict are made operational, harmonized and appropriately materialized within the defense 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 through the Internet (<http://rkd.situla.org>). Almost 27,000 units have entered in the register. A register of movable cultural heritage has also been set up.

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

The purpose of security documentation of protection of cultural property (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. 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 include an area of 110,000 m³ for the protected shelter of objects.

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

PCP civil protection personnel carry out on-site evacuation planning for movable cultural property.

2. Article 7: Military Measures

In **Austria**, the Hague Convention and its 1954 and 1999 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 (MSC, Militärstrategisches Konzept) on Civil-Military Cooperation. Specially trained liaison-officers / military cultural property protection (Verbindungsoffiziere / militärischer Kulturgüterschutz) ensure the implementation of the Hague Convention and its 1954 and 1999 Protocols in all relevant military activities. Therefore, according to 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” are 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, and 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 in order to provide a better quality of teaching of IHL in the Armed Forces of the Republic of Azerbaijan.⁸⁵ The said instruction contains the notion of cultural property, its recognition and distinctive emblem, and other important issues. The Ministry of Defense also has put forward a proposal to add an article to the “Law on Defense” for the purpose of the protection of cultural property in the event of military operations⁸⁶. The draft article has been discussed with the relevant bodies of the National Assembly of the Republic of Azerbaijan.

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 IHL (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.

⁸⁵ Please contact the relevant national authorities for the complete text.

⁸⁶ “The Armed Forces of the Republic of Azerbaijan takes measures to protect historical monuments, art works, temples, movable and immovable property on the territory of the Republic of Azerbaijan or on the aggressor’s territory while pursuing him (as well as while conducting anti-terrorist operations), and for this very purpose establishes special designation divisions.”

Beyond those efforts directed specifically at military personnel, the publication “Bon Voyage, But...” produced by the Department of Foreign Affairs and International Trade (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 1954 and 1999 Protocols, obligations, offences and penalties, is made publicly available on the Department of Canadian Heritage website.

At present, no provisions that will ensure observance of the Hague 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, so as to promote the introduction of such regulations into the military instructions. The introduction of such provisions into the 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)⁸⁷, the primary duties of a member of the military cover, *inter-alia*, an obligation to comply with IHL and international treaties, which include the Hague Convention and its 1954 and 1999 Protocols. The same rule, together with an obligation not to misuse the distinctive emblem, is embodied in the Ground Rule of the Armed Forces of the Czech Republic (Chapter 1, Section 6, Paragraphs 35 and 38). The International Law Department of the Ministry of Defense closely cooperates with the Ministry of Culture on expert issues, and Czech Legal Advisers responsible for assuring the compliance with IHL are assigned to each battalion commander.

Estonia includes international law education in its military training. Estonian National Defence College trainees receive a series of lectures on IHL, including the Hague Convention. Trainees at the Baltic Defence College also take a course on IHL, including the Hague Convention, and take seminars and hands-on exercises on implementing the law as well. Members of the armed forces serving their obligatory military service receive one academic hour of military law training, which includes the Hague 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.

⁸⁷ Please contact the relevant national authorities for the full text.

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 Hague 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.

Since 1997, **Iran (the 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 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 the Ministry of Defence and the Self-Defence Forces, the sections responsible for affairs related to IHL are in charge of implementing the Hague Convention in close cooperation with other governmental agencies. One such agency is the Agency for Cultural Affairs, which is responsible for the protection of cultural property.

The requirements of this article are considered by the **Jordanian** forces. In 1996, a central unit was established at the Department of Antinarcotics, 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 programs 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 the components of the Iraqi Heritage. It was very efficient and used the most developed machines of detections to stop any illicit transport. The Jordanian government also returned hundreds of objects to the Iraqi authorities including sculptures, stamps and inscribed clay tablets.

In **Lithuania**, Instructions on Participation of the Armed Forces during Immovable Cultural Heritage Objects' Preservation Works 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 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, on the initiative of the Commission on the Implementation of the International Humanitarian Law, in 2004, a position of a Chief Specialist of Cultural Heritage protection was established in the Lithuanian Armed Forces. The main task for the Specialist is to coordinate and ensure implementation of the Hague Convention in the National Defence System.

