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## SECOND PROTOCOL TO THE HAGUE CONVENTION OF 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

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

**Eighth meeting**  
**UNESCO Headquarters, Paris**  
**18 to 19 December 2013**

**Item 12 of the Provisional Agenda:**  
**Consideration of national reports on the**  
**implementation of the Second Protocol**  
**2012-2013**

## I. ASSESSMENT OF ISSUES COVERED

1. Article 27 (1)(d) of the Second Protocol provides for 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”. As of 28 October 2013, the Secretariat had received twenty national reports on the implementation of the Second Protocol (from Belgium, Canada, the Republic of Cyprus, the Czech Republic, Estonia, Germany, Finland, Greece, Hungary, Japan, the Kingdom of Jordan, the Republic of Lithuania, Mexico, the Netherlands, Oman, Peru, Romania, Slovakia, Slovenia, and Switzerland). By way of comparison, as of that same date, sixty-four States in total were party to the Second Protocol.<sup>1</sup>
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 consider both the national reports on the implementation of the Second Protocol and those on the implementation of the Hague Convention and the 1954 Protocol submitted by the Parties.
3. The present document contains in Part II a summary of the essential elements from national reports on the implementation of the Second Protocol and in Part III the summary of the essential elements from 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 will be made available on the Secretariat’s website.
4. If a Party stated in any of its responses that the relevant information had been provided in one of its previous national reports, then such information was not included in the current report, to avoid repetition. Therefore, the current document reflects only a summary of the most noteworthy points of newly reported information.
5. The Draft Decision for consideration by the Committee is included on the last page of the present document.

## II. SUMMARY OF THE NATIONAL REPORTS ON THE IMPLEMENTATION OF THE SECOND PROTOCOL

### Article 5 – Safeguarding of Cultural Property

6. **Belgium** is aware of the importance of systematically, completely and regularly updating inventories during peacetime to ensure the safeguarding of its cultural property. Security is also an important issue for Belgium, which is a federation, composed of the Federal State of Belgium and federated entities (Flemish Region, Walloon Region, Brussels-Capital, French-speaking Community, German-speaking Community and Dutch-speaking Community). The Federal State and those federated entities all play a part in the safeguarding of cultural property through inventories and security measures.
7. Belgium’s action at the Federal level covers two different aspects. First, it covers the security of people and buildings through a plan for collective insurance to cover damages and personal injury to people who visit the institutions (currently being studied). Regarding buildings, a plan for works in the future has been developed with the Buildings Agency. This plan principally concerns roofing, heating, and the updating of all standards of protection against fire. Funds from the National Lottery are serving to gradually establish monitoring networks in areas accessible to the public. Secondly, it covers the protection of cultural property through a series of rules which will be adopted by the Parliament.

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<sup>1</sup> It should be noted that Cambodia ratified the Second Protocol on 17 September 2013 and thus it will enter into force with respect to Cambodia on 17 December 2013, and that New Zealand acceded to the Second Protocol on 17 October 2013 and thus it will enter into force with respect to New Zealand on 17 January 2014.

8. The Flemish Region manages an inventory of immovable property. It consists of three major projects (archaeology, monuments and sites). The inventory of architectural heritage provides an overview of the elements and architectural complexes with historical, artistic, industrial, archaeological, folkloric, scientific or any other socio-cultural value. Since the launch of this inventory in 1964, more than 79,000 buildings and many sets of streets have been described in one or more volumes, grouped by city or township. The inclusion of buildings or architectural remains in the inventory of architectural heritage has some legal effects, such as allowing the execution of several decrees on land or energy performance standards. The CAI (Centrale Archeologische Inventaris) is an inventory of all the archaeological sites of Flanders (<http://cai.erfgoed.net>). This inventory is an instrument of integration of archaeology in the management of the territory, of implementation of protection, and of building authorizations. In addition, the CAI allows for an identification of gaps in the field of archaeological knowledge, which serves as a basis for developing scientific programmes. As regards immovable property, the decrees of 3 March 1976 and 30 June 1993 protect archaeological property, and the decree of 29 March 2002 protects nautical property. As of 31 December 2010, 12,949 items of immovable property were protected in Flanders.
9. The Walloon Region manages an inventory of monuments in Wallonia (IPM) and the Inventory of Architectural Heritage (IPA). The selection of properties included in the Inventory of Immovable Cultural Heritage (IPIIC) is based on the heritage value of the property interest, which is considered locally. In addition to this general inventory, the Walloon Region is also developing a series of thematic inventories, which is accompanied by a policy of publication of this work. The inventory of the Walloon Region includes 3,957 classified items of cultural property as of 31 December 2011. Of this number, 247 are included on the list of exceptional immovable heritage. Since 2006, the Walloon Region has made available on its website a list of classified properties. Thus, the identification and localization of such properties has been made easier, and updates are more frequent.
10. In the Brussels-Capital, the classification and listing of cultural property are two measures for legal protection of heritage. Currently, the Direction des Monuments et Sites is currently developing several topographic inventories and commissioning several thematic inventories from specialized associations (for instance, available online at [www.orgues.irisnet.be](http://www.orgues.irisnet.be)). The inventory of architectural heritage systematically lists and studies the built heritage of the region, district by district. The inventories of seven districts are currently available online at [www.irismonument.be](http://www.irismonument.be). Work is still underway for the remaining twelve districts, with efforts focused on neighbourhoods having the highest heritage value. The inventory of archaeological heritage, developed since 1992 in collaboration with the Royal Museums of Art and History, was completed (and published) for the entire regional territory in February 2012. The inventory of remarkable trees includes more than 5,861 items. Finally, the goal of the inventory of immovable heritage is to draw the attention of owners and regional and municipal authorities to the historical interests of certain properties.
11. The German-speaking community has also completed an inventory, available online at [www.dgkulturbe.be](http://www.dgkulturbe.be) and which includes 158 monuments and 47 classified sites.
12. The Flemish Community has an inventory of movable cultural property. The Flemish government subsidises the Library of Flemish Heritage, which supports the registration and digitisation of library collections of cultural heritage. Heritage institutions are encouraged to structure and standardize their inventories through, for instance, the use of the Art and Architecture Thesaurus.
13. In the French-speaking Community, the decree of 11 July 2002 on movable cultural property and intangible heritage of the French Community focuses on the protection of movable cultural property. It regulates the export of this property outside the European Union and to other EU countries and provides for sanctions and seizure in case of non-application of these measures. It also provides grants for the maintenance, preservation and restoration of listed properties. Even before its adoption, the granting of export licenses was controlled; Customs exit from the European Union has required the necessary documents since 1993. This

decree provides for the protection of the most significant cultural property located in the French Community, which are classified as treasures of the French Community. The list of classified property (92 items) can be accessed at <http://www.patrimoineculturel.cfwb.be>. A consultative commission has been established for movable cultural property. It advises and makes recommendations to the competent ministries on issues such as policy on movable cultural property and classification of remarkable cultural properties.

14. In the German-speaking Community, inventory work is still in progress for movable cultural property. The decree of 7 May 2007 on the promotion of museums and publications in the field of cultural heritage reformed the subsidizing of museums and publications on cultural heritage.
15. Information regarding preparatory measures undertaken by **Canada** under Article 5 of the Second Protocol can be found in its 2008 periodic report and its responses regarding measures under Article 3 of the Convention. Canada's safeguarding measures are general in nature and do not distinguish between those undertaken in relation to the Convention and those undertaken in relation to the 1999 Protocol.
16. Information regarding **Cyprus's** implementation of Article 5 of the Second Protocol can be found in its previous national report.
17. The **Czech Republic's** Ministry of Culture has prepared the Methodology for Elaboration of the Plan of Protection of Cultural Property. This document covers the protection of cultural property, the protection of museums and galleries and the protection of libraries and documents. This document is part of the Integrated Rescue System<sup>2</sup> and should serve as the basis for the preparation of Plans for Protection of Cultural Property by the regional governments. General protection of cultural property is governed by Act No. 20/1987 Coll., on State Heritage Preservation. This law sets various duties for the owner and user of protected cultural property, which are applicable even in the event of armed conflict. The most important duties are protecting the property from destruction, damage, loss of value or theft. The owner and the tenant are furthermore obliged to use the property in a manner corresponding to its importance, value and technical state. State authorities supervise the observance by the owners/users and have the right to impose fines or prohibit activities inconsistent with the maintenance of the property. The 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 armed conflict. The act provides for monetary contribution from the public budget to cover the owner's costs resulting from compliance with the international obligations of the Czech Republic, including those arising under the Hague Convention and its Protocols. For museum collections, the relevant rules are established in Act No. 122/2000 Coll., on the Protection of Museum Collections.
18. **Estonia** has undertaken a number of preparatory measures relevant to Article 5 of the Second Protocol. Regarding the preparation of inventories, information relating to monuments is entered in the National Register of Cultural Monuments, which was established pursuant to the Databases Act. The public can access this register via the Internet, with both alphanumerical information and a map window available. There are multiple map layers, including base maps, cadastral units, and administrative boundaries which the public can browse. This same application is also available directly through the Estonian Land Board's homepages.
19. The procedure for the registration and preservation of museum objects in Estonia is established by the regulation of the Ministry of Culture. In 2005, the development of the Information System for Estonian Museums ("MuIS") was started in order to create a system meeting the needs of the country's museums, to provide a comprehensive overview of museum collections, and to facilitate the tracking down of collection items in and outside of museums. Presently, 62 museums use "MuIS", and data for approximately 2.12 million

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<sup>2</sup> Operation of police, ambulances and fire-fighters

museum objects (out of approximately 8.3 million objects) have been computerized, including approximately 473,000 digital images.

20. Estonia has also planned emergency measures for protection against fire or structural collapse, as the Ministry of Culture drafted between 2007 and 2008 an example of a crisis management plan for its institutions. Teams were formed in state and county museums, three flood pumps were bought for the three largest state museums, and protection and work equipment was procured for teams of first responders.
21. Additionally, Estonia has made preparations for the removal of museum objects or provisions for adequate in situ protection. New storage facilities have been created, and old ones have been renovated. Also, Estonia has designated competent authorities responsible for the safeguarding of cultural property. According to the Heritage Conservation Act (HCA),<sup>3</sup> heritage conservation in Estonia is organized by the Ministry of Culture, the National Heritage Board and rural municipality and city governments. Lastly, the Emergency Preparedness Act establishes the duties of the ministries. However, the new Emergency Act (2009) no longer mentions protection of cultural property as a vital service.
22. As for **Finland's** preparatory measures under Article 5 of the Second Protocol, preparatory work for an inventory of cultural property is currently underway. Additionally, cooperation between various stakeholders in the implementation of the Convention has been activated within the advisory body, as further outlined in Finland's explanation of its implementation of Article 3 of the Convention.
23. **Germany's** *Länder* are responsible for implementing Article 5 of the Second Protocol (and Article 3 of the Convention). Each *Land* takes the steps it considers appropriate in undertaking technical structural measures, emergency planning, and other measures to protect cultural assets from damage and destruction. In some *Länder* (e.g. Rhineland-Palatinate and Thuringia), central registers are maintained, while in other cases, the assets are catalogued by the institutions housing the assets. In the realm of emergency planning, there exist "emergency alliances" across Germany, which are regional alliances of cultural and academic institutions, and sometimes even disaster protection agencies and fire services. These alliances share staff and provide reciprocal technical assistance in the event of emergencies and support each other in matters of prevention. Such alliances have been forged in Berlin, Bielefeld, Dresden, Hanover, the Hochtaunuskreis, Karlsruhe, Leipzig, Münster, and Weimar, to name a few. Additionally, an alliance has also been formed between the archives of Berlin and Brandenburg. However, *Land*-wide plans of action to protect cultural property specifically in the case of armed conflict do not exist as a rule.
24. Germany's Conference of National Cultural Institutions (Konferenz nationaler Kultureinrichtungen) plays an important role in emergency planning. The Conference's goal is to raise and sustain political and public awareness of museums, collections, archives, and landscape gardens. Since 2005, it has spotlighted the issue of security and disaster protection for museums, archives, and libraries with the publication of a comprehensive reference document, entitled "Safety Guide for Cultural Property". Although a work in progress, this will eventually contain recommendations for action on all relevant safety topics, from damage arising from wear and tear, through human-related damage, right up to natural disasters.
25. Germany's *Länder* have also developed their own preparations for evacuation, refuges, and protective building measures. In the event of armed conflict, the Federal Government draws on the units and institutions involved in disaster protection under *Land* law to fulfill its duty to provide protection. Thus, the agencies responsible for disaster protection would manage and coordinate all assistance measures in their respective areas, including cultural property protection, unless a specialized local authority has been charged with that task.

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<sup>3</sup> Organism which regulates the rights and obligations of state and local government authorities and owners and possessors of cultural monuments

26. **Greece** has primarily allocated responsibility for the protection, preservation and enhancement of cultural property to the Archaeological Service of the General Secretariat of Culture of the Ministry of Education and Religious Affairs, Culture, Sports. It is structured on two levels: 'Central' and 'Regional'. The Central Service is divided into several directorates and departments, and it carries out the overall supervision of issues concerning cultural heritage. The Regional Services, called Ephorates of Antiquities, are geographically distributed all over the country and are responsible for cultural property within their areas of competence. Specialized Regional Services, such as museums, archaeological institutions and Ephorates, deal with more specific issues (e.g. underwater antiquities, speleology, etc.). The Ministry of Environment, Energy, and Climate Change is responsible for listing and protecting cultural properties, such as traditional settlements, individual listed buildings, etc. In addition, the protection of the cultural environment at all stages of town and country planning, environmental and development plans or plans of equivalent effects fall under the Ministry's competence.
27. According to Greek Law 3028/02 'On the Protection of Antiquities and the Cultural Heritage in general', all monuments, both movable and immovable, should be recorded and documented in a National Archive of Monuments. Furthermore, the Organogram of the Ministry of Education and Religious Affairs, Culture and Sports, General Secretariat of Culture provides for the documentation of cultural property at both the central and regional level. The competent service at the central level is the Directorate of the National Archive of Monuments, which is responsible for keeping a standing inventory of archaeological sites, historical places and monuments, coordinating and managing the electronic registration and digitization of the archive. In this way, the Directorate of the National Archive of Monuments has drafted the Standing List of Archaeological Sites and Monuments of Greece, which is available in two languages – Greek and English – and accessible to the public online.<sup>4</sup> The Directorate has also undertaken large-scale projects concerning the digitization of Greece's cultural heritage. At the regional level, the Ephorates keep inventories (digital and/or in print) of archaeological finds discovered at systematic and rescue excavations, archaeological research, and documentation material in general. In addition, the Directorate of General Secretariat of Modern Culture is responsible for, *inter alia*, registering the tangible evidence of contemporary culture with historical, artistic or scientific value, as well as all evidence of pre-industrial and industrial periods.
28. In **Hungary**, the Ministry of Culture is in charge of the inventory of cultural property not benefitting from special protection, which the Ministry created several categories of cultural objects for which the distinctive emblem alone is to be used. The Annex of Act XLIV of 2001 on the protection of cultural heritage contains the list of national monuments and national memorials. These itemized lists were added to the Act in 2011 and have been in force since 1 January 2012, making up a new category of cultural objects of great national significance.
29. The basic military and disaster management regulations in Hungary were changed in 2011-2012. The preparation of new ministerial decrees regulating defensive tasks and the reorganization of the defensive management plans at regional and local levels have also been started. These plans contained preparatory measures suggested by Article 5 of the Second Protocol.
30. The National Directorate General for Disaster Management is responsible for the safeguarding of cultural property in a state of emergency. It also sets up plans for the defence and mobilization of the country which, in the event of disaster, would oversee the removal of cultural property to an arranged shelter. Furthermore, each public collection is obliged to create adequate emergency measures and guidelines concerning the protection of its cultural property.
31. Important cultural properties in **Japan** are given special status as 'National Treasures' in accordance with the Cultural Properties Law. In this way, Japan has made inventories of those cultural properties and has taken measures for safeguarding them, even in times of

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<sup>4</sup> <http://listedmonuments.culture.gr>

peace. The competent authorities responsible for safeguarding cultural properties are the Agency for Cultural Affairs at the national level and the Board of Education at the local level.

