

2011 - 2012

**REPORT OF MEXICO ON THE IMPLEMENTATION OF THE
HAGUE CONVENTION OF 1954
ACTIVITIES CARRIED OUT
BY THE NATIONAL INSTITUTE OF ANTHROPOLOGY AND HISTORY
Mexico**

1954 Hague Convention, 1954 Protocol, 1999 Second Protocol

Article 3. Safeguarding of cultural property

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

Have you taken such measures?

Yes.

If yes, please provide specific information.

Since 2002, the National Institute of Anthropology and History (INAH) has been implementing the Cultural Heritage Disaster Prevention Program (PREVINAH), under which prevention and remedial action has been taken to protect movable and immovable cultural property that could be affected by a natural or anthropogenic disaster. One of the main challenges of PREVINAH is permanently monitoring events, that may cause damage to property, for example, called the Spring Equinox (March 21 each year), which are carried out mass visits to archaeological sites of the country, so continuous monitoring is performed, in order to avoid accidents resulting from disorderly behavior in large population centers or those produced by antisocial behavior.

To follow up on the security measures implemented for a possible contingency, there is a permanent contact between the delegates of each INAH Center with officials of each archaeological PREVINAH who are also reported supporting institutions such as the Red Cross, the State and Municipal Systems of Civil Protection, the nearest Military Section, emergency medical services, local authorities and firefighters. We have requested the support of institutions such as the Ministry of Environment and Natural

Resources, the Ministry of Public Security, the Police Rescue Squad and the Federal Highway Police.

Monitoring is done as many days as necessary, depending on the flow of visitors over holidays or weekends. Two daily reports a day are made, and immediately sent to the Director General of INAH and other areas of the Institute.

Article 7. Military measures

1. The High Contracting Parties undertake to introduce in time of peace into their military regulations or instructions such provisions as may ensure observance of the present Convention, and to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples.

2. The High Contracting Parties undertake to plan or establish in peace-time, within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it.

(I) Have you introduced these provisions in their military regulations and instructions?

If yes, please provide specific information.

(II) Have you created services or experts designated in your country?

If yes, please provide specific information.

Chapter V. The distinctive emblem

Have you identified cultural property with the distinctive emblem of the Convention?

No.

If yes, please provide specific information.

If not, state the reasons why they have not done.

We are considering the submission for consideration by the appropriate authorities of UNESCO, a request to grant enhanced protection to some sites inscribed on the World Heritage List.

Article 25. Dissemination of the Convention

The knowledge of the laws of armed conflict, is of paramount importance to military and civilian personnel which they are required to apply.

Have you spread the provisions of the Convention within the armed forces, and between the target groups and the general public? If yes, please provide specific information.

If not, state the reasons why they have not done.

Article 26. Translations reports

1. The High Contracting Parties shall communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution.

To date, the Secretariat has received 32 official translations of the Convention and the Regulations for its execution (Arabic, Azerbaijani, Bulgarian, Burmese, Cambodian, Chinese, Czech, Danish, Dutch, Estonian, Finnish, German, Hebrew, Hungarian, Greek, Italian, Japanese, Kyrgyz, Latvian, Lithuanian, Montenegrin, Nepali, Norwegian, Persian, Polish, Romanian, Serbo-Croatian, Slovak, Slovenian, Swedish, Thai and Turkish).

Have you officially translated the Convention and the Regulations for its execution?

The official text of the Convention and its rules was developed in English, Spanish, French and Russian.

If so, could you provide the Secretariat with an electronic copy of the translation, if you have not already done?

Article 28. Sanctions

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

Did you enter this provision in the penal code?

Yes, it is contemplated the Federal Criminal Code.

If yes, please provide specific information.

The current text of the Federal Penal Code provides in Article 6: "When a crime is not covered by this Code, but in a special law or an international treaty binding throughout Mexico, they shall be applied, taking into account the provisions of Book I of this Code and, where appropriate, the lead of the Second Book."

If so, I would appreciate if you could provide the Secretariat with a copy of the relevant provision (s) in English or French.

The INAH does not have an available copy, in English or French, of that Federal Penal Code.

II. Resolution II of the 1954 Convention

Have you established a National Advisory Committee in accordance with the wish expressed by the Conference in Resolution II?

If yes, please provide specific information.

Would such Committee is part of the National Commission on the implementation of international humanitarian law?

Protocol to the Convention for the Protection of Cultural Property in the Event of Armed conflict 1954

Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article I of the

Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954.

Each High Contracting Party undertakes to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be effected automatically upon the importation of the property or, failing this, at the request of the authorities of that territory.