The General Staff of the Army of **the Former Yugoslav Republic of Macedonia** established in 2000 a direct cooperation with the Office of the International Committee of the Red Cross (ICRC) in Skopje. Seminars are organized with the aim of familiarizing army officers, managers, and commanding officers in the FYROM Army with the law on armed conflict. Further, scholarships were also offered to instructors from various profiles (operational officers, medical officers, and lawyers) outside of the Former Yugoslav Republic of Macedonia.

The armed forces of the **Netherlands** include the Cultural Affairs & Information Section (CAI Section) of the Command Support Group of the Royal Netherlands Army.⁸⁸ 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 1st CIMIC Battalion Network for Cultural Affairs & Education (more about this Network can be found in this report concerning the implementation of 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.

Slovakia has not yet set up any special unit within its armed forces to ensure respect for cultural property. However, several provisions have been introduced into military regulations and instructions to ensure the implementation of the Hague Convention. For example, the “Instruction of the Ministry of Defence of the Slovak Republic in the Event of Armed Conflict” was issued in 2005, and special training for military forces in order to ensure respect for cultural property was instituted.

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 Hague Convention constitute an integral part of military education and the training of the Slovenian Armed Forces. Members of the Slovenian Armed Forces are familiar with the distinctive emblem marking cultural property both under general and special protection; the special status of cultural property in the event of armed conflict; the obligation to abstain from any act of hostility against such property; and not to use the property for military purposes. When they are deployed on a mission, they are familiarized with their tasks at the location. The Slovenian Armed Forces acting within the Crisis Response Operation have a duty to safeguard property (and persons) with a specifically defined status.

In **Switzerland**, respect for the Hague 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

⁸⁸ 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.

justice system is responsible for instigating penal proceedings arising from violations of the Hague 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.⁸⁹

3. Article 8: Special Protection

In the **Czech Republic**, it is foreseen that immovable cultural property that is now declared a *national cultural property* under Act No. 20/1987 Collection of Laws⁹⁰, on State Heritage Preservation, will entertain *special protection* under Chapter II of the Hague Convention. Such property will likewise be marked with the distinctive emblem (based on Articles 16 and 17 of the Hague Convention), and the special protection status will be registered in the central list of national cultural heritage (maintained under the above act). The same status also will be granted to such immovable property that serves as a shelter for movable cultural property.

During 1999–2000, **Finland** prepared an application to UNESCO for special protection of its cultural property. The aim then was to apply for the special protection of four World Heritage Sites, in accordance with the invitation made by the Director-General of UNESCO. The project expired once the Second Protocol came into effect, and at present Finland does not see a need to apply for special protection of its cultural property.

1. Chapter V: The Distinctive Emblem

In **Austria**, many immovable objects listed by the Bundesdenkmalamt (Department of Historic Monuments) 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* (Federal Law on the Protection of Cultural Heritage)⁹¹.

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

The distinctive emblem of the Hague 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 discolored, 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 Hague Convention and the Second Protocol have not been completed. However, financial and technical analyses regarding future marking are in progress.

⁸⁹ Please see the relevant national authorities for a copy of the full text.

⁹⁰ The full text is available in Czech at the following address: http://www.unesco.org/culture/natlaws/media/pdf/czechrep/repczech_law20_1987_czorof.pdf.

⁹¹ Please consult the relevant national authorities for the full text.

Estonia does not mark cultural property with the distinctive emblem of the Hague Convention. However, according to its Heritage Conservation Act, that was passed 27 February 2002 (and subsequently amended), monuments are marked with traditional old runic symbols. Using the emblem of the Hague 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. Marking privately-owned property during peacetime would be left to the owner's discretion.

Japan leaves it up to the owners of cultural properties to decide whether or not to use the distinctive emblem in times of peace.

Jordan does not really mark cultural sites due to their large number.

In **Lithuania**, 19 immovable cultural heritage objects (buildings) from the Lists 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 Hague 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.

In the **Former Yugoslav Republic of Macedonia**, Article 416 of the Criminal Code entitled “Abuse of International Emblems”⁹² sanctions the abuse of the emblem of the Hague Convention.