32. The **Jordanian** Law of Antiquities No. 21 (1988) stipulates that all inventories of archaeological sites should be supervised by the Department of Antiquities. Since 1935, a corpus of archaeological sites has been published by the Department of Antiquities in the National Gazette and in 2010, the Jordan Archaeological Database and Information System (JADIS) was upgraded to a more developed system: MEGA-Jordan System. This is a computerized inventory of 10,000 historic sites in Jordan, with additional sites being added to the inventory as the result of on-going explorations and investigations.
33. In **Lithuania**, the administrative and legislative preparatory measures taken in times of peace for the safeguarding of cultural heritage against the foreseeable effects of an armed conflict provided in Article 5 of the Second Protocol coincide with the measures taken to implement the provisions of Article 3 of the Hague Convention.
34. **Mexico** reports that the Public Register of Archaeological and Historical Monuments and Sites is an indispensable tool for recording heritage (historical, archaeological and paleontological) in the custody of agencies and academic institutions, both public and private. The Public Register of Archaeological Monuments and Sites is administered by the INAH's (Instituto Nacional de Antropología e Historia) National Archaeology Coordination Department. The ongoing project, entitled "Cataloguing and Registration of Archaeological Sites", has registered more than 1,000 archaeological sites each year; in 2012 the National Catalogue of Archaeological Collections contained 1,891,323 items. Furthermore, the INAH has implemented the Public Register of Archaeological and Historical Monuments and Sites, which contains information on the goods registered by INAH in the thirty-two states. In November 2012, the catalogue consisted of 59 Historical Monument Zones declared by the National Executive and the 10 Mexican cities inscribed on UNESCO's World Heritage List.
35. 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. 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 these networks is integral safety and security management for people, collections and buildings. The networks include a broad scope of heritage institutions: museums, archives, libraries, churches, mills, management of monuments and archaeological services. Continuous co-operation is sought with police and fire brigades, with the goal of establishing 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. The network receives government financial support (through the Mondriaan Foundation) and substantive support from provincial museum advisors. The support from the Mondriaan Foundation has been continued from 2011 to 2013, with a focus on churches and ecclesiastical heritage and safeguarding measures for cultural heritage in the Caribbean part of the Netherlands. In 2008, the 'Expertise Centre on Safety and Security for Heritage Institutions' was established<sup>5</sup> and assigned the role of collecting and making available information and expertise on risk preparedness and safety to heritage institutions. In 2010, this Centre was incorporated into the Cultural Heritage Agency.
36. Since 1 October 2010, the Safety Regions Act has set the policy for disaster risk reduction and crisis- and disaster response. The mayors of municipalities form a board of 25 "Safety Regions". These Safety Regions take heritage concerns into account in four stages: the compilation of inventories, risk assessment analysis, impact assessment and preparedness and reduction measures.<sup>6</sup>

<sup>5</sup> *Kenniscentrum veiligheid cultureel erfgoed*, KVCE; The centre will be transferred in 2010 from the Royal Library to the Cultural Heritage Agency.

<sup>6</sup> First, the Safety Regions continually make an inventory of the regional safety risks. Recently, cultural heritage has been added to this inventory as a new category and so selected cultural heritage will be

37. The Ministry of Defence is one of the 'crisis partners' of the local and regional authorities which have responsibilities in a Safety Region. In each one of the 25 Safety Regions, the Netherlands Armed Forces maintains liaison officers. They serve as advisors on military matters to civilian authorities. Furthermore, through the Archive decree and the Archive arrangement,<sup>7</sup> archives are obliged to take measures to secure archival depots against fire and water intrusion. The Cultural Heritage Inspectorate supervises the management and care of these collections and archives, including risk preparedness. Risk preparedness through disaster plans is mandatory for government-subsidized museums and heritage institutions. State-subsidized museums have drawn up integral safety plans and have made updates in regard to safety issues, with the financial support of specific government subsidies.
38. In **Oman**, a comprehensive inventory for all cultural properties is currently underway.
39. **Peru** has a digitalized national register of movable cultural heritage, which is currently underway and constantly expanding. The Ministry of Culture, created by Law No. 29565 of July 2010, is the competent authority for the safeguarding of cultural property.
40. **Romania** commented on Article 5 of the Second Protocol in its report with regard to Article 3 of the Convention.
41. A list of historic buildings of **Slovakia** has been established by the Office of Historic Monuments of the Slovak Republic, which is part of the Ministry of Culture. The list is available online on the website of the Ministry of Culture.<sup>8</sup> Slovak municipalities are required to create a list of cultural properties present on their territories. In addition, there are 58 district security committees across Slovakia that operate during peacetime and in the event of armed conflict.
42. **Slovenia** has set up a register of immovable cultural heritage within the Ministry of Education, Science, Culture and Sport<sup>9</sup> based on Geographic Information System (GIS) principles, including the main descriptive data of each unit and its geolocation (a centroid and unit area).

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nationally incorporated in the automated system of provincial risk maps. The Dutch method for regional risk inventory and assessment is described in a national guideline in which a specific chapter is dedicated to cultural heritage.

Second, based upon the risk inventory, the Safety Regions analyse the relevant incident scenarios for all safety risks. This risk analysis consists of an assessment of the "impact" (total of the consequences of the scenario) and the "probability" (a forecast about the occurrence of the incident scenario). The impact assessment is an analysis with criteria, including casualties, economic costs, environmental damage and damage to cultural heritage. This means that in the impact assessment of risk scenarios like fires, floods, earthquakes and terrorist acts, the possible damage to cultural heritage is taken into account. Recently, a new method for the assessment of impact on cultural heritage has been proposed. This method aims at assessing the potential damage by taking into account the preventive measures, the capacity of the cultural organization itself in the event of a disaster (such as evacuation of cultural objects from a building at risk) and the potential for a disaster relief by the emergency services. Risk preparedness through disaster plans is mandatory for government subsidized museums and heritage institutions. State subsidized museums have drawn up integral safety plans and have made up the backlog in regard to safety issues, with the financial support of specific government subsidies.

Third, the assessments of the impact and probability of all risk scenarios are brought together in a two-dimensional "risk diagram". On the basis of this diagram and local (political) concerns, the municipalities decide which risks are given priority attention. This may include heritage risks. For the priority risks selected, the Safety Regions and all relevant public and private partners will develop and implement better risk reduction and disaster management. In the first instance, this will be limited to regional strategic safety policies, rather than safety measures for individual risk locations.

Fourth, the municipalities and local fire services cooperate with individual museums and libraries for better preparedness with regard to fire and safety risks and specific risk reduction measures, based upon the regionally selected strategic safety policies. This includes fire departments, safety procedures and evacuation plans for both people and museum collections.

<sup>7</sup> Archive Decree (Archiefbesluit 1995) art. 13; Archive arrangement (Archief regeling 2009) art. 28.

<sup>8</sup> <http://www.culture.gov.sk>

<sup>9</sup> <http://www.rkd.situla.org>



The Ministry of Education, Science, Culture and Sport and the Ministry of Defence have concluded an agreement on transmission of digital data from the register, which lists some 30,000 objects. Museums and galleries have systems for setting up an inventory of their materials and the Ministry of Education, Science, Culture and Sport in its acts has defined the tasks of public institutions in case of an imminent threat of war, such as: checking the inventory and documentation of cultural monuments; marking with the Hague Convention emblem; protecting museum, art gallery and archival material; and moving especially important material from threatened locations. Tasks of public institutions (museums, galleries and archives) in wartime are the following: assessment of damage, evidencing damage, preparation of reports on damage suffered, carrying out emergency salvage measures and prevention of secondary damage to affected cultural heritage, carrying out urgent restoration interventions and international activities.

43. Information on **Switzerland's** implementation of Article 5 of the Second Protocol can be found in its previous national report.

### **Article 9 – Protection of Cultural Property in Occupied Territory**

44. The cultural heritage of **Cyprus** has suffered immeasurable damage from looting and pillage in the occupied areas since 1974 due to the Turkish invasion and continued occupation of part of the Republic of Cyprus's territory. Cases of illegal excavations, illegal possession of antiquities, illegal interventions and neglect of cultural heritage in the occupied areas continue to be reported both through scientific publications as well as articles in the press. The Government of the Republic of Cyprus continues its efforts to locate and repatriate looted artifacts and to terminate illegal excavations undertaken in the occupied areas of the island. Ongoing efforts to terminate the illegal excavation of important archaeological sites by foreign missions are based on the provisions of Article 9 of the Second Protocol to the Hague Convention. Illegal excavations led by foreign or non-recognized missions, however, continue to take place at Salamis (by Ankara University), the Karpasia peninsula, Galinoporni (German universities of Tübingen and Freiberg), Gastria-Alaas and Akanthou-Arkosyko.
45. The **Japanese** Constitution does not foresee the case of Japan occupying the territories of other countries and, for this reason, it does not elaborate on this issue.
46. The Republic of **Lithuania** has never occupied any country or part of its territory; therefore the provision of Article 9 of the Second Protocol is not applicable.

### **Chapter 3: Enhanced Protection (Articles 10-14)**

47. **Belgium** is requesting a granting of enhanced protection for three cultural properties for the granting of enhanced protection. A tentative list of cultural property for which an application for the granting of enhanced protection could later be made is being developed in accordance with Article 11(1) of the Second Protocol.
48. **Canada** states that at some future time it is possible that it would make a request for the granting of enhanced protection for a cultural property, but at present it has no immediate plans to do so. Use of the distinctive emblem will be considered in the event that Canada makes a request for the granting of enhanced protection for a property.
49. **Cyprus, the Czech Republic, Greece, Lithuania, Mexico, Oman and Romania** intend to nominate cultural property for enhanced protection and subsequently mark them with the distinctive emblem.
50. **Germany** intends to request the granting of enhanced protection for cultural property, but the issue is currently under consideration by the competent bodies of the Federal Government and the *Länder*.
51. **Hungary** does not currently use the category of enhanced protection for cultural property. However, upon the urging of UNESCO, the Museum of Fine Arts prepared a comprehensive recommendation to the State Secretariat for Culture relating to the placement of cultural properties under enhanced protection in Hungary. Based on this recommendation, the Cultural Expert Committee to the Hungarian National Commission for UNESCO is

considering this question and its possible proposals concerning a tentative list to the Ministry of Human Resources and State Secretariat for Culture.

52. **Japan** is considering which cultural properties should be put under enhanced protection, while following the progress of consideration of requests for enhanced protection by the Committee.
53. **Jordan** intends to request the granting of enhanced protection for cultural property.
54. **Slovakia's** cultural property on the World Heritage List is not under enhanced protection. However, cultural properties enjoy the status of national cultural properties. The registration of the cultural properties that are on the World Heritage List is reflected in the Slovak penal system.
55. As reported in the previous report, **Switzerland** plans to complete the review of its inventory of cultural property of national importance before addressing the question of possibly placing cultural property under enhanced protection.
56. Switzerland is considering requesting the granting of enhanced protection for the Abbey of St. Gall, whose relevant authority is the canton of St. Gallen, the different site holders, and the Federal Office of Culture. In addition, various initiatives have been taken to support it, such as the foundation of the Association "Welterbe-Forum St. Gallen", the Creation of an ad hoc working group, and the total revision of the cantonal law on construction. It is unclear at what point in time the application will be submitted to UNESCO.

#### **Article 15 – Serious Violations of this Protocol**

57. **Belgium** reports that Article 136*quater*, § 3 of the Penal Code establishes war crimes as grave violations defined by Article 15 of the Second Protocol when these infractions violate, by act or omission, the protection of property guaranteed by the Convention and Protocol, without prejudice to the provisions applicable to criminal offences committed in negligence.<sup>10</sup> This, added to the Penal Code by the Act of 5 August 2003 (Article 8) on the grave violations of international humanitarian law, which came into force on 13 January 2011, the date of entry into force of the Second Protocol for Belgium, under Article 29 § 2 of the Act of August 5, 2003, mentioned above. Pursuant to Article 136*quinquies* of the Penal Code, these offences are punishable by imprisonment of ten to fifteen years or fifteen to twenty years. In addition, Belgium became on 28 June 2000 a State Party to the Statute of the International Criminal Court (Rome Statute). This extends the jurisdiction of the Court to war crimes related to the protection of cultural property in the event of international armed conflict (Article 8 § 2, b), ix) and conflicts not of an international character (Article 8 § 2, e), iv). Under the principle of complementarity, the aforementioned Act of 5 August 2003 has fully adapted the Belgian criminal law to the offences included in the Statute.
58. **Canada** implements Article 15 of the Second Protocol under three statutes. When the acts in question are deemed by the courts to be grievous enough to be considered "war crimes" under Canada's Crimes Against Humanity and War Crimes Act (CAHWCA), they could be prosecuted under that statute. In the unlikely event of acts committed by members of Canada's armed forces, prosecution could also take place under the National Defence Act. Both the Crimes Against Humanity and War Crimes Act and the National Defence Act establish jurisdiction over offences committed both within and outside Canada.
59. Canada's Criminal Code has been amended to allow prosecution of (and establishes extraterritorial jurisdiction over) certain types of acts committed against cultural property where the resulting damage might not be serious enough in every instance to fall under the CAHWCA. The Code does not restrict such provisions to offences committed only in other States Parties or only in times of armed conflict or occupation. It covers offences committed

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<sup>10</sup>The offences are: 1) making cultural property under enhanced protection the object of attack; 2) using cultural property under enhanced protection or its immediate surroundings in support of military action; 3) destruction or appropriation on a large-scale of cultural property protected by the Convention and the Second Protocol.

anywhere in the world, at any time, with the only requirements being that the cultural property that is the subject of the offence meet the definition contained in Article 1 of the Convention, and that the person committing the offence is a Canadian citizen, or is not a citizen of any state and ordinarily resides in Canada, or is a permanent resident within the meaning of sub-section 2(1) of the Immigration and Refugee Protection Act and is, after the commission of the act or omission, present in Canada. Conspiracies, attempts and other forms of criminal liability to commit these offences are also covered.

60. Information about **Cyprus's** implementation of Article 15 of the Second Protocol can be found in its previous national report.
61. The **Czech Republic** has established several laws in the Czech Criminal Code to ensure the respect of the Article 15, including Sections 411<sup>11</sup> and 414<sup>12</sup> of the new Criminal Code. Section 414 is covered by the principle of universality under Section 7(1) of the new Criminal Code.
62. **Estonia** has penalized these offences, as provided in the previous report (2004-2008); however, Paragraph 2, Article 7 of the Penal Law, on the applicability of penal law by reason of person concerned, has been amended.<sup>13</sup>
63. The Penal Code of **Finland**, Chapter 11, Section 5 addresses war crimes.<sup>14</sup> Paragraphs (1) and (2) refer to crimes committed in connection with war in general,<sup>15</sup> and Chapter 1, Section 11 discusses crimes related to the Hague Convention and its Protocol.<sup>16</sup>

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<sup>11</sup> **Section 411: Use of Forbidden Means and Methods of Combat**

(1) Whoever, during a time of war or another armed conflict, or a combat situation a) orders the use of means of combat or material of a similar nature or uses such means or material, or b) orders to wage combat in a forbidden way or wages combat in such a way by him/herself, shall be sentenced to imprisonment for a period between two and ten years.

(2) The same sentence shall be imposed to anyone who, contrary to provisions of international law on means and methods of waging war or another armed conflict, intentionally a) by a military operation harms civilian population or persons on their lives, health or property or attacks them for retaliation reasons, b) leads an attack against an unprotected place or demilitarized zone, c) destroys a river dam, nuclear power plant or a similar facility that contains dangerous powers, or d) destroys or damages an object designated for humanitarian purposes or an internationally recognised cultural or natural monument, or exploits such object or monument for military purposes.

(3) An offender shall be sentenced to imprisonment for eight to twenty years or to an exceptional sentence of imprisonment, if he/she causes by the act referred to in sub-section (1) or (2) a) grievous bodily harm, or b) death.

(4) Preparation is criminal.

<sup>12</sup> **Section 414: Pillage in the Area of Military Operations**

(1) Whoever, in the area of military operations, on the battlefield, in places affected by military operations, armed conflict, or in the occupied territory a) steals from the dead or otherwise misappropriates items or other assets of a stranger, or b) wilfully destroys, damages, removes, conceals, or abuses the property of a stranger, shall be sentenced to imprisonment for eight to twenty years to an exceptional sentence of imprisonment.

<sup>13</sup> "(2) The penal law of Estonia applies :

1) 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;

2) to giving gratuities or bribes to officials of foreign states, influence peddling by officials of foreign states and any criminal offence related to such criminal offences which were committed by an Estonian citizen or an alien who has been detained in Estonia and is not extradited, or a legal person registered in Estonia." [RT I 2008, 33, 200 – entry into force 28.07.2008]

<sup>14</sup> <http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>

<sup>15</sup> (1) A person who, in connection with a war or other international or domestic armed conflict or occupation, in violation of the Geneva Conventions on the amelioration of the condition of the wounded and sick in armed forces in the field, the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, the treatment of prisoners of war or the protection of civilian persons in time of war (Treaties of Finland 8/1955, Geneva Conventions) or the additional amendment Protocols done in 1949 to the Geneva Convention, on the protection of victims of international armed conflicts and the protection of

64. **Germany** has fulfilled the obligations under Articles 15 and 21 to impose penal sanctions with the offence of property damage injurious to the public (section 304 of the Criminal Code) and section II(I)(2) of the Code of Crimes against International Law ('war crimes consisting in the use of prohibited methods of warfare').
65. **Greece** intends to proceed to the penalization of acts in accordance with Article 15 but has not yet done so. According to Greek Law No. 3028/02, destruction, damage or alteration of a monument, as well as theft or embezzlement of monuments, are punishable acts (Articles 56, 53 and 54, respectively, of Greek Law No. 3028/02).
66. **Hungary** has penalized the offences outlined in the Articles 15 and 21 and made their laws applicable to military personnel in the Hungarian Army. Offences are penalized based on Section 160/B concerning the 'Violations of international protection of cultural property' of Act IV of 1978 on the Criminal Code and Article 75 (1) of Act XCV of 2001, with reference to the Hungarian Defence Service Regulation. Finally, Section 177 of Act 2 of 2012 on infractions stipulates that "Any person who negligently destroys, damages, removes, relocates or displaces the protected items of cultural heritage (...) commits an infraction".
67. In 2007, the **Japanese** Law for the Protection of Cultural Property in the Event of Armed Conflict<sup>17</sup> was adopted to implement the Second Protocol. It makes the offences stipulated in Article 15.1 (a) through (d) punishable by imprisonment, while those stipulated in Article 15.1 (e) were already established as punishable by existing laws, such as the Penal Code.
68. **Jordan** has penalized the offences in Articles 15 and 21 through its adoption of Law No. 21 from 1988 (Articles 9, 23, 26, 27).
69. In **Lithuania**, the provisions of Article 15 of the Second Protocol are implemented in the Criminal Code of the Republic of Lithuania, which provides especially strict sanctions upon persons who violate the provisions of the Convention and other international conventions with Article 106, Destruction of Protected Objects, Plunder, Destruction of or Causing Damage to National Valuable Properties,<sup>18</sup> and Paragraph 1 of Article 11, Prohibited Military Attack,<sup>19</sup> of the Criminal Code.