The Protocol establishes the obligation of the High Contracting Parties to prevent the exportation of cultural property from occupied territory for him and demands the return of such goods to the territory which was removed.

Have you complied with this provision? What particular its provisions have been implemented in national law?

Yes.

Have you taken into custody cultural property imported into its territory of another occupied territory? If yes, please provide specific information, including the steps taken to return to this property at the end of a conflict.

The INAH participated in developing the List of Endangered Cultural Objects of Central America and Mexico, which aims to promote awareness about the inherent fragility of cultural heritage, as well as increased international cooperation to combat illicit trafficking these goods.

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

Article 5 Safeguarding of cultural property

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

The single system for the Public Register of Archaeological and Historical Monuments and Sites has become an indispensable tool for cataloging's heritage, both historical and archaeological and paleontological, which is in the custody of agencies and academic institutions, public and private

The Public Register of Archaeological Monuments and Sites is administered by INAH's National Archaeology Coordination Department under the ongoing project entitled Cataloguing and Registration of Archaeological Sites, through which more than 1,000 archaeological sites have been registered each year. In 2012, the National Catalogue of Archaeological Collections contained 1,891,323 items. Also, the INAH implemented the Public Register of Archaeological and Historical Monuments and Sites, which contains information of the goods that have been registered by INAH, in the 32 states. In November 2012, the catalog consisted of 59 Historical Monument Zones declared by the National Executive and the Ten Mexican cities declared by UNESCO World Heritage sites as well as other goods that hold this designation.

Article 9 Protection of cultural property in occupied territory

1. Without prejudice to the provisions of Articles 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory:

Article 10 Enhanced protection

Cultural property may be placed under enhanced protection provided that it meets the following three conditions:

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

I) Do you intend to request the granting of enhanced protection for cultural property?

Yes.

(II) Do you intend to use the distinctive emblem to identify cultural property under enhanced protection?

Yes.

If not, state the reasons why they have not done.

Article 15 Serious violations of this Protocol

Article 15 requires Parties to establish certain acts listed in the first paragraph as a crime under domestic law and to be punished with appropriate penalties.

Article 21 requires Parties to take legislative, administrative or disciplinary measures to suppress any intentional use of cultural property, the illegal export, or other removal or transfer of ownership of cultural property from occupied territory in violation of Hague Convention or the Second Protocol.

Have you penalized each of these crimes and adopted the measures described above?

No.

If yes, please provide specific information.

If not, state the reasons why they have not done.

Article 16 Jurisdiction

Have you taken the necessary measures to establish its jurisdiction over the offenses referred to in Article 15?

If yes, please provide specific information.

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

Are you currently receiving international assistance from the Fund?

No.

If yes, please describe the project for which the funds were received.

Are you planning or provide technical assistance to international and bilateral or multilateral level?

No.

If yes, please provide details.

If not, state the reasons why they have not done.

INAH has never been asked for assistance.

6. Article 30 Dissemination

- 1. The Parties shall endeavour by appropriate means, and in particular by educational and information programs, to strengthen appreciation and respect for cultural property by their entire population.*
- 2. The Parties shall disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.*

Describe the measures taken in relation to these obligations.

7. The Fund for the Protection of Cultural Property in the Event of Armed Conflict

Have you contributed to the fund?

No.

If yes, please provide details of their contribution.

If not, would you consider contributing to the Fund in the future?

National Focal Point

Provide the name and address of the national focal point for all official documents and correspondence relating to the implementation of the Second Protocol.

V. Other issues related to the implementation of the Hague Convention and its two Protocols

The Secretariat would appreciate being provided a copy of the following documents in English and / or French:

- The relevant civil and military administrative rules.
- National laws on the protection of cultural property and criminal provisions not covered by Article 28 of the Hague Convention and Articles 15, 16, 21 of the Second Protocol, and the case law on the protection of cultural property in relation to the implementation of the Hague Convention and its two Protocols.

Access to the laws of Mexico on the protection of cultural property in the link:
<http://www.unesco.org/culture/natlaws/>

VI. Official Translations of the Second Protocol to the Hague Convention of 1954

To this date, the Secretariat has received 18 official translations of the Second Protocol (Armenian, Portuguese, Burmese, Croatian, Czech, Danish, Dutch, Estonian, German, Greek, Italian, Japanese, Latvian, Nepali, Persian, Romanian, Slovak and Slovenian).

Has the Second Protocol officially translated?

If so, could you provide the Secretariat with an electronic copy of the translation, if you have not already done?

The official text of the Second Protocol was developed in Spanish, English, French, Russian, Chinese and Arabic.