The **Netherlands** has used the distinctive emblem since 1964 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. Continuously attention is being paid to disseminate the meaning and context of the emblem and to discourage imitation and unauthorized use.

Slovakia does not use the distinctive emblem of the Hague Convention to mark its cultural heritage.

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

Switzerland has provided its cantons with the number of shields needed to mark objects pursuant to the Hague 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.

2. Article 25: Dissemination of the Convention

In **Austria**, the Hague 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 EU-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 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

⁹² Please contact the relevant national authorities for the full text.

- 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**, the Hague 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 IHL. Protection of Cultural Property in the Event of Armed Conflict also has been taught since 2004 in the framework of the discipline “Political Science and International Relations” in military institutes of higher education of the Ministry of Defense.

In **Cyprus**, the Department of Antiquities is currently in contact with the Ministry of Defence in order to incorporate the provisions of the Hague Convention into the military regulations. As this is achieved, the dissemination of these regulations within the armed forces will be promoted and designated personnel engaged in the protection of cultural property will be properly trained. As a primary step, the dissemination of the text of the Hague 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**, IHL, including the provisions of the Hague Convention and both of its Protocols, is fully integrated into military career courses (basic, specialist, NCO’s, officers, staff), and regular soldier training. Upon request (mainly during pre-deployment training), IHL specialists conduct ad-hoc training 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 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 national practice on the implementation of the Second Protocol, strengthening international cooperation and disseminating the principles of the Hague Convention and its Second Protocol to the military and personnel engaged in the protection of cultural property.

In **Finland**, general information on the Hague Convention is included in the training and education given to Defence Forces staff, conscripts, and peacekeepers as part of basic instruction on IHL. The aim is to consider 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)⁹³, 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's** plan is to target the dissemination of information on the Hague 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 wide-spread education aimed at citizens. The idea of an information campaign targeted at citizens has, however, been raised. In addition, possibilities for citizens to actively participate in the protection of cultural property, and to have an impact on it, have been considered.

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

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

In **Japan**, the Agency for Cultural Affairs distributes documents on the provisions of the Hague Convention and the Law for the Protection of Cultural Properties to interested parties, which are mainly relevant local government divisions. The Self-Defense Forces have begun its internal education programs on the provisions of the Hague Convention.

The requirements and the safety of heritage is a main issue that is included in the programs of training of different forces in **Jordan**. In the meantime educating lectures are presented by the Department of Antiquities to those forces and security departments.

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 has adopted them. Accordingly, texts of the Hague Convention and the Second Protocol, as well as Regulations for the execution of the Hague Convention are published in the Official Gazette and on the website of the Seimas.

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

⁹³ Please contact the relevant national authorities for the full text.

- 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 Hague 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 Hague Convention and its two Protocols are explained and analysed;

- (b) Educational articles in military publications.

- The Commission on the Implementation of the International Humanitarian Law, which was established in 2001, coordinates dissemination of information on IHL, including the Hague Convention and its two Protocols. Moreover, the Commission also organises national and international seminars, courses and workshops on IHL and other related topics for members of the Commission, Lithuanian and foreign civil servants and military officers. The subject of IHL is included in education programmes of all levels of military personnel, the curriculum of education of police personnel, and secondary schools. IHL is also an optional course in leading universities as well as in the Institute of International Relations and Political Science.

Other internet sources of information about the Hague Convention and related questions exist as well⁹⁴.

In the **Former Yugoslav Republic of Macedonia**, after two years active cooperation and with the direct support of the ICRC, the manual *Law on Armed Conflicts for the Armed Forces* was made 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 made. The Army has also planned a number of classes on the law of armed conflicts as part of courses dedicated to non-commissioned officers and soldiers in the training command. The same program is implemented at the Military Academy where courses for officers are organized. A course entitled “Police and International Humanitarian Law” has been

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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 also 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/>). On this website information about activities of the Ministry of Culture is published. 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/>)

established to acquaint students of the Police Academy with the principles of the Hague Convention and its two protocols.

The **Netherlands** report with regard to this Article is combined with its report concerning Article 30 of the 1999 Protocol (cf. Part II of this document).