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victims of non-international armed conflicts (Treaties of Finland 82/1980, I and II Protocols) or other rules and customs of international law on war, armed conflict of occupation,..."

(2) Also a person who commits another act defined under article 8 of the Rome Statute of the International Criminal Court (Treaties of Finland 56/2002) or in another manner violates the provisions of an international agreement on war, armed conflict or occupation that is binding on Finland or the generally recognized and established laws and customs of war in accordance with international law shall be sentenced for a war crime".

<sup>16</sup> (10) Attacks undefended civilian targets or bombs them, attacks places used for religious worship, science, art, medical treatment or charity or historical monuments or attacks persons who are using the symbols referred to in the Geneva Conventions or the I or III Protocol to the Geneva Conventions".

<sup>17</sup> The Japanese version is available at the following address: [http://www.unesco.org/culture/natlaws/media/pdf/Japan/jap\\_law\\_protection\\_culturalproperty\\_jporof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/Japan/jap_law_protection_culturalproperty_jporof.pdf)

<sup>18</sup> "A person who issues an order not justifiable by military necessity to destroy or destroys the historic monuments, objects of culture, art, education, upbringing, science or religion protected by treaties or national legal acts, uses such objects or their environment for military actions, plunders or appropriates national valuable properties in an occupied or annexed territory or destroys or causes damage to them by acts of vandalism and causes extensive damage shall be punished by imprisonment for a term of three up to twelve years."

<sup>19</sup> "A person who orders to carry out or carries out a military attack prohibited under international humanitarian law against civilians, medical or civil defence personnel, a military or civilian hospital, a first-aid post, a vehicle carrying wounded or sick persons, the personnel of the International Red Cross Committee or a National Red Cross or Red Crescent Society, a military attack against an undefended settlement or a demilitarised zone, a military attack against a protected cultural valuable property, a military attack without selecting a specific target and being aware that it could result in civilian casualties or destruction of a civilian object or a military attack against the combatant who had clearly withdrawn from the battle and had given up resistance or other persons shall be punished by imprisonment for a term of five up to fifteen years."

70. The **Netherlands** expressly criminalizes the offences defined in Chapter IV of the Second Protocol by inclusion in Section 5, Subsection 4 (a), (b), (c), (d) and (e) of the International Crimes Act. 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 criminalized under the catch-all provision of section 7 of the International Crimes Act.
71. **Oman** has not penalized the offences or adopted the measures mentioned in Articles 15 and 21 because Oman states that no such incidents have taken place in the country.
72. **Peru** included its report on Article 15 of the Second Protocol as part of its report on Article 28 of the Hague Convention.
73. **Romania** adopted a new Criminal Code through Law No. 286/2009, which will enter into force at a later date, specified in the law for the application of the New Criminal Code and for the modification and completion of normative acts in the criminal field, which is currently under parliamentary debate. The Romanian Ministry of Justice intends to propose, during the parliamentary debates on the above-mentioned draft law, an amendment to the new Criminal Code, in order to establish as offences all deeds set forth in Article 15, paragraph 1 of the Second Protocol. More information on Romania's implementation of Article 15 of the Second Protocol can be found in its previous national report.
74. **Slovakia** included its report on Article 15 of the Second Protocol as part of its report on Article 28 of the Hague Convention.
75. In **Slovenia**, pursuant to Article 102 of the 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. Such acts include the misuse of distinctive emblems of cultural property under the Second Protocol resulting in the death or serious injury of a person, deliberate attacks on buildings intended for art, on cultural or historic monuments, cultural property marked with the distinctive emblem, if such facilities are not military targets, and if cultural property under enhanced protection or its immediate vicinity is not intended for a military objective. A war crime is punishable by a minimum of 15 years' imprisonment. Article 104 of the Penal Code defines the responsibility of military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalizes association with and incitement to commit war crimes.
76. **Switzerland** reports that there have been laws implemented which concern Article 15 of the Second Protocol: the voluntary destruction of cultural property in peacetime (Article 144 of the Penal Code) and attacks on cultural property in a military operation (Article 264d, al. 1 of the Penal Code). Concerning Article 15, several laws from the Swiss Penal Code uphold the Second Protocol. In peacetime, Article 144 of the Penal Code provides punishment in case of any voluntary deterioration or destruction of cultural property, and Article 137 punishes any illegal appropriation. Article 264d, al. 1 of the Penal Code provides for punishment in the event of an attack on a cultural property.

#### **Article 16 – Jurisdiction**

77. The **Belgian** courts have jurisdiction to try such offences if they are committed in the territory of the Kingdom, by Belgians or by foreigners, under Article 3 of the Penal Code. In terms of offences committed abroad, the Law of 5 August 2003 inserts several provisions in the Preliminary Title of the Code of Criminal Procedure (TPCPP) relating to jurisdiction of Belgian courts to prosecute alleged offences of international humanitarian law committed outside the territory of the Kingdom. Under Article 6 § 1*bis* of the TPCPP, any Belgian or any person whose main residence is in Belgium may also be prosecuted in Belgium for a serious violation of international humanitarian law which occurred abroad (in particular, Article 136, § 3 of the Criminal Code). Article 10*bis* of TPCPP provides that any person subject to military law, including in the army in a foreign country, who has committed any offence in the territory of a foreign state, may be prosecuted in Belgium. Finally, Article 12*bis* of TPCPP provides the jurisdiction of Belgian courts to try offences committed abroad and subject to a rule of

customary or conventional international law or EU rule of law, when this rule imposes, in any way whatsoever, to submit the case to its competent authorities for prosecution. Finally, under Article 12 of TPCPP, these proceedings can take place even if the defendant is not in Belgium. Thus, Belgium has established jurisdiction over violations of Article 15 of the Second Protocol.

78. **Canada** has taken the necessary measures to establish jurisdiction over the offences mentioned in Article 15 of the Second Protocol. Information on such measures can be found in Canada's information about its implementation of Article 15.
79. **Cyprus** has taken the necessary measures to establish jurisdiction over the offences mentioned in Article 15, and such information can be found in Cyprus's previous national report.
80. The **Czech Republic's** new Criminal Code applies the principles of territoriality and active personality (Art. 16(1)(a)(b) of the Protocol) in relation to all offences (Sections 4 through 6 of the new Criminal Code). In relation to Article 16(1)(c) of the Protocol, the principle of universality (section 7(1) of the new Criminal Code) and/or the principle of subsidiary universality (Section 8 (1) of the new Criminal Code) would apply.
81. **Finland** has established jurisdiction over the offences mentioned in Article 15 of the Second Protocol with Chapter 11, Section 5 of its Penal Code. Moreover, Finland's Penal Code has a provision on dual criminality which explicitly mentions the Hague Convention (Chapter 1, Section 11).<sup>20</sup>
82. **Germany** has established jurisdiction over the offences mentioned in Article 15 since the war crimes specified in section II of its Code of Crimes Against International Law are subject to the principle of universal jurisdiction, as outlined in section I of said Code. Under this principle of universal jurisdiction, the offence applies even to acts which were committed exclusively abroad and in which Germans were involved neither as criminals nor as victims; a specific relation to Germany is not required. The responsibility for prosecution lies solely with the Public Prosecutor General of the Federal Court of Justice. As the principle of mandatory prosecution applies, offences must be prosecuted *proprio motu*.
83. **Hungary** has adequate criminal jurisdiction concerning both personal and territorial scope (Section 3 and Section 4 of Act IV of 1978 on the Criminal Code). With the new Criminal Code, Act C of 2012,<sup>21</sup> which has been in force since July 2013, jurisdiction is extended to:

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<sup>20</sup> "Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6, subsection 3 (1), and the penalty for it has been laid down in (1) sections 5 and 6 of chapter 11, if the act is a war crime or aggravated war crime referred to in article 15 of the second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or an act of participation into said acts (212/2008)

<sup>21</sup> Section 3 of the Criminal Code Act C of 2012:

(1) Hungarian criminal law shall be applied

a) to crimes committed in Hungary

b) to criminal acts committed on board of Hungarian ships or Hungarian aircraft situated outside the borders of the Republic of Hungary,

c) to any conduct of Hungarian citizens abroad, which are deemed criminal in accordance with Hungarian law.

(2) Hungarian criminal law shall be applied

a) to any act committed by non-Hungarian citizens in a foreign country, if:

aa) it is deemed criminal in accordance with Hungarian law, and is also punishable in accordance with the laws of the country where committed,

ab) it is a crime against the State- excluding espionage against allied armed forces- regardless of that is punishable in accordance with the laws of the country where committed ,

ac) it is a crime determined in Chapter XIII or XIV, or any other crime that is to be prosecuted under the strength of an international treaty.

crimes committed in Hungary; crimes committed on board Hungarian ships or aircraft; crimes committed by Hungarian citizens abroad; acts committed by non-Hungarian citizens in a foreign country if a) it is deemed criminal by both Hungarian law and the law of the country where committed, b) it is a crime against the State, or c) it is a crime that is to be prosecuted under the strength of an international treaty; and any conduct of non-Hungarian citizens abroad deemed detrimental to Hungarian citizens or legal entities.

84. **Japan** established its jurisdiction over offences stipulated in Article 16.1 (b) and (c) of the Second Protocol committed outside the territory of Japan, by the Law for the Protection of Cultural Property in the Event of Armed Conflict, which makes the relevant provisions of the Penal Code applicable to the offences.
85. **Lithuania** applies universal jurisdiction to crimes against humanity and war crimes through Article 7, “Criminal Liability for Crimes Provided in International Agreements”, of the Criminal Code.<sup>22</sup>
86. 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 Protocol.<sup>23</sup>
87. **Oman** has taken the necessary measures to establish jurisdiction over the offences mentioned in Article 15. For instance, Article 49 of the National Heritage Protection Law provides for the jurisdiction of the criminal courts of Oman with regard to such violations.
88. **Slovakia** included information about its measures to establish jurisdiction under Article 16 of the Second Protocol in the portion of its report addressing Article 28 of the Convention.
89. Information on **Switzerland**’s implementation of Article 16 can be found in its previous national report.

#### **Article 21 – Measures regarding other violations**

90. Information about **Belgium**’s implementation of Article 21 of the Second Protocol can be found in its responses on Article 15 of the Second Protocol and Article 28 of the Convention.

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c) to any conduct of non-Hungarian citizens abroad, which are deemed criminal in accordance with Hungarian law to the detriment of Hungarian citizens, legal persons and other legal entities constituted under Hungarian law.

(2) In the cases described in Subsections (2) the indictment shall be ordered by the Attorney General.

<sup>22</sup> 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, 271, 272, 274).”

<sup>23</sup> 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, 416-417*bis* and 420*bis*-420*quater* 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.”

91. In **Canada**, Article 21 is implemented by section 36.1(2) of the Cultural Property Export and Import Act, which states that “No person shall knowingly export or otherwise remove cultural property as defined in subparagraph (a) of Article 1 of the Convention from an occupied territory of a State Party to the Second Protocol, unless the export or removal conforms with the applicable laws of that territory or is necessary for the property’s protection or preservation”. Section 36.1(3) establishes extraterritorial jurisdiction over such acts when the person committing the offence is a Canadian citizen, or is not a citizen of any state and ordinarily resides in Canada, or is a permanent resident within the meaning of sub-section 2(1) of the Immigration and Refugee Protection Act and is, after the commission of the act or omission, present in Canada.
92. Information about **Cyprus**’s implementation of Article 21 can be found in its previous national report.
93. In the **Czech Republic**, the offences of Article 21 are sanctioned as a criminal offence of Breach of Regulation on Circulation of Goods in Relation with a Foreign State under Section 261<sup>24</sup> of the new Criminal Code. This offence is not covered by the principle of universality under Section 7(1) of the new Criminal Code, but it could be covered by the principle of subsidiary universality (*aut dedere aut judicare*) under Section 8(1) of the new Criminal Code. Depending on the circumstances of the specific case, Section 414<sup>25</sup> of the new Criminal Code could also apply, which is covered by the principle of universality under Section 7(1) of the new Criminal Code. Additionally, and again depending on the circumstances of the specific case, Section 411<sup>26</sup> of the new Criminal Code could also apply.

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<sup>24</sup> **Section 261: Breach of Regulations on Circulation of Goods in Relation with Foreign States**

(1) Whoever seriously impairs a public interest by breaching proscription, restriction or another important obligation stipulated for import, export or transit of goods, shall be sentenced to imprisonment for up to two years, to prohibition of activity or confiscation of a thing or other asset value.

(2) An offender shall be sentenced to imprisonment for one year to five years or to a pecuniary penalty, if he/she a) commits the act referred to in sub-section (1) with at least two persons, b) causes substantial damage by such an act, or c) causes or elevates a risk of importation or spreading of a contagious animal disease in interest stock-breeding, among livestock or wild animals or contagious disease or parasite of productive vegetation.

(3) An offender shall be sentenced to imprisonment for two to eight years, if he/she a) causes extensive damage by the act referred to in sub-section (1), or b) causes or elevates a risk of importation or spreading of a contagious human disease.

<sup>25</sup> **Section 414: Pillage in the Area of Military Operations**

(1) Whoever, in the area of military operations, on the battlefield, in places affected by military operations, armed conflict, or in the occupied territory a) steals from the dead or otherwise misappropriates items or other assets of a stranger, or b) wilfully destroys, damages, removes, conceals, or abuses the property of a stranger, shall be sentenced to imprisonment for eight to twenty years to an exceptional sentence of imprisonment.

<sup>26</sup> **Section 411: Use of Forbidden Means and Methods of Combat**

(1) Whoever, during a time of war or another armed conflict, or a combat situation a) orders the use of means of combat or material of a similar nature or uses such means or material, or b) orders to wage combat in a forbidden way or wages combat in such a way by him/herself, shall be sentenced to imprisonment for a period between two and ten years.

(2) The same sentence shall be imposed to anyone who, contrary to provisions of international law on means and methods of waging war or another armed conflict, intentionally a) by a military operation harms civilian population or persons on their lives, health or property or attacks them for retaliation reasons, b) leads an attack against an unprotected place or demilitarized zone, c) destroys a river dam, nuclear power plant or a similar facility that contains dangerous powers, or d) destroys or damages an object designated for humanitarian purposes or an internationally recognised cultural or natural monument, or exploits such object or monument for military purposes.

(3) An offender shall be sentenced to imprisonment for eight to twenty years or to an exceptional sentence of imprisonment, if he/she causes by the act referred to in sub-section (1) or (2) a) grievous bodily harm, or b) death.

(4) Preparation is criminal.



94. **Greek** Law No. 3028/02 prohibits the exportation of cultural property from the country (Article 34) and includes penal sanctions for the illegal export (Article 63) and the non-return of cultural property pursuant to international conventions in force to which Greece is a Party (Article 65).
95. **Hungary's** Section 160/B, concerning the violation of international protection of cultural property, of Act IV of 1978 on the Criminal Code involves cases in which a person makes cultural property under international protection the object of theft or pillage. In addition, Act XCV of 2001, which applies to military personnel in the Hungarian Army, should be mentioned. Offences are penalized based on Article 75 (1) of the aforementioned Act, with reference to the Hungarian Defence Service Regulation.<sup>27</sup> More information can be found in Hungary's response about measures taken to comply with Article 15 of the Second Protocol.
96. **Japan** has adopted necessary measures to suppress the activities stipulated in Article 21 (a) of the Second Protocol with laws such as the Self-Defense Forces Law. However, this is not the case with the subject matter discussed in Article 21 (b), since it is not foreseen under Japanese Constitution that Japan occupies the territories of other countries.
97. In **Jordan**, Antiquities Law No. 21 (1988) prohibits the trading of antiquated objects which were made before the year 1750 AD, even those owned by private collectors. In fact, private collections must be registered in special forms at the Department, otherwise the Department will consider those objects illegal. Article 5 of Antiquities Law No. 21 prohibits bringing any movable antiquity into Jordan with an eye to export unless it is proved in writing that such possession is legal. More information can be found in Jordan's response about measures taken to comply with Article 15 of the Second Protocol.
98. 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 or 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 Heritage<sup>28</sup> and the Law of the Republic of Lithuania on the Protection of Movable Cultural Property.<sup>29</sup> In case the aforementioned laws are violated, Article 91 "Violation of the Law on the Protection of Immovable Cultural Heritage and Movable Cultural Property",<sup>30</sup> of the Code of Administrative Offences<sup>31</sup> provides for administrative liability. All military personnel must follow rules and regulations established by the Disciplinary Statute of the Armed Forces of the Republic of Lithuania. Article 80 of the Statute provides grounds for disciplinary punishment for violations of the rules of international humanitarian law.<sup>32</sup> Sanctions concerning any illegal export or shipment of cultural property or transfer of property from occupied territory, violating the Convention and the Second Protocol, are provided in Part 2 of Article 189, "Purchase or Realization of Property gained illegally", of the

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<sup>27</sup> Finally Act 2 of 2012 on infractions regulates the following: 177. § (1) Any person who negligently destroys, damages, removes, relocates or displaces the protected items of cultural heritage (...) commits an infraction.

<sup>28</sup> [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=326112](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=326112)

<sup>29</sup> [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=350863](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=350863)

<sup>30</sup> "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."

<sup>31</sup> Current edition of the Code of Administrative Offences is available on the *Seimas* website (Lithuanian only): [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=435712](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=435712)

<sup>32</sup> "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."

Criminal Code.<sup>33</sup> Additionally, paragraph 1 of Article 199, “Smuggling”, of the Criminal Code provides punishment for smuggling.<sup>34</sup>

99. In the **Netherlands**, the law already had penal sanctions for a number of the acts covered by Article 21 of the Second Protocol. For example, under the Cultural Heritage Preservation Act (Sections 7, 14a-d, in conjunction with section 1 of the Economic Offences Act), and the definitions of offences of a more general nature (such as handling stolen goods in article 416, paragraph 1 of the Criminal Code) may be applicable in certain situations.
100. Information about **Oman**’s implementation of Article 21 of the Second Protocol can be found in its response about measures taken to comply with Article 15 of the Second Protocol.
101. **Peru** included its report on Article 21 of the Second Protocol as part of its report on Article 28 of the Hague Convention.
102. Information on **Romania**’s implementation of Article 21 of the Second Protocol can be found in its report on implementation of Article 15 of the Second Protocol.
103. **Slovakia** commented on its implementation of Article 21 of the Second Protocol with its report on Article 28 of the Hague Convention.
104. **Slovenia** has its export laws from the European Union, as well as import arrangements laid down in accordance with EU regulations. Slovenia has also adopted the Return of Unlawfully Removed Cultural-Heritage Objects Act. Unlawful export and import of objects of special importance to cultural heritage are criminal acts.
105. Information about **Switzerland**’s implementation of Article 21 of the Second Protocol can be found in its previous national report.

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

106. **Estonia** contributed 10,000 euros to the Fund in December 2010.
107. **Finland** contributed 25,790 euros to the Fund in January 2011 and 22,586.40 euros from Funds-in-Trust in May 2010.
108. The **Netherlands** contributed 100,000 euros in December 2009; 25,000 euros in November 2010; 25,000 euros in November 2011; and 25,000 euros in July 2012.
109. **Slovakia** contributed 10,000 euros to the Fund in 2012.

#### **Article 30 – Dissemination**

110. Both **Belgium** and the **Czech Republic** commented on Article 30 of the Second Protocol while providing information on their respective national implementation of Article 25 of the Convention.
111. As the measures that **Canada** has taken to disseminate the Second Protocol coincide with those measures taken to disseminate the Convention, relevant information can be found in its commentary on its implementation of Article 25 of the Convention (as well as in its previous national report).
112. **Cyprus** has not yet disseminated the provisions of the Second Protocol within its armed forces and among target groups and the general public. Information on the steps that Cyprus has taken can be found in its previous national report.

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<sup>33</sup> “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.”

<sup>34</sup> “A person who, when transporting across the state border of the Republic of Lithuania the items which must be declared at the customs and whose value exceeds the amount of 250 MSLs, fails to go through the customs control or otherwise avoids this control or transports across the state border of the Republic of Lithuania, without an authorisation, movable cultural properties or antiques shall be punished by a fine or by imprisonment for a term of up to eight years.”

113. The **Estonian** Ministry of Culture and the National Heritage Board have the obligation and mission to strengthen appreciation and respect for cultural property at the state level. There have been several state programmes and promotional activities organized. For instance, the year 2013 has been designated as the National Year of Cultural Heritage. The Ministry of Culture is currently preparing a new policy document, “Cultural Policy 2020”, which states that, *inter alia*, international conventions and European legal acts and initiatives will be taken into account when designing Estonian cultural policy.
114. **Finland** has taken measures to disseminate the provisions of the Convention within its armed forces and among target groups and the general public in Finland. Information about the measures taken can be found in Finland’s national report on the implementation of Article 25 of the Convention.
115. **Germany** has taken measures to comply with its obligations under Article 30 of the Second Protocol within the Federal Armed Forces and as regards civil authorities and the general public. The Federal Ministry of Defence, in cooperation with the Federal Foreign Office and the German Red Cross, publishes and distributes “Documents on International Humanitarian Law” (Dokumente zum humanitären Völkerrecht), which includes, *inter alia*, the text of the 1954 Hague Convention, the regulations for its execution, and its two (1954 and 1999) Protocols, all available in both German and English. Furthermore, Germany’s Joint Service Regulation ZDv 15/2 “International Humanitarian Law in Armed Conflicts – Manual” of 1 May 2013 serves as a foundation for initial and extension training of military personnel in the field of international law.
116. In addition to this dissemination, instruction and training within the German Federal Armed Forces about the duties of military personnel under international law is stipulated under Section 33 of the Legal Status of Military Personnel Act. There are also many courses and seminars on international humanitarian law offered at several training facilities of the Federal Armed Forces. Moreover, military personnel who are to participate in operations abroad receive detailed instruction and training in applicable international and national regulations during pre-deployment training, which includes in-depth seminars on the legal aspects of cultural property protection in the event of armed conflict. The didactic principle guiding these courses is the principle of congruity between the conduct of operations and law.
117. As for dissemination to civil authorities and the general public, Germany’s Federal Office of Civil Protection and Disaster Assistance has published the leaflet “Protection of Cultural Property in the Event of Armed Conflict”, which includes the texts of the 1954 Hague Convention, the regulations for its execution, and its two (1954 and 1999) Protocols. In addition to being available online, it is distributed to the competent Federal and *Land* authorities, and, upon request, to universities, museums, press agencies, and the general public. Lastly, there are seminars on protecting cultural assets held at the Academy for Crisis Management, Emergency Planning and Civil Protection at the Federal Office of Civil Protection and Disaster Assistance in Bad Neuenahr. These seminars, which have been offered since 1997, target managers and multipliers in competent authorities and relief organizations.
118. **Greece** notes that awareness-raising is an important component of the country’s policy for the protection of monuments, as stipulated by Law No. 3028/02.<sup>35</sup> This policy is carried out by the following actions: the elaboration of various educational programmes in archaeological sites and museums; the provision of free passes or reduced tickets for special groups of citizens; opening museums, archaeological collections, monuments and archaeological sites to the public, free of charge on special dates; and the organization of special cultural events in museums, monuments, archaeological sites.

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<sup>35</sup> Article 3:

- a.) Facilitation of access of the public and contact of the public with cultural heritage
- b) Integration of heritage in modern social life
- c) Education and sensitization of the citizens concerning cultural heritage.

119. Information about **Hungary's** implementation of Article 30 of the Second Protocol can be found in its national report on the implementation of Article 25 of the Convention.
120. The **Japanese** Agency of Cultural Affairs has made efforts to increase public awareness of protection of cultural properties through public relations activities concerning the system and situation of cultural properties' protection, such as "Protection of Cultural Properties Week" and use of the Protection of Cultural Properties Logo. The Self-Defense Forces are conducting internal education programmes on the Second Protocol.
121. **Jordan's** Department of Antiquities is committed to the task of educating the military forces and security and police departments on all the articles of the Hague Convention and its two Protocols.
122. 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.
123. The **Netherlands** reports that 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, and the subject of cultural heritage protection is taught in specific preparations which military personnel undergo prior to a deployment. The Netherlands' armed forces military directive on training (Directive A-700(A)) specifically mentions that pre-deployment training should always address the cultural heritage and cultural history of the mission area.
124. The Hague Convention, its Protocols and its Regulations have been included in the Ministerial Publication series, which is made available electronically to all Defence personnel, as well as partially available online to the public. 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 Protocol are also taken into account in drafting rules of engagement.
125. Within the Dutch armed forces, an important role in the implementation of Article 30 has been assigned to the Cultural Affairs and Information Section (CAI Section) and the First CIMIC Battalion (the military unit responsible for Civil-Military Cooperation). The Commanding Officer of the First CIMIC Battalion (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 First 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, 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.
126. **Peru** has distributed numerous publications designed to promote the evaluation and recognition of cultural heritage; these various publications are designed for different audiences, including students. One of these publications, the "Fundamental Documents for the Protection of Cultural Heritage", includes the Hague Convention and its two Protocols. Furthermore, annual conferences on international humanitarian law are given by the country's Armed Forces.
127. Information about **Romania's** implementation of Article 30 of the Second Protocol can be found in its commentary on its implementation of Article 25 of the Convention.
128. **Slovakia** included its report on dissemination under Article 30 of the Second Protocol as part of its report on Article 25 of the Convention.
129. Within the **Slovenian** Armed Forces, a body for civil-military co-operation, together with the Headquarters of the Slovenian Armed Forces and the Force Command of the Slovenian

Armed Forces, is responsible for the dissemination of information on safeguarding cultural property in the event of armed conflict. Obtaining information about the Convention is an integral part of the military education and training of the Slovenian Armed Forces. In carrying out their regular tasks at home and abroad, the Slovenian Armed Forces adhere to the Convention and so knowledge of the Second Protocol is tested at the professional examination for curators and restorers by the professional service for protection of cultural heritage within the Ministry of Education, Science, Culture and Sport.

130. Information about **Switzerland's** implementation of Article 30 can be found in its previous national report.

#### **Article 37 – Translation and Reports**

131. **Belgium, Cyprus, the Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Japan, Lithuania, the Netherlands, Romania, Slovakia, Slovenia and Switzerland** have translated the Second Protocol into their national languages.
132. **Canada** states that translation is unnecessary since the Convention and Protocols already exist in both of Canada's official languages, French and English.
133. **Mexico** notes that the official text of the Second Protocol was developed in Spanish.

### **Parties Implementing Provisions of the Second Protocol**

#### **1. Safeguarding of cultural property:**

- 1) Belgium
- 2) Canada
- 3) Cyprus
- 4) Czech Republic
- 5) Estonia
- 6) Finland
- 7) Germany
- 8) Greece
- 9) Hungary
- 10) Japan
- 11) Lithuania
- 12) Mexico
- 13) Netherlands
- 14) Oman
- 15) Peru
- 16) Romania
- 17) Slovakia
- 18) Slovenia
- 19) Switzerland

#### **2. Protection of cultural property in occupied territory**

- 1) Cyprus
- 2) Lithuania
- 3) Japan

### **3. Enhanced protection**

- 1) Belgium
- 2) Cyprus
- 3) Czech Republic
- 4) Germany
- 5) Greece
- 6) Jordan
- 7) Lithuania
- 8) Mexico
- 9) Oman
- 10) Romania
- 11) Slovakia
- 12) Switzerland

### **4. Serious violations of the Second Protocol**

- 1) Belgium
- 2) Canada
- 3) Cyprus
- 4) Czech Republic
- 5) Estonia
- 6) Finland
- 7) Germany
- 8) Hungary
- 9) Japan
- 10) Jordan
- 11) Lithuania
- 12) Netherlands
- 13) Peru
- 14) Romania
- 15) Slovakia
- 16) Slovenia
- 17) Switzerland

### **5. Jurisdiction**

- 1) Belgium
- 2) Canada
- 3) Cyprus
- 4) Czech Republic
- 5) Finland
- 6) Germany
- 7) Hungary
- 8) Japan
- 9) Lithuania
- 10) Netherlands
- 11) Oman
- 12) Slovakia

- 13) Switzerland

#### **6. The Fund**

- 1) Estonia
- 2) Finland
- 3) Netherlands
- 4) Slovakia

#### **7. Dissemination**

- 1) Belgium
- 2) Canada
- 3) Cyprus
- 4) Czech Republic
- 5) Estonia
- 6) Finland
- 7) Germany
- 8) Greece
- 9) Hungary
- 10) Japan
- 11) Lithuania
- 12) Netherlands
- 13) Peru
- 14) Romania
- 15) Slovakia
- 16) Slovenia
- 17) Switzerland

#### **8. Translation**

- 1) Belgium
- 2) Cyprus
- 3) Czech Republic
- 4) Estonia
- 5) Finland
- 6) Germany
- 7) Greece
- 8) Hungary
- 9) Japan
- 10) Lithuania
- 11) Netherlands
- 12) Romania
- 13) Slovakia
- 14) Slovenia
- 15) Switzerland

### III. ADDITIONAL INFORMATION PROVIDED BY THE PARTIES

#### Article 3 – Safeguarding of Cultural property

134. The federalization of **Belgium's** institutions gives a fresh impetus to the protection of cultural property by the implementation of new policies with consideration for the specificities of each Community and Region. With regard to cultural property, the Communities are responsible for movable property, and the Regions and the German-speaking Community are responsible for immovable property. Large cultural and scientific institutions<sup>36</sup> are still under Federal authority, as they mostly fall under the responsibility of the Federal Public Planning Service of Science Policy, but they enjoy autonomy for mission management. The safeguarding measures mentioned focus mainly on the legislative measures.<sup>37</sup>
135. In terms of federal legislation, Belgium has the Law of 7 August 1931 on the Conservation of Monuments and Sites and the Law of 16 May 1960 on the cultural heritage of the nation. However, over the years, some competences in the field of cultural property have been given either to the Regions or to the Communities. Finally, the Law of 31 December 1963 on civil protection has been repealed by the Law of 15 May 2007, which provides that in time of war, civil security carries out all measures and civilian resources to ensure the protection and survival of the population and also the preservation of national heritage (Article 183).
136. In terms of immovable property, the Flemish Region is working on a new project to issue decrees on immovable cultural property, replacing the Decree of 3 March 1976 regulating the protection of monuments and urban and rural sites, the Decree of 30 June 1993 on the protection of archaeological heritage, and the Decree of 16 April 1996 concerning the protection of rural sites. In addition, the Flemish Region has adopted the Decree of 29 March 2002 on the protection of nautical heritage. The Walloon Region has the Decree of 1 April 1999 on the conservation and protection of heritage, amending and supplementing the Walloon Code of planning, urban planning and heritage, as well as the Decree of the Walloon Government of 27 May 2009 establishing the list of exceptional heritage of Wallonia.<sup>38</sup>
137. For the Brussels-Capital Region, the legal basis for immovable property is defined in the Brussels Code of Planning ('CoBAT'). The Code was approved on 9 April 2004 by order of the government of Brussels and was ratified on 13 May 2004; it was last amended on 14 May 2009 (Moniteur Belge of 27 May 2009, which entered into force on 1 January 2010).<sup>39</sup>
138. It is important to draw attention to the fact that the German-speaking Community is the only community with competence in the field of immovable cultural heritage. The German-speaking Community adopted a decree on 23 June 2008 for the protection of monuments, small heritage sites and landscapes, as well as archaeological excavations. It added the Decree of 18 March 2002 on infrastructure, which provides grants for the benefit of specified property's owners.<sup>40</sup>
139. In the field of movable cultural property, all three Communities have jurisdiction. For movable cultural property, the Flemish Community uses the decree of 24 January 2003 on the protection of movable cultural heritage of outstanding interest, the decree of the Flemish Government of 5 December 2003 and the implementing Decree of 24 January 2003 on the protection of movable cultural heritage of exceptional interest. According to this decree, the Flemish Government establishes the list of movable cultural heritage of the Flemish Community (the "list of masterpieces"). This list includes all movable property and collections that should be kept in the Flemish Community for their archaeological, historical, cultural-

<sup>36</sup> For example; the Royal Library, Kingdom's Archives, Royal Museums of Art and History and Royal Museums of Fine Arts

<sup>37</sup> Texts available at <https://www.onroerendergoed.be/over-vioe/wet-en-regelgeving/ou> and <http://www.ejustice.just.fgov.be/law/loi.htm>

<sup>38</sup> <http://wallex.wallonie.be>, <http://www.ejustice.just.fgov.be/loi/loi.htm>

<sup>39</sup> <http://www.monument.irisnet.be/fr/legis/intro.htm>.

<sup>40</sup> Inventory list available at [www.dgkulturerbe.be](http://www.dgkulturerbe.be)



historical, artistic or scientific interest for the Flemish Community. The list currently contains 204 individual objects and 11 collections,<sup>41</sup> which are subject to restrictions in terms of exportation, and physical work on these cultural goods is subsidized by the Flemish authorities, provided that prior authorization is granted.