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

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

In **Switzerland**, various sources provide information to civilians on the subject of protection of cultural property, such as leaflets, reports, exhibitions or articles in the press. The text of the Hague Convention can be consulted on the Internet in three national languages. In addition, the provisions of the Hague Convention are dealt with under military regulations in the Armed Forces, including “Regulation 51.997/IV: legal bases of conduct during engagement” as well as an aide-mémoire. Members of the 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.

6. Article 26(1): Official Translation

Azerbaijan, the Czech Republic, Estonia, Finland, Greece, Iran (the Islamic Republic of), Japan and the Netherlands informed the Secretariat of their submission of the official translation of the Hague Convention. The Hague 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 Hague Convention and the First Protocol to the Hague Convention of 1954 was translated in Greek and published in the Republic of **Cyprus** Official Gazette Supplement I, on 15 April 1971. A copy of this version was submitted to the Secretariat.

Slovakia and **Switzerland** have the Hague Convention translated into their national languages.

7. Article 28: Sanctions

The Criminal Code of the Republic of **Azerbaijan** proscribes the plunder of cultural resources or objects having cultural value and their smuggling through the country, as well as socially dangerous acts such as the deliberate destruction or defacement of historical and cultural monuments under state protection (Articles

183⁹⁵, 206⁹⁶, 246⁹⁷ and related laws⁹⁸). Moreover, Article 209 of the Code of Criminal Procedure of the Republic of Azerbaijan⁹⁹ creates responsibilities for the prosecutor leading the primary investigation.

Bahrain is currently revising and modifying its law of antiquities¹⁰⁰ which will include all necessary penal provisions that sanction the destruction of cultural property and take steps against those who commit or order to be committed a breach of the Hague Convention.

Violations of the Hague 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.

In **Cyprus**, no provisions have been taken to impose penal sanctions in the case of breach of the Hague Convention.

Section 262 of the **Czech** Criminal Code (Using Prohibited Means of Combat and Unlawful Warfare) introduces a criminal act of using or ordering to use impermissible means or methods of combat and unlawful warfare, which 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 (in serious and severe cases by five-to-fifteen years). As far as personal jurisdictional matters are concerned, the Czech Criminal Code introduces in its Section 19 the concept of universality.

⁹⁵ Article 183. Plunder of subjects which have special value (an offence against property)

183.1 Plunder of subjects or documents having special historical, scientific, art or cultural value, irrespective of the way of plunder is punished by imprisonment for the term from five up to eight years with confiscation of property or without it.

183.2 The same acts committed:

183.2.1 On preliminary arrangement by group of persons or by organized group;

183.2.2 Repeatedly;

183.2.3 Entailed destruction, defacement or destruction of subjects or documents envisaged in Article 183.1 of the present Code is punished by imprisonment for the term from eight up to fifteen years with confiscation of property or without it.

⁹⁶ Please consult the relevant national authorities for the complete text.

⁹⁷ Please consult the relevant national authorities for the complete text.

⁹⁸ 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 conflicts), the relocation of movable monuments from territories under the danger of battle and from battle zones is carried out by the relevant body of the executive branch.

Pursuant to Article 7, Chapter II of the “Law on Museums” (Relocation of museums), the museums and their items and collections must be relocated on the basis of a decision by the relevant body of the executive power to safe zones or to the places determined by the civil defense agencies in cases of natural disasters, fire, armed conflict, war and emergence of other forms of danger.

⁹⁹ Criminal-Processual Code of the Republic of Azerbaijan, July 14, 2000 (entered into force on September 1, 2000)

Article 209. Immediate commencement of criminal proceedings

209.2 The prosecutor in charge of the procedural aspects of an investigation shall also instantly institute criminal proceedings on the basis of the known facts under the following circumstances:

209.2.8 Where historical or cultural monuments or graves have been desecrated.

¹⁰⁰ Please consult the relevant national authorities for the full text.

Estonia included its report on this article in its report on Articles 15 and 16 of the Second Protocol.