140. The decree of 11 of July of 2002, on movable cultural property and intangible heritage of the French Community, deals with the listing of cultural property and its protection, restoration, inventory, and exportation (outside the European Union as well as within it). It also provides for seizure and different sanctions (penal, but also financial) when this decree is not respected.
141. For the German-speaking Community, pending the adoption of new provisions specific to the German-speaking Community, two national laws still apply: the law of 7 August 1931 on the Conservation of Monuments and Sites and the act of 16 May 1960 on the movable cultural heritage of the nation.
142. 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 at heritage exclusively.
143. The Canadian Conservation Institute (CCI), an agency of the Department of Canadian Heritage, is the tool through which the Government of Canada helps build emergency preparedness capacity within Canada's heritage community. It is also a resource available to assist with emergency response efforts in Canada when heritage is threatened or impacted by emergencies. The Institute undertakes proactive efforts in emergency preparedness by delivering training to individuals and institutions within Canada's heritage community. Workshops and instructional materials address the development of response plans, risk assessment and reduction, and skill development for collections' salvage and emergency response decision-making. CCI is also involved in emergency and disaster response, primarily through advisory services and occasionally, when warranted, through direct on-site involvement by conservation staff or through the treatment of damaged artefacts.
144. Within the Government of Canada, a Memorandum of Agreement that 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, is currently being updated. This collaborative mechanism includes among its functions the development, implementation and testing of contingencies for protecting cultural property (movable and immovable) for which these federal institutions and agencies are responsible, and co-operation in sharing facilities, equipment and expertise in the event of an emergency.
145. From a wider perspective, certain cultural property (cultural institutions, national sites and monuments) considered to be "key national symbols" fall under the broad heading of "critical infrastructure" with respect to emergency management and national security. In Canada, critical infrastructure resilience is a shared responsibility that involves the co-operation of all levels of government (federal, provincial/territorial, municipal) and the private sector. Under the National Strategy and Action Plan for Critical Infrastructure, all levels of government, first responders and private sector partners are working together to address threats facing Canada's critical infrastructure, as well as improving collective readiness to swiftly respond and recover when disruptions occur. Since the launch of this Strategy in 2010, Canada has made concrete progress to strengthen the resilience of critical infrastructure, including building public-private sector partnerships, delivering site assessments and risk management guides, and conducting exercises.
146. **Cyprus** apprises that since its last national report, its inventories of Ancient Monuments have been made available both in hard copy as well as in digitized form (in a database connected

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<sup>41</sup> List and information is available on-line at [www.topstukken.be](http://www.topstukken.be)

to a Geographical Information System, GIS). Furthermore, a management plan for the Choirokoitia World Heritage property has been prepared with funding from UNESCO's Participation Programme 2010-2011, including fire protection provisions and risk mitigation actions.

147. Information about **Estonia's** implementation measures concerning Article 3 of the Convention can be found in its reply concerning the implementation of Article 5 of the Second Protocol. However, Estonia points out that these safeguarding measures are of a more general nature, as they are relevant not only in times of armed conflict, but also in times of peace.
148. **Finland** has adopted several relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict in order to implement Article 3 of the Convention. The Ministry of Education and Culture set up an advisory body for the protection of cultural property from 19 May 2010 to 31 December 2012. The advisory body included representation from the Ministry of Education and Culture, the Ministry of Defence, the Ministry of the Interior, the Ministry of the Environment, the Ministry for Foreign Affairs, the National Board of Antiquities, the National Archives, the Finnish National Gallery, the Defence Command of the Finnish Defence Forces, the Association of Finnish Local and Regional Authorities, the Evangelical Lutheran Church of Finland, the Orthodox Church of Finland, ICOM Finland, ICOMOS Finland, and the Finnish National Rescue Association. This advisory body was aimed at promoting co-operation between various stakeholders and dealing with issues involving several branches of administration. This included the implementation of the international instruments on protection of cultural property, such as the 1954 Hague Convention.
149. One of the reference documents for the advisory body was a publication called Protection of Cultural Property; Implementation of the 1954 Hague Convention in Finland and as part of international crisis management, published in 2007 by a working group of the Ministry of Education and Culture. Different kinds of threats were charted in the publication and many suggestions were put forward discussing ways to protect cultural heritage. Further information can be found online.<sup>42</sup>
150. **Germany** incorporated the 1954 Hague Convention and the 1954 First Protocol into national law with the act of 11 April 1967 on the Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict. This act makes the *Länder* responsible for implementing the Convention on behalf of the Federal Government (unless other regulations are in place) and for taking measures pursuant to Article 3 of the Convention. Examples of Germany's safeguarding of cultural property can be found in its response regarding its implementation of Article 5 of the Second Protocol. In addition, the Federal Government and *Länder* store archival material on microfilm as part of a central joint measure, which is financed by the Federal Office of Civil Protection and Disaster Assistance. Federal and Land archival material has been recorded on microfilm for the purposes of safekeeping since 1961. The recordings are stored in stainless steel containers in the Federal Republic of Germany's Central Refuge. As of October 2012, this Central Refuge contains 965 million microfilm recordings, with a total length of 30,000 kilometres.
151. Recognizing the necessity of protecting its cultural property in the event of armed conflict, **Greece** has created a special Directorate in the Ministry of Education, Religious Affairs, Culture and Sports, General Secretariat of Culture, pertaining to this exclusive purpose. This Directorate, operating within the greater scheme of civil defence – headed by the Ministry of National Defence – has elaborated specific emergency plans. These plans concern the protection (by the term 'protection', all aspects of safeguarding, safekeeping and safe transfer are included) of cultural property, and they closely follow the provisions of the Hague Convention and its Protocols.

<sup>42</sup>[http://www.minedu.fi/OPM/Julkaisut/2007/Kulttuuriomaisuuden\\_uhat\\_ja\\_suojelu?lang=fi&extra\\_locale=en](http://www.minedu.fi/OPM/Julkaisut/2007/Kulttuuriomaisuuden_uhat_ja_suojelu?lang=fi&extra_locale=en)

152. Since the previous national report of **Hungary**, numerous changes have been made. Within the Ministry of Human Resources, it is the State Secretariat for Culture that is responsible for the execution of the 1954 Hague Convention and its Protocols. As for bylaws in the field of museums, it is the Department for Public Collections which ‘takes part and cooperates in the preparation of the inter-governmental international conventions’. The National Directorate General for Disaster Management is the institution responsible for determining and approving the series of actions to be followed in case of emergency. Act CXXVII of 2011 on disaster management, with all related amending acts, prescribes contribution in defence of cultural property as a civil protection task related to disaster management. The promulgation of the Hague Convention and its two Protocols has been effected, as detailed in Hungary’s 2010 national report. In terms of special protection, Ministerial Decree 29/2007 (VII. 23) was issued by the Minister of Education and Culture to publish the international list of cultural property subject to special protection.
153. In accordance with the Law for the Protection of Cultural Properties,<sup>43</sup> important cultural properties in **Japan** are given special status as National Treasures to regulate physical alterations to them and to provide assistance for their repair and maintenance.
154. The **Lithuanian** Ministry of National Defence, the Ministry of Culture and the Department of Cultural Heritage under the Ministry of Culture are mainly responsible for implementation of the Convention. Additionally, upon the initiative of the Commission on the Implementation of the International Humanitarian Law, a position for Chief Specialist of Cultural Heritage protection was established in 2004 in the Lithuanian Armed Forces. The main task of the Specialist is to co-ordinate and ensure implementation of the Convention in the National Defence System.
155. Furthermore, the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations<sup>44</sup> was approved by Resolution No. X-557 of the Seimas on 13 April 2006. The aim of the Programme is to limit damage by using preventive measures and rapid interventions in order to protect cultural heritage. In accordance with this Programme, the Plan of Implementing Measures of the Programme<sup>45</sup> was approved by Resolution No. 845 of the Government on 5 September 2006. The Plan provides ten measures which should be taken by respective institutions in order to implement certain provisions of the Convention and the Second Protocol.<sup>46</sup>

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<sup>43</sup> Law No. 214 for the Protection of Cultural Property (last amendment: Law No. 7, 30 March 2007)  
[http://www.unesco.org/culture/natlaws/media/pdf/Japan/Japan\\_lawprotectionculturalproperty\\_japorof.pdf](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](http://www.unesco.org/culture/natlaws/media/pdf/Japan/Japan_lawprotectionculturalproperty_engtof.pdf)  
 (English version)

<sup>44</sup> Current edition of the Resolution is available on the *Seimas* website (Lithuanian only):

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=274234&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=274234&p_query=&p_tr2=)

<sup>45</sup> Current edition of the Resolution is available on the *Seimas* website (Lithuanian only):

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_e?p\\_id=282151&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=282151&p_query=&p_tr2=)

<sup>46</sup> The ten measures are as follows:

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

The Lists of Immovable Cultural Heritage Objects of Outstanding Cultural Significance and Buildings and Premises designed to Safeguard and Exhibit Movable Cultural Property were approved by the Resolution No. 193 of the Government on 7 February 2007. These lists include: 19 immovable cultural heritage objects – buildings; 35 immovable cultural heritage sites - archaeological sites; 3 immovable cultural heritage sites – World Heritage objects; 12 buildings and premises designed to safeguard and exhibit movable cultural property. These lists are not final – they will be constantly updated.

**Measure 2.** To make lists of movable cultural property of outstanding ethnical, historical, aesthetic or scientific significance kept in museums, libraries, archives and cult buildings.

The following institutions are responsible for implementation of this measure: the Ministry of Culture, the Department of Cultural Heritage under the Ministry of Culture, the Archives Department under the Government, the State archives, museums, libraries. This measure should have been implemented by the end of 2008 according to Instruction for Protection and Evacuation of Movable Cultural Property kept in Museums, Libraries, Archives and Cult Buildings approved by the Order No. JV-500 of the Minister of Culture

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on 18 July 2007, but it has not been done concerning difficult financial situation of the Republic of Lithuania. However, this measure is implemented in accordance with the financial possibilities of our country.

**Measure 3.** 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.

Rules for Marking Immovable Cultural Heritage Objects and Buildings and Premises designed to Safeguard and Exhibit Movable Cultural Property with a Distinctive Emblem of the Convention for the Protection of Cultural Heritage in the Event of Armed Conflict were approved by the Order No. JV-199 of the Minister of Culture on 22 March 2007.

**Measure 4.** 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.

Instruction on Participation of the Armed Forces during Immovable Cultural Heritage Objects' Preservation Works in the Event of Armed Conflict or other Extreme Situations was approved by the Order No. V-540 of the Minister of National Defence on 24 May 2007. (More deeply this question is discussed in section 2 of this Report (Implementation of Article 7 – „Military measures“))

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

Instruction for Protection and Evacuation of Movable Cultural Property kept in Museums, Libraries, Archives and Cult Buildings were approved by the Order No. JV-500 of the Minister of Culture on 18 July 2007. This instruction regulates actions to be taken by persons administrating museums, libraries, archives and cult buildings in order to protect and evacuate movable cultural property kept in museums, libraries, archives and cult buildings in the event of armed conflict and other extreme situations in the territory of the Republic of Lithuania.

**Measure 6.** 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 have been implemented by the end of 2010. But it has not been done concerning difficult financial situation of the Republic of Lithuania.

The Ministry of Culture and the Archives Department under the Government were/are responsible for implementation of this measure in accordance with the financial possibilities of our country.

**Measure 7.** To mark objects included in the lists of immovable cultural heritage objects of outstanding cultural significance (except archaeological sites) with a distinctive emblem of the Convention.

According to the abovementioned lists, 19 immovable cultural heritage objects – buildings - were marked with a distinctive emblem of the Convention during the year 2008. The Department of Cultural Heritage under the Ministry of Culture was responsible for implementation of this measure.

**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 was responsible for implementation of this measure. The symbol was introduced into the system of arbitrary symbols on 4 November 2008 by Director of The National Land Service under The Ministry of Agriculture of The Republic of Lithuania by the Order No 1P-140 „On the Amendment of the Order No 28 of 22 July 1999 of the Director of the State Department of Geodesy and Cartography under the Government of the Republic of Lithuania on the Approval of Regulations of Technical Requirements GKTR 2.03.01:1999, GKTR 2.04.01:1999, GKTR 2.05.01:1999, 2:06:01 GKTR: 1999“ and by the the Order No 1P-141 „On the Amendment of the Order No 27 of 7 July 1999 of the Director of the State Department of Geodesy and Cartography under the Government of the Republic of Lithuania on the Approval of Regulations of Technical Requirements to Topographic Maps M 1:10 000“ on 4 November 2008 by Director of the National Land Service under the Ministry of Agriculture of the Republic of Lithuania.

To supplement new and renewable data bases of the topographical maps with information on situation/condition of objects included in the lists of cultural heritage objects of outstanding cultural significance and to include those objects in the new maps published for purposes of the national defence system.

The Ministry of National Defence was responsible for implementation of this measure and new and renewable data bases of the topographical maps were supplemented with information on situation/condition of objects included in the lists of cultural heritage objects of outstanding cultural significance and these objects were included in the new maps (only in digital format, because the Lithuanian Armed Forces use the topographical maps in digital format).

**Measure 9.** To organize 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.

The Department of Cultural Heritage under the Ministry of Culture is responsible for organization of these courses.

156. **Mexico** reports that since 2002, the National Institute of Anthropology and History (INAH) has been implementing the Cultural Heritage Disaster Prevention Programme (PREVINAH) for prevention and remedial action to protect movable and immovable cultural property that could be affected by a natural or anthropogenic disaster. PREVINAH is permanently monitoring events that may cause damage to property; for example, the annual Spring Equinox leads to mass visits to archaeological sites of the country, so continuous monitoring is performed during this period in order to prevent accidents resulting from disorderly behaviour in large population centres. There is permanent contact between the delegates of each INAH Centre, officials of each archaeological PREVINAH and the 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 fire-fighters. Mexico has 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 reports a day are made and immediately sent to the Director-General of INAH and other parts of the Institute.
157. The **Netherlands'** report with regard to Article 3 of the Convention is combined with the report concerning Article 5 of the Second Protocol.
158. **Oman** established The National Heritage Protection Law in 1980, which is the basis on which the related authorities protect all cultural property.
159. As for normative measures, **Peru** has implemented all the provisions of the Convention with Chapter VIII ("Protección de los bienes culturales en caso de conflict armado") of D.S. No. 011-2006-ED, Law No. 28296, specifically Articles 77 through 84. In terms of practice, the provisions of Article 83 have been fulfilled: military personnel are instructed annually with courses organized by the International Humanitarian Law Centre of the Armed Forces. The remainder of the actions have not been completely implemented due to an insufficiency of resources within the country.
160. **Romania** has adopted a number of preparatory measures in accordance with Article 3 of the Convention, such as: (1) the elaboration, approval and conclusion between the Territorial Inspectorates for Emergency Situations, the Territorial Police Inspectorates, the Territorial Directorates for Culture and for National Heritage and the Territorial Inspectorates in Constructions, of common action plans containing measures with a view to protecting historical monuments; (2) the updating of evacuation plans in the event of armed conflict, through the insertion of concrete measures for protection of cultural property; and (3) the designation of specialised officers within the Territorial Inspectorates for Emergency Situations for protecting the historical monuments in their areas of competence. Additionally, there is an inventory of cultural property which the Romanian authorities strive to continuously update.
161. With regard to historical monuments and sites, Romanian legislation provides for the establishment of a national registration system of classified cultural property (which is made up of three legal categories: monuments, sites, and protected areas), reflected in the List of Historical Monuments, an official document updated every five years. Similarly, archaeological sites are included on the List of Historical Monuments (following classification), as well as in the National Archaeological Record Database (which includes archaeological sites, irrespective of classification).
162. The national movable cultural heritage, composed of certain classified movable cultural goods, is included in the Inventory of the National Movable Cultural Heritage. In regard to

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**Measure 10.** 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.

List of Itineraries for Vehicles Transporting Hazardous Cargo by State Roads to bypass Objects included in the Lists of Immovable Cultural Heritage Objects of Outstanding Cultural Significance was approved by the Order No. 3-398 of the Minister of Transport on 6 December 2007.

museums, public collections, memorial houses, cultural centres and other institutions in this field, there is an obligation to ensure that analytical evidence of cultural goods is provided through the record database for analytical recording of cultural goods. Museums and public collections are under an obligation to maintain a digital database. There is legislation in force that mandates the protection of cultural goods against any acts that may result in the damage, destruction, loss, theft or illegal export.

163. **Slovakia** has accepted to take the appropriate measures for the protection of cultural heritage against the foreseeable consequences of an armed conflict.
164. **Slovenia** reports that the Ministry of Education, Science, Culture and Sport, in partnership with the Ministry of Defence, is the institution responsible for planning the protection of cultural heritage in wartime and in states of emergency. In accordance with Article 3 of the Hague Convention, the envisaged preparatory measures for safeguarding movable and immovable cultural property against the foreseeable effects of an armed conflict are developed, harmonized and appropriately materialized with the defence plans for the area of cultural heritage. In accordance with the Decision of the Government of the Republic of Slovenia on defining preparations for carrying out preparedness measures, the Ministry of Defence and the Ministry of Education, Science, Culture and Sport have agreed on planning and carrying out measures related to the evacuation of especially important material from threatened museums, galleries and archives, as well as closing public cultural institutions in the event of an imminent threat of war.
165. Information on **Switzerland's** implementation of Article 3 of the Convention can be found in its previous national report.

#### **Article 7 – Military Measures**

166. In **Belgium**, the text of the Hague Convention of 1954 and its two Protocols are made available through the internal database of the Armed Forces, and the protection of cultural property is one of the subjects taught in courses on the law of armed conflicts, during basic training and also during the ongoing training at all levels and ranks of the military. Instruction is tailored to the level of responsibility and the subject needed to exercise the function. The relevant laws (including those related to the protection of cultural property) are appropriately distributed to military contingents participating in missions outside the national territory. Finally, a reference card called 'Humanitarian Rules for Combatants' is distributed to all military personnel, including an explanation of the protective emblem on important cultural property. A specialized service responsible for ensuring respect for cultural property within the Ministry of Defence has not been created. However, the protection of cultural property is the subject of special attention in the training of counsellors in the law of armed conflict who advise military commanders on the application of the law of war (existing doctrine and teachings). In practice, the task of ensuring the protection of cultural property and the collaboration with the civilian authorities who work for the same purpose may be endorsed by those law counsellors on the law of war as well as by CIMIC (civil-military cooperation) officers. CIMIC is the military function through which a commander links to civilian agencies active in a theatre of operations.
167. In **Canada**, the Canadian Forces Military Law Centre (CFMLC) is the military legal education and training delivery organization for the Canadian Forces (CF). The CFMLC executes a CF-wide mandate to provide legal education and training materials and services to military members in order to assist them in meeting the challenges associated with current and future operations. Established as a Directorate of the Canadian Defence Academy (CDA), the CFMLC is a joint effort of the CDA and the Office of the Judge Advocate General (Office of the JAG) to provide innovative legal research, education and training to the CF. Legal education and training delivery at CFMLC is aimed at enhancing discipline across the CF and at ensuring that the CF is capable of carrying out its current and future missions in accordance with all applicable domestic and international laws.
168. Basic training for all Canadian military personnel includes instruction concerning respect for cultural property, and additional education on the Law of Armed Conflict (LOAC) (including

that concerning cultural property) is offered across the country four to seven times annually to senior non-commissioned members and commissioned officers. Instruction in LOAC (including the Hague Convention instruments) is also mandatory for all officers enrolling in the Canadian Armed Forces. LOAC is delivered through the “Canadian Armed Forces Junior Officer Development Programme” and must be completed in the individual officer’s first three years of service.

169. 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 designated for enhanced protection under the Second Protocol) could be provided as part of this training.
170. Furthermore, within the Canadian Forces, the Operational Law Division of the Office of the Judge Advocate General is responsible for providing legal support to the CF and the Department of National Defence in relation to operational law. The legal officers in the Operational Law Division advise the CF chain of command at the tactical, operational and strategic levels on the application of international and domestic law to CF activities, including the law relating to the protection of cultural property and the necessity to ensure its respect. In addition, when elements of the CF deploy on operations, legal officers deploy with those elements to provide dedicated legal support to commanders and staff on the ground.
171. The **Czech Republic** requires its soldiers to observe the law, international humanitarian law (IHL) and treaties; this can be found in Section 48, Paragraph 1 f) of the Act No. 221/1999 Coll., on Professional Soldiers. The observance of the 1954 Hague Convention and both its Protocols is included. The same rule, as well as the obligation not to misuse the distinctive emblem, can be found in the Ground Rule of the Armed Forces of the Czech Republic (Chapter 1, Section 6, Paragraphs 35 and 38). Legal advisers responsible for compliance with international humanitarian law are assigned to each battalion commander. The International Law Department of the Ministry of Defence closely co-operates with the Ministry of Culture on expert issues.
172. In the **Estonian** legal order, international law is considered part of the national legal order, under the monistic approach to international law. Therefore, Estonia sees no need to transfer international law norms into internal legal acts and regulations. In the training of military personnel of all levels, international humanitarian law, including provisions related to protection of cultural property, is covered.
173. In **Finland**, the Convention is mentioned in the instruction manual given to conscripts. It is made clear in the manual that Finland has ratified the Convention and that Finnish legislation has implemented provisions of the Convention, rendering actions contrary to the Convention’s provisions punishable by law. In addition, instructions concerning the personnel of the Finnish defence forces require that international humanitarian law, including the Convention, be observed.
174. No specific services have been created or specialists appointed in the Finnish defence forces to secure respect for cultural property. However, the observance of international humanitarian law is compulsory for the personnel of Finnish defence forces, particularly for the leaders.
175. In **Germany**, in peacetime and during operations, military leaders are assigned legal advisers whose task, as specialist personnel according to Article 7(2) of the 1954 Hague Convention, is to give advice on all issues related to international law, including the protection of cultural property under international law. Their task involves examining the legal basis of orders, instructions and rules of procedure of the Federal Armed Forces and ensuring that all aspects of international humanitarian law are taken into account. This means that legal advisers are also involved in the implementation of military procedures, e.g. military targeting.
176. **Greece’s** Regulations of Armed Forces provide for the obligation of all military personnel to respect heritage monuments and works of art and culture during military operations. There

has not been any establishment of services within the armed forces for the specific purpose of securing respect for cultural property. However, such a possibility is being examined.

177. In **Hungary**, the Convention and its two Protocols are respected in all relevant military regulations and instructions, such as the Hungarian Defence Service Regulation in the appendix of Decree 24/2005 (VI. 30). The Ministry of Defence promulgates obligations of the principles of international humanitarian law concerning military personnel. It regulates the general protection of cultural objects in addition to unauthorized usage of the Convention's distinctive emblem. In addition, confidential 'rules of engagement' are prepared for military personnel when posting for specific missions, in which the Convention and its Protocols are discussed.
178. **Japan's** Self-Defense Forces Law stipulates that the Ministry of Defense and the Self-Defense Forces shall make appropriate efforts to ensure compliance with international law and custom. In the Ministry of Defense and the Self-Defense Forces, the sections responsible for the affairs related to international humanitarian law are in charge of the implementation of the Convention in close cooperation with other governmental agencies (e.g. the Agency for Cultural Affairs) which are responsible for the protection of cultural property.
179. **Jordan** reports that in 1996, a central unit was established at the Department of Antinarcotics, responsible for following up on any impacts on movable and immovable antiquities, with the co-operation of the Security and Customs Departments and the Department of Antiquities. Moreover, cultural and natural heritage issues are taken into consideration as part of the study programmes of military and security departments at universities, as well as in the academic sections of military forces. The Department of Antiquities is committed to the task of sustainable education of the Military Forces and security and police departments, covering all the Articles of the Hague Convention and its two Protocols.
180. **Lithuania's** Implementing Measure 4 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, "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 Ministry of National Defence. 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 the Republic of Lithuania. In addition, the position of a Chief Specialist of Cultural Heritage Protection was established in the Lithuanian Armed Forces in 2004. The main task of the Specialist is to coordinate and ensure implementation of the Convention in the National Defence System.
181. The armed forces of the **Netherlands** include the Cultural Affairs & Information Section (CAI Section) of the Command Support Group of the Royal Netherlands Army.<sup>47</sup> 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 programmes; this includes instruction about 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 points of contact for civilian staff of the cultural institutions involved. They can be deployed in every Safety Region where military support in assistance to civilian authorities is contemplated.

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<sup>47</sup> 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.



182. Furthermore, during stability or peace support operations, the Dutch armed forces can deploy specialists in cultural heritage protection from the First CIMIC Battalion Network for Cultural Affairs & Education (more about this Network can be found in the report concerning Article 30 of the Second Protocol). This unit consists of expert reserve officers who can be attached to any CIMIC team or military staff in the field.
183. **Oman** has not introduced instruction provisions aimed at ensuring observance of the Convention, nor has it established within its armed forces services or specialists whose purpose is to secure respect for cultural property. However, as per the Antiquities Law (1980), all military and civil authorities are concerned in protecting and safeguarding cultural properties.
184. **Peru's** Decree-Law No. 1094 in the Code of Military-Police Justice prescribes an imprisonment of between five and twelve years for military or police personnel who, without due cause, destroy buildings, temples, archives, monuments, or other goods of public utility (Article 81) and prescribes an imprisonment of between six and twenty-five years for those who attack, by any means, property of a civil character, including buildings devoted to religion, education, art, science or charitable purposes, or historical monuments (Article 91).
185. **Romania** reports that within its Ministry of National Defence, specific regulations and manuals require military and civil personnel to respect the norms of international humanitarian law, including the rules related to the protection of cultural property.<sup>48</sup> Within the Ministry of National Defence, there is no specialized structure which has as its main mission the dissemination, observance and implementation of the relevant IHL instruments related to the particular field of protection of cultural property in the event of armed conflict. However, the personnel of military institutions are instructed about international humanitarian law in the framework of the general process of military instruction, as well as during the instruction activities in view of participating in missions and operations abroad and even during these missions and operations. The instruction is ensured by the legal counsellors from the military units and from the structures which participate in missions and operations abroad. In the framework of these activities, particular attention is given to the main legal aspects of the protection of cultural property in the event of armed conflict. At the same time, the personnel of the Ministry of National Defence have the obligation to know and observe the dispositions of the international humanitarian law instruments to which Romania is a party.
186. **Slovakia** has not set up any special unit within its armed forces to ensure respect for cultural property. However, several provisions have been introduced into military regulations to ensure such respect. These provisions are called the "Instruction of the Ministry of Defence of the Slovak Republic in the Event of Armed Conflict" (issued in 2009). There is also a special training for military forces in order to ensure respect for cultural property.
187. In **Slovenia**, implementation of the Convention and its Protocols falls within the responsibility of the Legal Service and the Slovenian Armed Forces Command. Obtaining information about the Convention is an integral part of the military education and training of the Slovenian Armed Forces. In carrying out their regular tasks at home and abroad, the Slovenian Armed Forces adhere to the Convention. Members of the Slovenian Armed Forces

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<sup>48</sup> The specific regulations and manuals include: General Staff Disposition No. 101/24 December 2008 on the instruction in the field of International Humanitarian Law; International Humanitarian Law Handbook No. 1, for military training in international humanitarian law (individual, group, platoon, company-related); International Humanitarian Law Handbook No. 2, for training the Romanian armed forces on the status of captured persons; International Humanitarian Law Handbook No. 3 for the Romanian armed forces training, addressing the officers and NCOs; National Defence Minister's Order No. MS 66/2009 on the instruction of the personnel of the Ministry of National Defence which participates to individual missions abroad; National Defence Minister's Order No. MS 99/2011 on the competences of central structures on the engagement, planning, preparation, participation, management and support of the Romanian armed forces to missions and operations abroad; and National Defence Minister's Order No. MS 58/2012 approving the Instructions on the rules of engagement of the Romanian armed forces.

deployed on a mission are familiarized with their tasks at the mission's location. In particular, this applies to Slovenian Armed Forces members acting within the KFOR mission (Kosovo), who have a duty to safeguard property with specifically-defined status. Members of the Slovenian Armed Forces are acquainted with the distinctive emblem marking cultural property under protection as well as the emblem marking cultural property under special protection. They are informed that in the event of military attack, immovable cultural property is under special protection, that no such property may be used for military purposes and that such property must not be destroyed. A Defence commander must mark such property distinctively, remove any military targets from its vicinity and, of course, not operate from such a property. If a property of this kind is used as a military point, an attacker must draw the adversary's attention to the misuse of protected property and afford them reasonable time to vacate the property so that the property does not lose protected status. Specialist services responsible for safeguarding cultural property in the event of armed conflict have not yet been established.

188. Information about **Switzerland's** implementation of Article 7 can be found in its previous national report. Since then, however, a few additions have been made, including a documentation for warrant officers (relevant pages 133-136) and a document on "The ten rules of the basis of the protection of cultural property", which went into effect on 1 July 2013.

## Chapter V – The Distinctive Emblem

189. In **Belgium**, along with the normative texts adopted by the Communities and the Regions, rules were enacted regarding the affixing of a distinctive emblem on cultural properties. Ministerial Order (Ministry of Dutch Culture and Flemish Affairs) of 1 April 1977 established the pattern of the distinctive emblem that can be applied to monuments protected by certain federal orders. The Flemish authorities have also adopted a distinctive emblem for protected sites (Order of the Flemish Government of 3 June 1997) and a distinctive emblem for nautical heritage (Order of the Flemish Government of 4 June 2004).
190. The German-speaking Community has enacted Order of 13 March 1955 on the use of the distinctive emblem for protected monuments and sites for the municipalities which are part of the German-speaking Community. Both the Walloon Region and the Brussels-Capital Region have also adopted orders which provide for the use of the distinctive emblem for protected monuments and sites.
191. In Wallonia, the majority of classified properties have already been marked with a distinctive emblem. A new distinctive emblem campaign has begun, with the emblems including a URL banner, a Quick Response Code (QR Code) and a near field communication (NFC) chip which allow viewers to receive additional information about the property via smart phone. This information is available in several languages (French, Dutch and German), with priority given to properties listed on the World Heritage List or the list of Wallonia Exceptional Heritage.
192. In Brussels, plaques are affixed when a building is restored (or when an owner seeks it), with more than 300 sites currently so identified. However, there are still issues regarding the methodology and procedures in its application. The properties have not been consistently marked with distinctive emblems. Still, protected properties and their surrounding areas are consistently mapped on UrbIS and made available to all regional administrations and to the public via the internet.<sup>49</sup>
193. In the Flemish region, there is no list of monuments, protected sites or nautical heritage to which a distinctive emblem must be applied, and application of a distinctive emblem is not compulsory. The emblem is sent by simple request of the owner or administrator.
194. In the German-speaking Community, a new distinctive emblem with a QR code has been placed on each monument and classified site.

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<sup>49</sup> [www.brugis.irisnet.be](http://www.brugis.irisnet.be).

195. At the federal level, the Armed Forces pay attention to natural monuments and sites. The directive document, “Protection of the Natural Environment and Monuments Belonging to the Military Domain” (21 January 2004), plans the affixing of a distinctive emblem entitled “protected military heritage” and creates the Commission for the Protection of Natural Environment and Monuments of the Military Domain (COMIMO). COMIMO defines and enforces national and federal rules in the protection of outstanding heritage within the Ministry of Defence.
196. The **Czech Republic’s** Act on the Protection of Museum Collections<sup>50</sup> sets out an obligation to mark cultural property contained in museum collections with the distinctive emblem. The Ministry of Culture (MoC) and the Ministry of Defence (MoD) are currently in the process of selecting objects of cultural value for protection, according to the Convention.
197. **Estonia** does not mark cultural property with the distinctive emblem of the Convention. Instead, it uses a traditional runic symbol of its own to mark monuments in accordance with the Heritage Conservation Act. At the moment, there has not yet been discussion on whether to use the emblem of the Convention.
198. **Finland** is currently compiling a national inventory of potential sites; the question on the possibility of marking the sites with the emblem will be decided after the completion of the inventory. The 2010-2012 advisory body was tasked with presenting its views on how to proceed with the national inventory process on relevant cultural property. According to the plan, the inventory will combine both movable and immovable property. The latter includes built heritage, archaeological heritage, museums, libraries and archives. In addition to addressing military threats, the Finnish inventory will also serve to safeguard cultural property against day-to-day civil emergencies (like fire and natural hazards of various kinds). The inventory will be compiled by the National Board of Antiquities in co-operation with other major stakeholders. There is a special need to strengthen co-operation between the heritage sector, the Defence Forces and rescue services. A hearing has been arranged on the subject of the proposed inventory for the regional heritage authorities. The owners of the cultural property will also be contacted about the inventory. One part of the discussion is the question of the relationship between the national Hague Convention inventory and the official domestic legal protection for movable and immovable heritage. Apart from the Act and Decree on Restrictions to the Export of Cultural Objects, there is no domestic legislation to protect movable heritage. The proposed inventory will be restricted to individual monuments and groups of buildings, archaeological sites, art collections, archives and libraries of national importance and significance. All six World Heritage cultural sites are included in the Hague Convention inventory.
199. **Germany** marks cultural property with the distinctive emblem of the Convention. The Federal Republic of Germany’s Central Refuge has special protection status and therefore bears the distinctive emblem repeated three times, pursuant to Article 16(2) of the 1954 Hague Convention. Responsibility for using the distinctive emblem used alone, pursuant to Article 16(2) of the Convention, lies with the *Länder*, on behalf of the Federal Government. It is used at their discretion. There is therefore no uniform marking system in use throughout the entire Federal Republic of Germany. The situation varies considerably between the *Länder*.
200. From the German Federal Government’s perspective, use of the emblem would make the cultural property bearing it recognizable as such, thus ensuring transparency for the general public and for potential parties to an armed conflict. Germany also realizes, however, that this recognisability could pose risks particularly in the event of an armed conflict. Since use of the emblem could put cultural property at a greater risk if it then becomes a deliberate target, several *Länder*, including Hamburg and Brandenburg, have purposely decided against using the emblem.
201. Another point is how to set the criteria for selecting which cultural property should be included on the list. Here, standardized criteria for the whole of Germany are lacking. From a

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<sup>50</sup> Act No. 122/2000 Coll.

practical perspective, many *Länder* also lack the personnel required for this optional task. Against this background, the Federal Government allows the *Länder* to decide themselves whether or not to use the emblem.