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

In order to criminalize all offenses stipulated in the Hague Convention, the **Japanese** law adopted to implement this agreement makes abuse of the distinctive emblem under Article 17(3) of the Hague Convention punishable by imprisonment or fine.¹⁰¹

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

The Criminal Code of **Lithuania** provides especially strict sanctions for the violation of the provisions of the Hague Convention and other international conventions.¹⁰²

Recent new laws and amendments to the Criminal Code of the **Former Yugoslav Republic of Macedonia** have created greater legal protection against crimes involving cultural heritage, including 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.¹⁰³

¹⁰¹ The Japanese version is available at the following address: http://www.unesco.org/culture/natlaws/media/pdf/japan/jap_law_protection_culturalproperty_jporof.pdf.

¹⁰² “Article 106 of the Criminal Code (Destruction of the Protected Objects) :

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.

Note: This is a special norm to which a prescription penalty period does not apply, i.e. persons having committed crimes under this Article can be prosecuted for their whole life.

Article 189 Part 2: Purchase or Realization of Property gained illegally

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.

Article 199, Part 1: Smuggling

Person, who, crossing the border of the Republic of Lithuania, carries goods, the value of which extends the sum of 250 MSL (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 the Republic of Lithuania without a special clearance, is fined or punished by the deprivation of liberty for up to eight years.”

¹⁰³ “Article 264 “Damage or Destruction of Goods under Temporary Protection or Cultural Heritage or Natural Rarities”: “Anyone who damages or destroys any goods under temporary protection of cultural heritage or natural rarity will pay a fine or be sentenced to prison for up to three years.

However, most 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.¹⁰⁴ In addition, a reference to signs for marking cultural heritage under the Hague Convention was added to Article 416 of the Criminal Code (Abuse of international signs)¹⁰⁵. Then, three new sections were added to Article 416¹⁰⁶ in 2002, and they

Anyone who makes conservation or restoration operations without the permission of an authorized body or without a permission or, contrary to the ban, makes archaeological excavations or researches or other research operations related to goods under temporary protection or cultural heritage or natural rarities because of which they have been strongly damaged or will use their characteristics will be sentenced to prison from one to five years.

If the act from paragraph 1 is committed by a legal person a fine will be paid for that.”

“ Article 265 Appropriation of Goods under Temporary Protection or Cultural Heritage or Natural Rarities: “Anyone who appropriates excavations, materials, or objects that represent goods under temporary protection, cultural heritage or natural rarity during archaeological excavations, archive researches, geological-palaeontological or mineral – petrographical researches, excavations or in any other way appropriates excavations, materials, or a finding that represents a good under temporary protection or a cultural heritage or a natural rarity will be sentenced to prison from one to ten years. Anyone who has the intention to make illegal property profit and appropriates an archaeological object will be sentenced to one to ten years of prison.”

“Article 266 Exportation Abroad of Goods under Temporary Protection or Cultural Heritage or Natural Rarities” : “Anyone who exports any goods under temporary protection or a cultural heritage or a natural rarity abroad without the permission of an authorized body will be sentenced to one to ten years of prison.

(2) If the act from paragraph 1 is committed by a legal person, he will pay a fine.”

“Article 266-a Transfer of Cultural Heritage of Special Importance in State Property

Anyone who sells, gives as a present or in any other way transfers cultural heritage of special importance in state property will be sentenced to one to five years of prison.”

“Article 266-b Ban on Import of Stolen Cultural Heritage

“Anyone who imports portable cultural heritage stolen from museums, religious and similar public buildings or institutions on the territory of another state will be sentenced to one to ten years of prison.”

¹⁰⁴ “Article 404(2), Military Crime against Civil Population: Penalty from paragraph 1 (a sentence of at least ten years or life imprisonment) will be sentenced to the one who, in war, an armed conflict, or occupation, by violating the rules of the international law will order attack on a cultural good under intensified protection or other facilities with special protection, attack on facilities especially protected by the international law, as well as facilities and plants with dangerous power like dams, embankments, and nuclear power plants, shooting at random civilian facilities that are under special protection of the international law, forbidden placed and de-militarized zones; inflicting damage to the environment in long terms and in big ranges that can harm the health or imperil the survival of the population or the cultural good under intensified protection or using its immediate vicinity as a support for a military action, destruction or appropriation of a bigger quantity of cultural goods protected by the international law, stealing or selling or making vandal attacks on cultural goods protected by international laws or anybody else committing one of the listed acts.”