202. In **Hungary**, the Ministry of Culture is in charge of the inventory of cultural property not under special protection, under which the Ministry created several categories of cultural objects in relation to which the distinctive emblem alone is to be used. MKM on the distinctive emblems related to the Hague Convention was issued by the Minister of Public Education in 1998. Its scope applies to the central state and local public collections, ecclesiastic collections and any higher educational institutions, the library or archive of which is holding irreplaceable cultural goods.
203. **Japan** leaves it up to the owners of cultural properties to decide whether or not to use the distinctive emblem in peacetime.
204. According to **Lithuania's** Measure 7 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, nineteen 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, approved by Resolution No. 193 of the Lithuanian Government on 7 February 2007, were marked with the distinctive emblem of the Convention in 2008.<sup>51</sup>
205. The **Netherlands** has used the distinctive emblem since 1964 for approximately 4,500 items of cultural property under (general) protection. The cultural property not under special protection, which is listed in relation to the Hague Convention, can be divided into three categories: immovable property (4,371 sites), movable property (approximately 150 items) and collections. All items have been registered in a database maintained by the Cultural Heritage Agency (CHA) of the Netherlands. Recently, in the online register of national monuments, immovable property under protection has been identified as such.<sup>52</sup> Only the immovable property and the buildings in which collections are kept are marked with the distinctive emblem. Currently, the CHA, in cooperation with the national Blue Shield Committee, is conducting a check-up on the presence and correct application of the distinctive emblem on monuments and collection buildings within the city of The Hague. Continuous attention is being paid to disseminating the meaning and context of the emblem and to discourage imitation and unauthorized use.
206. **Oman** does not mark its cultural property with the distinctive emblem of the Convention.

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<sup>51</sup> The buildings that were marked are as follows: 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 Ožkabalai – J. Basanavičius Memorial Museum and the oak park dedicated to the Lithuanian popular revival; Ožkabalai 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.

<sup>52</sup> See: [www.monumentenregister.nl](http://www.monumentenregister.nl)

207. **Peru** does not use the distinctive emblem, due to a lack of appropriated resources.<sup>53</sup> In the historical centre of Cusco, the Blue Shield appears on some buildings, but this is in the interest of tourism.
208. **Romania** has partially implemented the provisions of the Convention relating to the distinctive emblem and intends to continue its activity with respect to this matter.
209. **Slovakia** does not use the distinctive emblem of the Hague Convention to mark all of its cultural heritage.
210. **Slovenia** reports that, due to the ambiguity of the marking and placement of emblems, the distinctive emblem of the Hague Convention has only been applied on some cultural monuments. However, in 2011, the Rules on Marking Cultural Monuments were enacted, and marking with a uniformed emblem began.
211. **Switzerland** has provided its cantons with a number of insignias in order to mark objects pursuant to the Hague Convention. Currently, these emblems may, however, only be affixed by order of the Federal Council. Moreover, a new law on the safeguarding of cultural property comes into force on 1 January 2015; it will allow cantons to mark with the insignia cultural properties of importance on their territory (Article 11, al. 2).

#### **Article 25 – Dissemination of the Convention**

212. **Belgium** disseminated an educational booklet on the protection of cultural property (2008, currently being updated), which aims to highlight the importance of the protection of cultural property, including reference to international conventions such as the Hague Convention of 1954 and its Protocols (1954 and 1999). This booklet contains several recommendations, such as affixing a sui generis emblem that will distinguish immovable cultural property classified by the German Community and the Regions but not necessarily covered by the Hague Convention and its Protocols. The booklet also recommends the creation of lists of protected property in the event of armed conflict in Belgium to identify the different legal regimes applicable to the protection of cultural property, as well as the construction of additional shelters for movable cultural property to protect against any attack during armed conflict. This brochure was translated into French and Dutch, and an electronic version in English has been available since 2010. The brochure was sent to the Belgian authorities (governments and parliaments) and administrations involved in heritage protection in Belgium (Regions, Communities, Provinces and Municipalities). The booklet was also sent to international institutions, including UNESCO, the International Committee of the Red Cross, and the International Committee of the Blue Shield.
213. Furthermore, the Red Cross of Belgium disseminates international humanitarian law in Belgium and works with the Belgian authorities to enforce it. It carries out awareness-raising activities on international humanitarian law to the public and targeted audiences through educational tools such as DVDs, exhibitions, worksheets to the organization of events. The Red Cross of Belgium also provides training for target audiences in international humanitarian law for diplomatic and consular officers, military, humanitarian actors, journalists, legal professionals and university students involved in education.
214. During the period between 2009 and 2012, the Red Cross of Belgium paid particular attention to the protection of cultural property, providing training in international humanitarian law in collaboration with the Belgian Technical Cooperation. This course was designed for potential future humanitarian actors. Through e-learning and classroom training sessions, it addressed the characteristics, sources, main protection rules and the implementation of international humanitarian law.

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<sup>53</sup> (Article 79) - Depending on the related regimes of protection, the competent authority will authorize the positioning of the distinctive logo (blue shield) established for the 1954 Convention of the Hague to signal the cultural properties; In the case of properties which deserve the special protection, this distinctive logo shall be tripled and any its use in this form for other purposes is prohibited.

215. During 2009, a moot court competition was organized, which consisted of a mock trial before the International Criminal Court, and one of the issues raised was the protection of Cultural Property in the Event of Armed Conflict. Eight universities from Belgium, France, Switzerland and Romania participated in this event, allowing students to work on legal instruments for protecting cultural property during armed conflict. They were encouraged to browse the provisions of the Hague Convention of 1954 and its Protocols, as well as those of the Statute of the International Criminal Court (1998), in particular Article 8, which criminalizes war crimes, including intentional attacks of buildings dedicated to religion, education, art and science or historical monuments.
216. In January 2011, the Rode Kruis-Vlaanderen disseminated an information letter about the protection of cultural property during armed conflicts. This letter was read by more than 1,100 recipients. Furthermore, in March 2011, the Rode Kruis-Vlaanderen organized an evening conference on the protection of cultural property in armed conflict. Ninety-one people attended this conference, where Sigrid Van der Auwera gave a lecture. She discussed the current regime of protection for cultural property, dedicating much attention to the 1954 Hague Convention and its Second Protocol. In particular, she examined several problems, such as the issue of knowing what circumstances create military necessity, as well as the protection of cultural property during peace-keeping operations.
217. The Belgian Blue Shield Committee, which was created in 1996, supported the organization of a study day dedicated to the management of day-to-day risks in the world of heritage. It also contributed to the implementation of a training programme for the personnel of the Hainaut province services. Despite having limited financial and human resources, the Belgian Blue Shield Committee continues to promote the protection of cultural heritage through such actions.
218. **Canada** has disseminated the provisions of the Convention within its armed forces and also among target groups and the general public. Information on this subject can be found in Canada's 2008 periodic report.
219. The Czech Committee of the Blue Shield has been established and operates in the **Czech Republic**. A non-profit national institution analogous to the International Committee of the Blue Shield associates the professional workers of cultural property care, collections institutions, libraries and archives. The Czech Blue Shield has organized a number of events aimed at educating about the protection of cultural property in the event of an emergency situation, including an armed conflict.
220. International Humanitarian Law (IHL), including the Convention and both its Protocols, is fully integrated into career courses (basic, specialist, NCOs, officers, staff) and into the regular training of soldiers. Upon request (mainly during pre-deployment training), IHL specialists conduct ad hoc training focussed on IHL issues. A specialised IHL course for instructors is organized once a year. Additionally, relevant international documents, including the Convention and both its Protocols, are fully integrated into career courses for the conservation staff at the Institute of Public Administration in Prague (Ministry of the Interior) as well as in other ad hoc or regular educational programmes organized by the Ministry of Culture and the National Heritage Institute (University of the Third Age in Telč at Masaryk University in Brno, Conservation seminar in the National Heritage Institute, etc.).
221. In 2011 and 2012, the Czech Republic's Ministry of the Interior executed the "Project of methodical assistance to improve the level of fire protection of monuments". The results led to the establishment of two working groups (WG on methodology for the inspection of monuments and the preparation of seminars and WG on training and education). Contact persons ("guarantors") in the Fire and Rescue Service who are specialised in the protection of monuments were also designated. In 2011, the guarantors, in co-operation with the National Heritage Institute, organized a seminar aimed at exchanging information about the possible ways of protecting monuments from fires and their effects. The Fifth International Conference of the Professional Fire Protection Association, on the topic of "Fire protection of tangible cultural heritage", was also held in Cesky Krumlov, in cooperation with the National

Heritage Institute and the Fire and Rescue Service, under the auspices of the Ministry of the Interior and the Ministry of Culture. The aim of the conference was to find solutions and a common approach to ensure the protection of monuments against fire and eliminate the irretrievable loss of cultural heritage. In the framework of enhancing cooperation in the field of fire protection of cultural heritage, the Fire and Rescue Service formed a partnership with the Association of castle owners in the Czech Republic. In cooperation with the Fire and Rescue Service and the National Heritage Institute, fifty monuments managed by the National Heritage Institute have been inspected. To increase awareness of the protection of cultural heritage, another seminar was organized in 2012 by the Ministry of the Interior on the protection of monuments from fires and their effects, this time for the conservation staff of regional authorities. An important element in the development of the protection of monuments from fires is professional and training education, mainly of engineers and technicians who design buildings. In the context of co-operation with the Czech Chamber of Authorized Engineers and Technicians (ČKAIT), the first educational event was held for the Chamber members. In 2012, the Ministry of the Interior also certified the methodology “Technology of cultural heritage protection against fire” for the needs of owners of monuments.

222. **Estonia** has disseminated the provisions of the Convention within the armed forces as well as among target groups and the general public. More information on this subject can be found in Estonia’s previous report. Additionally, when the Ministry and Culture, the Ministry of Defence and the Estonian National Commission for UNESCO met to prepare Estonia’s national report, a suggestion was made to work also with Estonian Defence League for disseminating the information. The Estonian Defence League is a voluntary, militarily-organized national defence organization operating in the area of government of the Ministry of Defence. It is a part of the Defence Forces and offers training for its members.
223. **Finland** has taken many steps toward fulfilling the provisions of Article 25 of the Convention regarding dissemination of the Convention, both within the armed forces and among target groups and the general public. The Finnish Defence Forces provide training on international humanitarian law, including the Convention, to conscripts, reservists and personnel through lessons and exercises. Additionally, the Emergency Services College (Pelastusopisto) provides education and training in its special field under the supervision of the Ministry of the Interior. The College plans and arranges basic and advanced education and training in fire and rescue work, civil defence training and other training in emergency operations. As part of its work, the College has also arranged specialised education on the protection of cultural heritage. Protecting cultural property is part of preparedness training in the educational and cultural sector and also at the municipal level. In recent years, a number of regional training courses have been organized for the representatives of educational and cultural services, including museums, archives and libraries. Protecting cultural property is also an established part of the humanitarian law training provided by the Finnish Red Cross for the Defence Forces.
224. Preparedness concerning cultural property is not governed by specific legislation in Finland, so practical action to safeguard such property would be taken under the Emergency Powers Act and the Rescue Act. The Emergency Powers Act guides the actions of the authorities in emergency conditions and includes the duty to secure the performance of vital activities in all circumstances. Self-preparedness under the Rescue Act, on the other hand, in practice concerns everyone, obliging the owners and occupants of buildings to prevent and prepare for accidents and hazardous situations as far as their resources allow.
225. Within the administrative branch of the Ministry of Education and Culture, the National Archives Services is the organization that has the authority to issue regulations and to direct preparedness activities concerning archives. As regards museums, libraries and buildings of cultural historical value, there is no similar means of control. Key regulative measures include various types of guidelines and recommendations as well as training, and possibly also grants for the owners. In other words, safeguarding cultural property, in practical terms, depends to a great extent on self-preparedness and co-operation between the authorities.

226. In the reform of the Rescue Act (2011), the impacts of accidents on cultural property were highlighted as a complex issue. For sites where a fire or other accident would put property of cultural historical value at risk, an emergency plan must be drawn up. In addition, sites of cultural historical value will also be accounted for in regional risk analyses drawn up by the rescue services in the future. Cultural historical sites have similarly also been taken into consideration as a special group in the national implementation of the EU Floods Directive. The Floods Directive contains the requirement of taking national cultural heritage into account in regional risk assessments.
227. **Germany** has implemented several efforts to disseminate the Convention to the Federal Armed Forces and develop instruction and training within the Federal Armed Forces. As regards dissemination, the Federal Ministry of Defence, in cooperation with the Federal Foreign Office and the German Red Cross, publishes and distributes the bilingual (English and German) omnibus publication “Documents on International Humanitarian Law | Dokumente zum humanitären Völkerrecht”, which includes, *inter alia*, the text of the 1954 Hague Convention, the Regulations for its execution, and its two (1954 and 1999) Protocols. Additionally, Joint Service Regulation ZDv 15/2 “International Humanitarian Law in Armed Conflicts – Manual” disseminates and implements the Convention’s contents and provisions, in accordance with Articles 7(1) and 25. This Manual summarizes the provisions on international humanitarian law and the protection of cultural property and presents them as a regulation to be observed by all military personnel. It also serves as a foundation for initial and extension training of military personnel in the field of international law. ZDv 15/2 covers the latest developments in international law regarding the protection of cultural property. Additionally, this document is supplemented by Joint Service Regulation 15/1 “International Humanitarian Law in Armed Conflicts – Principles”, which provides a concise overview of the principles of international humanitarian law. There is also an accompanying pocket card, “International Humanitarian Law in Armed Conflicts – Principles”, which summarizes the principles of international humanitarian law in a compact and comprehensible style for military personnel to study on their own and in preparation for operations.
228. In addition to these dissemination strategies, Germany has mandated that all military personnel be instructed in their duties under international law (Section 33 of the Legal Status of Military Personnel Act). In compliance with the stipulations of Article 25 of the Convention, such instruction in international humanitarian law also covers the provisions on the protection of cultural property. Instruction in obligations under international law is part of the curriculum of the annual training programme for military personnel and is intended to consolidate existing knowledge. In the same vein, a large number of courses and seminars on international humanitarian law are offered at several Federal Armed Forces training facilities. Lastly, military personnel earmarked for operations abroad receive detailed instruction and training in applicable international and national regulations during pre-deployment training.
229. Likewise, Germany has disseminated the Convention to civil authorities and the general public. The Federal Office of Civil Protection and Disaster Assistance has published the leaflet “Protection of Cultural Assets in the Event of Armed Conflict” with the texts of the 1954 Hague Convention, the Regulations for its execution, and both of its two (1954 and 1999) Protocols. This leaflet is available to download from the Federal Office of Civil Protection and Disaster Assistance website and is distributed to the competent Federal and Land authorities and, upon request, to universities, museums, press agencies and the general public. Furthermore, seminars on protecting cultural assets have been held at the Academy for Crisis Management, Emergency Planning and Civil Protection at the Federal Office of Civil Protection and Disaster Assistance in Bad Neuenahr since 1997.
230. **Greece** reports that the Hellenic Ministry of Education and Religious Affairs, Culture and Sports, General Secretariat of Culture, has carried out the translation of the information kit on the Convention and its two Protocols. The objective of this translation is to disseminate the text of the Convention to the individuals and bodies responsible for the protection of cultural property. It has been distributed to regional services of the Ministry, which are responsible for the protection of cultural heritage, and to members of the National Advisory Committee of the



implementation of the Convention. The translation of the information kit will also be sent to the Ministry of National Defence in order to be disseminated within the Armed Forces. Moreover, a high-ranking military officer represents the above-mentioned Ministry in the National Advisory Committee of the Hague Convention.

231. **Hungary** has integrated the Convention and its two Protocols into the military education in the National University of Public Service, Faculty of Military Sciences and Officer Training. As part of the courses in “History of Philosophy and Culture” as well as “Law of Armed Conflict”, the candidate-officers focus on the Convention and its Protocols. Also, in the final programme for students, there are fictive scenarios carried out relating to the protection and safeguarding of cultural heritage. A NATO ISAF PRT CIMIC Course (NIPCC) was organized from 10 to 14 October 2011 by the Hungarian Defence Forces Civil-Military Co-operation and Psychological Operations Centre (HDF CMCPOC) with the cooperation of the NATO Civil-Military Co-operation Centre of Excellence. After getting up-to-date mission-oriented training in CIMIC work, students were able to carry out CIMIC-related duties in NATO ISAF operations.<sup>54</sup>
232. Basic knowledge about the Convention is disseminated in Hungarian universities. For instance, at the Catholic University Péter Pázmány, it is part of the official programme for law and art history students and has been taught at the faculties of international law. Moreover, Hungary’s National Directorate General for Disaster Management provides a training programme for its own employees, and the Red Cross distributes publications and information pamphlets concerning international humanitarian law regulations. Lastly, the wording of the Convention is available on general legal databases, as well as on websites specifically dedicated to the topic.<sup>55</sup>
233. In **Japan**, the Agency for Cultural Affairs disseminates the provisions of the Convention by distributing documents on them to interested parties, mainly to relevant divisions of the local governments. The Self-Defense Forces is conducting internal education programmes on the provisions of the Convention.
234. The requirements and the safety of heritage is a main issue that is included in the programmes 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.
235. The Law on Procedure of Publication and Coming into Force Laws and Other Legal Acts of the Republic of **Lithuania**<sup>56</sup> 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 websites of the institutions which have adopted them. Accordingly, the texts of the Convention and the Second Protocol, as well as the Regulations for the execution of the Convention, are published in the Official Gazette and on the website of the Seimas, along with other internet sources providing information and related questions about the Convention.<sup>57</sup> The following institutions and specialist personnel are responsible for dissemination of the Convention:

<sup>54</sup> [http://www.cimic-coe.org/te/ncbc\\_Hungary.php](http://www.cimic-coe.org/te/ncbc_Hungary.php)

<sup>55</sup> These websites include: the Hungarian National Committee for UNESCO (<http://www.unesco.hu/ratifikalt-egyezmények>); the Ministry of Human Resources (<http://www.nefmi.gov.hu/kultura/jogszabalyok/jogszabalyok>); the Ministry Foreign Affairs ([http://www.kulugyminiszerium.hu/kum/hu/bal/Kulpolitikank/nemz\\_hum\\_jog/egyezmények\\_dokumentumok/](http://www.kulugyminiszerium.hu/kum/hu/bal/Kulpolitikank/nemz_hum_jog/egyezmények_dokumentumok/)); cultural institutions such as the National Office of Cultural Heritage (<http://www.koh.hu/tartalom.php?id=20080819150206>); various museums, such as the [the Hungarian Museum of Science, Technology and Transport \(www.km.iif.hu/OKIRAT/jogszabaly\\_lista.doc\)](http://www.km.iif.hu/OKIRAT/jogszabaly_lista.doc).