“Article 414 Destruction of Goods under Temporary Protection or Cultural Heritage: Anyone who, during war or armed conflicts violates the rules of the international law and destroys goods under temporary protection or cultural heritage and facilities, religious buildings or institutions intended for science, art, education or humanitarian purposes will be sentenced to at least five years of prison.”

¹⁰⁵ Please contact the relevant national authorities for the full text.

¹⁰⁶ “Article 416-a: Organizing a group and fostering genocide and war crimes: Anyone who organizes a group for perpetuating criminal acts as stipulated in Articles 403-417 will be sentenced to at least eight years of prison. Anyone who becomes a member of such a group as stipulated in paragraph 1 will be sentenced to at least four years of prison. A member of the group of paragraph 2 who uncovers the group prior its criminal act will be freed from punishment. Anyone who calls for or fosters criminal acts as stipulated in Articles 403-416 will be sentenced to at least ten years of prison.”

created new criminal penalties for military commanders or other persons involved with perpetuating criminal acts described in Articles 403-417¹⁰⁷ 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 in cultural property was organized. It has the tasks of undertaking all preventive measures and activities, protecting cultural goods, and detecting the perpetrator of criminal acts with cultural goods. The Ministry of the Interior implements numerous educational projects for police administrators regarding with identification of the objects of archaeological and ethnological origin, and the timely detection and resolutions of criminal acts in the area of cultural heritage and natural rarities.

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

In **Slovakia**, ordinary criminal jurisdiction provides for all necessary steps to impose penal sanctions for any breach of the Hague Convention. The relevant legislation comprises the Constitution of Slovakia, several Laws (Law 115/1998¹⁰⁸; Law 183/2000¹⁰⁹; Law 49/2002 as amended by Law 479/2005¹¹⁰; Law 395/2002¹¹¹ as amended by Law 515/2003; Law 416/2002¹¹²) and the Criminal Code as enacted in Law 300/2005.¹¹³

“Article 416-b: Responsibility of Commanders and Other Senior Officers: A military commander or a person in charge is held criminally responsible for all criminal acts as stipulated in Articles 403-416 committed during war or any other armed conflicts, international or internal, by members of regular or paramilitary armed formations under his direct command and control, provided that he had known or under all circumstances had been obliged to and could have known that such acts are prepared or committed, or had missed to take all necessary and reasonable measures to obstruct their execution, or had missed to initiate criminal prosecution of the doers of the criminal acts.”

“Article 416-c: Responsibility of the Subordinated for an Act Committed by Order of the Superior: Committing criminal acts as stipulated in Articles 403-416 under the order of a military commander or another superior does not release the subordinated from criminal responsibility. There will not be a punishment for the subordinated who committed a criminal act as stipulated in Articles 404-416 by the order of his superior or based on a legal decision provided that he was legally obliged to submit to the order or decision and did not know that it was illegal and provided that all circumstances did not make it clear that it was illegal.”

¹⁰⁷ Please contact the relevant national authorities for the full text.

¹⁰⁸ The English translation is available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_actmuseumartgalleryprotobjt1998_sloorof.pdf

¹⁰⁹ The original Slovak version and its translation into English are available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_actlibrariesupltsactslonatccil2000_sloorof.pdf
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_actlibrariesupltsactslonatccil2000_engtof.pdf

¹¹⁰ The original Slovak version and its translation into English are available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_amdmterritorialplanning2005_sloorof.pdf
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_amdmterritorialplanning2005_engtof.pdf

¹¹¹ The English translation is available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_actarchivesregistramdmts2002_engtof.pdf

¹¹² The original Slovak version and its translation into English are available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_returnillegallyexportobjects2002_sloorof.pdf
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_returnillegallyexportobjects2002_engtof.pdf

¹¹³ Please contact the relevant national authorities for the full texts.

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 conflicts is subject to a penalty. Such acts include the misuse of the distinctive emblem under the Hague Convention that result in the death or serious injury of a person; intentional attacks on buildings intended for art, cultural or historic monuments; and the marking of cultural property 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.

No disciplinary provision exists under the **Swiss** penal code; however, in the event of armed conflict, the military justice system is responsible for instigating penal proceedings arising from violations of the Hague 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.

8. The 1954 (First) Protocol

In **Cyprus**, the export and return of cultural objects is exercised in accordance to the Export of Cultural Goods Law of 2002 (Law No. 182(1) of 2002)¹¹⁴ and to the Return of Cultural Objects Law of 2002 (Law No. 183(1) of 2002)¹¹⁵. 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 that 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 were declared cultural heritage or national cultural heritage, and provides for sanctions for its violation. Act 71/1994 of the Collection of Laws deals with the permanent exportation of movable cultural property that was not 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, nor is a piece of art by a living author. This Act likewise sets sanctions for its breach. The protection of museum collections was codified by Act No. 122/2000 of the Collection of Laws on the Protection of Museum Collections, which lists 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 EU 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.

¹¹⁴ The English translation is available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/cyprus/cy_law_182_engtof.pdf.

¹¹⁵ The English translation is available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/cyprus/cy_law_183_engtof.pdf.

According to the **Finnish** Act (1135/94)¹¹⁶ ratifying the Hague 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 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Iran (the Islamic Republic of) will restitute all cultural and historical property belonging to other countries if it has been imported illegally. 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 Properties prohibits the importation of such cultural properties without approval, and makes any person who destroys, delivers or receives such cultural properties punishable by imprisonment or fine.

Lithuania has never occupied any country or part of its territory; therefore 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 are not applicable.

The Criminal Code of **Former Yugoslav Republic of Macedonia** proscribes the exportation or transfer of cultural property.¹¹⁷

In 2007, the **Netherlands** adopted the Cultural Property Originating from Occupied Territory (Return) Act.¹¹⁸ With this Act the 1954 Protocol has been implemented in Dutch Law. The Protocol includes obligations which necessitated the drawing up of statutory rules for the return of cultural objects taken from occupied territory.

The first request by a foreign authority to the Dutch government for the return of cultural objects was not submitted under the Protocol until 1997. This was a request by the Cypriot authorities for the return of icons that had been removed from a Greek Orthodox Church in northern Cyprus after the Turkish

¹¹⁶ Please contact the relevant national authorities for the full text.

¹¹⁷ Article 266, Exportation Abroad of Goods under Temporary Protection or Cultural Heritage or Natural Rarities: "Anyone who exports any goods under temporary protection or a cultural heritage or a natural rarity abroad without the permission of an authorized body will be sentenced to one to ten years of prison.

(2) If the act from paragraph 1 is committed by a legal person, he will pay a fine."

Article 266(a), Transfer of Cultural Heritage of Special Importance in State Property: "Anyone who sells, gives as a present or in any other way transfers cultural heritage of special importance in state property will be sentenced to one to five years of prison."

Article 266(b), Ban on Import of Stolen Cultural Heritage: "Anyone who imports portable cultural heritage stolen from museums, religious and similar public buildings or institutions on the territory of another state will be sentenced to one to ten years of prison."

¹¹⁸ 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; and the title in Dutch: Wet tot teruggave cultuuroederen afkomstig uit bezet gebied.

occupation began in 1974 and had ended up in the Netherlands. All States concerned (Cyprus, Turkey and the Netherlands) are parties to the Protocol. The request for the return of the icons was made following civil proceedings instituted in 1995 by the Greek Cypriot church before the District Court of Rotterdam for their return. In its judgment of 4 February 1999¹¹⁹, the District Court held that Article 1.4 of the Protocol was not a self-executing provision within the meaning of Article 94 of the Dutch Constitution. This judgment was upheld on appeal by The Hague Court of Appeal.¹²⁰ The claim for the return of cultural objects on Dutch territory as referred to here was refused for this reason.

The conclusion to be drawn from this was that the Netherlands could no longer wait to implement the Protocol in national legislation. The parliamentary questions on this subject in 1997¹²¹ and in 1999¹²² indicated to the government that the House of Representatives also believed the Protocol should be transposed into Dutch legislation.

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

In **Slovakia**, law 416/2002 was enacted to prevent the export of cultural property.¹²³

Assessment of issues covered:

Hague Convention:

Article 3: Safeguarding of Cultural Property

- 1) Austria
- 2) Azerbaijan
- 3) Canada
- 4) Cyprus
- 5) The Czech Republic
- 6) Estonia
- 7) Finland
- 8) Iran (the Islamic Republic of)
- 9) Japan
- 10) Jordan
- 11) Lithuania
- 12) Former Yugoslav Republic of Macedonia
- 13) The Netherlands

¹¹⁹ NJ kort 1999, 37.

¹²⁰ Judgment of 7 March 2002, case number 99/693; this judgment has not been published

¹²¹ Appendix to Parliamentary Papers, House of Representatives, 1997/98, no. 213.

¹²² Appendix to Parliamentary Papers, House of Representatives, 1998/99, no. 1332.

¹²³ The original Slovak version and its translation into English are available at the following address:
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_returnillegallyexportobjects2002_sloorof.pdf
http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_returnillegallyexportobjects2002_engtof.pdf

- 14) Saudi Arabia
- 15) Slovakia
- 16) Slovenia
- 17) Switzerland

Article 7: Military Measures

- 1) Austria
- 2) Azerbaijan
- 3) Canada
- 4) Cyprus
- 5) The Czech Republic
- 6) Estonia
- 7) Finland
- 8) Iran (the Islamic Republic of)
- 9) Japan
- 10) Jordan
- 11) Lithuania
- 12) Former Yugoslav Republic of Macedonia
- 13) The Netherlands
- 14) Slovakia
- 15) Slovenia
- 16) Switzerland

Article 8: Special Protection

- 1) The Czech Republic
- 2) Finland

Chapter V: The Distinctive Emblem

- 1) Austria
- 2) Azerbaijan
- 3) Cyprus
- 4) The Czech Republic
- 5) Estonia
- 6) Finland
- 7) Japan
- 8) Jordan
- 9) Lithuania
- 10) Former Yugoslav Republic of Macedonia
- 11) The Netherlands
- 12) Slovakia
- 13) Slovenia
- 14) Switzerland

Article 25: Dissemination of Convention

- 1) Austria
- 2) Azerbaijan
- 3) Cyprus
- 4) The Czech Republic
- 5) Estonia
- 6) Finland
- 7) Iran (the Islamic Republic of)
- 8) Japan
- 9) Jordan
- 10) Lithuania
- 11) Former Yugoslav Republic of Macedonia
- 12) The Netherlands
- 13) Slovenia
- 14) Switzerland

Article 26(1): Official Translation

- 1) Austria
- 2) Azerbaijan
- 3) Cyprus
- 4) The Czech Republic
- 5) Estonia
- 6) Finland
- 7) Iran (the Islamic Republic of)
- 8) Japan
- 9) The Netherlands
- 10) Slovakia
- 11) Switzerland

Article 28: Sanctions

- 1) Azerbaijan
- 2) Bahrain
- 3) Canada
- 4) Cyprus
- 5) The Czech Republic
- 6) Estonia
- 7) Finland
- 8) Japan
- 9) Jordan
- 15) Lithuania
- 16) Former Yugoslav Republic of Macedonia

- 10) The Netherlands
- 11) Slovakia
- 12) Slovenia
- 13) Switzerland

The 1954 Protocol:

- 1) Cyprus
- 2) The Czech Republic
- 3) Estonia
- 4) Finland
- 5) Iran (the Islamic Republic of)
- 6) Japan
- 7) Lithuania
- 8) Former Yugoslav Republic of Macedonia
- 9) The Netherlands
- 10) Saudi Arabia
- 11) Slovakia

IV. Draft Decision

The Committee

1. *Referring* to Articles 37(2) and 27(1)(d) of the Second Protocol;
2. *Noting* that eighteen national reports on the implementation of the Second Protocol have been provided;
3. *Thanking* the Secretariat for its work;
4. *Having considered* document CLT-10/CONF/204/3;
5. *Thanks* those Parties which have provided the Secretariat with such reports;
6. *Reminds* the Parties of the obligation under the Second Protocol to submit a report on the implementation of this agreement;
7. *Recalls* that, in accordance with paragraph 100 of the Guidelines for the Implementation of the Second Protocol, the next report will be due in 2012.