<sup>56</sup> Current edition of the Law is available on the Seimas website (Lithuanian only): [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_e?p\\_id=197742&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=197742&p_query=&p_tr2=)

<sup>57</sup> Website of the Commission on Implementation of the International Humanitarian Law within the website of the Ministry of National Defence. ([http://www.kam.lt/lt/tarptautine\\_humanitarine\\_teise\\_628/tht\\_sutartys\\_629.html](http://www.kam.lt/lt/tarptautine_humanitarine_teise_628/tht_sutartys_629.html))

236. The Department of Cultural Heritage under the Ministry of Culture. This institution organizes training for civil personnel working in the field of protection of cultural heritage. Also, the provisions of the Convention are disseminated and explained to the representatives of municipalities responsible for the protection of cultural heritage. Courses are held once a year.
237. The Chief Specialist of Cultural Heritage Protection in the Lithuanian Armed Forces. In order to strengthen knowledge of 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 scheduled to be deployed for international operations and missions undergo training on the protection of cultural heritage in areas of armed conflict. During this training, the provisions of the Convention and its two Protocols are explained and analysed; (b) Educational articles in military publishing.
238. The Commission on Implementation of the International Humanitarian Law<sup>58</sup> coordinates dissemination of information on international humanitarian law, including the Convention and its two Protocols. Moreover, the Commission, among other activities, organizes national and international seminars, courses and workshops on international humanitarian law and other related topics for members of the Commission, Lithuanian and foreign civil servants and military officers.
239. Lastly, the subject of international humanitarian law is included in education programmes of all levels of military personnel and in the educational curriculum of police personnel, secondary schools, etc. Also, international humanitarian law is an optional course in the law faculties of the leading universities, as well as in the Institute of International Relations and Political Science and in the Lithuanian Military Academy.
240. The **Netherlands'** report with regard to Article 25 of the Convention is combined with its report concerning Article 30 of the Second Protocol.
241. **Peru** has partially disseminated the Convention among select groups from within the Armed Forces and the National Police during annual courses on international humanitarian law taught within these institutions. However, Peru notes that it has not systematically disseminated the Convention among the general public due to a lack of resources.
242. **Romania** has adopted several measures in the process of dissemination of the Convention, such as: the integration of international humanitarian law (IHL) norms within specific regulations, military doctrines and manuals, training and educational programmes; the instruction of the members of armed forces on how to know, observe and implement IHL provisions; the insertion and study of specific IHL themes during the instruction of the personnel of armed forces participating in missions and operations abroad; the organization of annual sessions for the instruction of the officers responsible for the protection of historic monuments from the Territorial Inspectorates for Emergency Situations; the presentation of specialized themes on the implementation of the 1954 Hague Convention and its two

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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.lrkmlt.lt>); (<http://www.lrkmlt.lt/go.php/lit/Nuorodos/299/8/206>)

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/>).

<sup>58</sup> It was established in 2001 as an advisory body to the Minister of National Defence and consists of representatives of various institutions (National Defence System, Ministries of Justice, Foreign Affairs, Health, Culture, Education and Science, Interior, European Law Department, National Red Cross Society, leading universities etc).

Protocols during the training sessions of the personnel of the General Inspectorate for Emergency Situations; the presentation of the relevant provisions of the 1954 Hague Convention during the activities carried out at a territorial level to the civil personnel responsible for the implementation of the provisions of the Convention and of its two Protocols; the organization of information sessions and round tables on the protection of cultural property in the event of armed conflict; and the publication of articles on the Convention and its two Protocols in specialized reviews edited by the Territorial Inspectorates for Emergency Situations and by the Territorial Directorates for Culture and National Heritage.

243. In **Slovakia**, the Ministry of Culture is responsible for the dissemination of the Hague Convention. The texts of the Convention and its Second Protocol are also available in Slovak on the Government's website<sup>59</sup> and on Slovak public search engines.
244. Within the Headquarters of the **Slovenian** Armed Forces, the bodies for civil-military co-operation are responsible for ensuring the protection of cultural property. These bodies are established at all levels of the Slovenian Armed Forces (tactical, operational, strategic) and, in accordance with documents defining staff procedures, are responsible, together with the operational body, for coordinating operations in the vicinity of targets protected under international military law. Knowledge of the Convention and its Protocols is tested during professional examinations for curators and restorers in the professional service for the protection of cultural heritage.
245. Information on **Switzerland's** implementation of Article 25 of the Convention can be found in its previous report.

#### **Article 26 (1) – Official Translation**

246. **Belgium, Cyprus, the Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Japan, Lithuania, the Netherlands, Romania, Slovakia, Slovenia and Switzerland** have translated the Convention into their respective national languages.
247. **Canada** points out that translation is unnecessary, as the Convention and Protocols already exist in both of Canada's official languages, French and English.
248. Similarly, **Mexico** points out that the official text of the Convention was developed in, *inter alia*, Spanish.

#### **Article 28 – Sanctions**

249. In **Belgium**, the federal government has legislative jurisdiction over criminal matters. However, since 1993, within the limits of their powers, the federated entities (Communities and Regions) may criminalize breaches of the provisions adopted by them. This is notably the case for the protection of cultural property. The Belgian authorities transposed the Geneva Conventions of 1949 and their two Protocols<sup>60</sup> into their own law with the Act of 5 August 2003 on the repression of grave violations of international humanitarian law (modified by the Acts of 1 April 2004 and 7 July 2006). With this Act, the repression has been codified in the Belgian Criminal Code.<sup>61</sup> Articles 136*quater* (1)(13 and 34) and 136*quinquies* (4 and 6) of the Penal Code discuss the question of attacks against cultural property. Additionally, Article 510 et seq. of the Penal Code deals with the question of the destruction of property in general, but it does not specifically cover provisions of international humanitarian law.

<sup>59</sup> [www.government.gov.sk](http://www.government.gov.sk)

<sup>60</sup> Article 53 of Additional Protocol I to the Geneva Conventions of 1949, which applies to international armed conflicts, prohibits certain acts against cultural property. Article 85, 4, d) of the Protocol criminalizes, subject to certain conditions, directing attacks against this property. Article 16 of Additional Protocol II to the Geneva Conventions of 1949 protects cultural property in non-international armed conflicts.

<sup>61</sup> Article 8 of this Act (5 August 2003) inserts into the Criminal Code:

- Article 136*quater*, § 1, 13: is a war crime, the destruction and unlawful appropriation of property, including cultural property. The sentence in this case could be up to 20 years.

250. Moreover, the Disciplinary Regulations of the Armed Forces include offences to the law of armed conflict, including, therefore, offences against cultural property.
251. The French Community and the Flemish Community have adopted legal measures in their respective decrees of 11 July 2002 and 24 January 2003 on the protection of movable cultural heritage of exceptional interest. These communities have provided the necessary penalties for any unauthorized export of cultural property protected under these decrees.
252. The German-speaking Community has planned a series of provisions in the Decree of 23 June 2008 on the protection of monuments, small-scale heritage, and sites, as well as excavations related to conservation. Article 42 of the Decree determines the penalties attached to non-compliance.
253. The Brussels Region has provided, via the Brussels code of Planning (CoBAT), a relatively complete set of regulations for the conservation of its immovable property.<sup>62</sup> First, there are binding provisions (Articles 98(11), 214, 217, 231, and 232) which forbid changing or damaging cultural property without authorisation and require keeping cultural property in a good general state. Next, there are penal provisions, defined in Article 306, for criminal violations of the above-mentioned provisions. These provisions allow for the restoration of cultural property or the cessation of illegal use. However, there is no criminal penalty for failing to keep the property in a good state. Additionally, the regulations set out several means of encouraging conservation of cultural property (e.g. Articles 240, 242 and 310).
254. The Flemish Region has also adopted criminal sanctions in relation to offences against the preservation and conservation of immovable cultural property. The Walloon Region has Article 154 (5) of the Walloon Code Spatial Planning, Urban Planning, Heritage and Energy (CWATUPE), which states that violations of the heritage provisions of the Code "shall be punished by imprisonment of eight days to three months and a fine of 100 francs to 300,000 francs or one of these penalties".
255. **Canada** has several relevant statutes which impose sanctions upon persons who commit or order to be committed a breach of the Convention, including relevant portions of the National Defence Act, the Crimes Against Humanity and War Crimes Act, the Criminal Code, and the Cultural Property Export and Import Act. The first two statutes contain sanctions related generally to war crimes or the law of armed conflict (i.e. without specifically naming the 1954 Hague Convention or Protocols), and the latter two contain sanctions related to specific provisions of the Convention and/or its two Protocols. More information on these statutes can be found in Canada's 2008 periodic report.
256. The new Criminal Code 2009 (Act No. 40/2009 of the Collection of Laws, as amended) of the **Czech Republic** provides for sanctions of all kinds of prohibited means and methods of warfare, including the acts prohibited under the Convention. Relevant sections include Section 411 (Use of forbidden means and methods of combat) and Article 229 (Abuse of ownership).
257. Information on **Estonia's** introduction of provisions into its penal code can be found in its response regarding the implementation of Articles 15 and 21 of the Second Protocol.
258. The Penal Code of **Finland's** provisions on war crimes in Chapter 11, Section 5 apply to violations "of an international agreement on war, armed conflict or occupation".<sup>63</sup>
259. **Germany** has introduced provisions into its penal code to prosecute and impose sanctions upon those who commit or order to be committed a breach of the Convention. Obligations under international law as stated in the Convention are defined as official duties in Joint Service Regulation ZDv 15/2. According to disciplinary law, breaches of duty may be punished with measures up to and including a disciplinary discharge. In addition, violations of

<sup>62</sup> Article 98, 11, has banned, without prior permissions, the possibility to undertake excavations or the modification of a protected property. In case of an infraction to this article, a judge can state that a rehabilitation of the property must be realized (art306).

<sup>63</sup> <http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>

the protection of cultural property under international law may constitute criminal offences under general criminal law, international criminal law or military penal law. According to the Military Penal Code, German criminal law also applies to German military personnel serving abroad. In addition, the Military Penal Code provides that the offences of “abuse of command authority for improper purposes”, “incitement to commit an illegal act” and “inadequate command supervision” may result in penal sanctions being imposed on the responsible superior for conduct that may be relevant to violations of the protection of cultural property under international law. Furthermore, German criminal law contains various provisions which penalize breaches of the Convention, in particular damaging, destroying or stealing cultural property, which are prohibited by Article 4(3) of the Convention. In addition, German soldiers are subject to disciplinary measures if they act in breach of the Convention.

260. Section 304(I) of the German Criminal Code guarantees protection against damage to or destruction of movable cultural property that is ecclesiastical cultural property or cultural property on public display. Likewise, Section 303(I) provides such protection for other cultural property in private collections.
261. In connection with an international or non-international armed conflict, Section 11(I)(2) of the Code of Crimes against International Law penalizes an attack with military means against civilian objects if the latter are protected by international humanitarian law. Whoever in contravention of international law destroys property of the adverse party which is in the power of their own party without this being necessitated by the requirements of the armed conflict is punishable in accordance with Section 9(I) of the Code of Crimes Against International Law. Section 20(I)(2) of the Act of 18 May 2007 Implementing the UNESCO Convention of 14 November 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property prohibits damage to or destruction of cultural property which has been detained by the competent authorities because it is to be returned to another state. Depending on the individual case, other criminal offences, such as destruction of buildings and other structures or arson may be relevant.
262. In terms of protection against theft, Section 242 of the German Criminal Code prohibits theft in general. Section 243(I)(4)-(5) defines as a form of aggravated theft—with an increased sentencing range—stealing objects dedicated to religious worship or objects of significance for science, art or history or for technical development which are located in a generally accessible collection or are publicly exhibited, e.g. in a museum. The purchase and sale of stolen cultural property is an offence under Section 259 of the Criminal Code. In accordance with Section 9(I) of the Code of Crimes against International Law, punishment is imposed on anyone who in connection with an international or non-international armed conflict plunders or, without it being necessitated by the requirements of the armed conflict, otherwise appropriates or seizes property of the adverse party which is in the power of their own party.
263. Furthermore, the principle of command responsibility is embedded in the German Military Criminal Code; punishment is imposed on anyone who in abuse of their command responsibility or official position has ordered a subordinate to commit an unlawful act, which is then committed by the latter giving rise to a criminal offence. Even unsuccessful incitement to commit an unlawful act is punishable. In the same vein, Section 4(I) of the Code of Crimes against International Criminal Law stipulates that a military commander who omits to prevent his/her subordinate from committing an offence under the Code is to be punished as a perpetrator of the offence committed by the subordinate. A person who exercises de facto command or leadership responsibility and supervision in a unit is deemed equivalent to a military commander. Breaches can be punished with simple disciplinary measures ordered by the superior, e.g. reprimand, fine or disciplinary arrest, or disciplinary measures ordered by a court, e.g. a cut in salary, demotion or discharge from service.
264. In conclusion, cultural property is comprehensively protected in times of armed conflict and in peacetime by the German criminal law regarding property damage, destruction and theft. In addition, soldiers can be subjected to disciplinary measures if they act in breach of the Convention.

265. **Hungary** has introduced provisions into its penal code to comply with Article 28 of the Convention: Section 160/B<sup>64</sup>, concerning violations of international protection of cultural property, of Act IV of 1978 and Article 153 of Act C of 2012<sup>65</sup>, of the Criminal Code on 'Attacks on protected property'. In the new Criminal Code, non-international armed conflicts are also encompassed within the scope of the sanctions.

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<sup>64</sup> Section 160/B concerning the 'Violation of international protection of cultural property' of Act IV of 1978 on the Criminal Code stipulates the following:

Violations of international protection of cultural property (Section 160/B):

(1) Any person who, at the time of war:

- a) makes cultural property under international protection the object of attack;
- b) uses cultural property under international protection in support of military action;
- c) makes cultural property under international protection the object of theft or pillage;
- d) makes cultural property under international protection the object of destruction or vandalism, is guilty of a felony punishable by imprisonment between five to ten years.

(2) Any person who uses the immediate surroundings of cultural property under international protection in support of military action shall be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment between five to fifteen years if the crime referred to in Subsection (1) is committed in connection with cultural property placed under special or enhanced protection by international convention.

(4) Any person who uses the immediate surroundings of cultural property under special or enhanced protection in accordance with international convention in support of military action shall be punishable in accordance with Subsection (3).

(5) For the purposes of Subsections (1)-(4):

1. 'cultural property' shall mean the cultural property defined in Article 1 of the Convention for the Protection of Cultural

Property in the Event of Armed Conflict signed in the Hague on 14 May 1954, and promulgated by Law-Decree No. 14 of 1957;

2. 'cultural property under special protection' shall mean the cultural property defined in Article 8 of the Convention referred to in Point 1;

3. 'cultural property under enhanced protection' shall mean the cultural property defined in Article 10 of the Second Protocol to the Convention referred to in Point 1.

<sup>65</sup> In the new Criminal Code, Act C of 2012 that is in force from July 2013, Article 153 on 'Attacks on protected property' will contain the relevant provisions, with modifications in the title and the actual content as well compared to the above regulation in force.

Attacks on protected property

Article 153

(1) Any person who, in the case of wartime, instigates or continues an attack against a non-military target and militarily defenceless establishment, or instigates or continues an attack which causes injury in such establishments or possible wide-spread, long-term or severe damage in the natural environment as an obviously excessive form when comparing the direct military advantage, is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to ten years if the committed crime is against

- a) a hospital, other housing or treatment locations for patients and wounded individuals
- b) cultural property protected by an international convention.

(3) Any person who uses the immediate surroundings of cultural property protected by an international convention in support of military action or steals, loots, damages or destroys such property shall be punishable in accordance with Subsection (2).

(4) The punishment shall be imprisonment between five to fifteen years if the crime referred to in Subsection (2) Point b) or the crime stipulated by Subsection (3) is committed in connection with cultural property placed under special or enhanced protection by international convention or the immediate surroundings of such property.

For the purposes of this Article:

1. 'cultural property' shall mean the cultural property defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict signed in the Hague on 14 May 1954, and promulgated by Law-Decree No. 14 of 1957;

2. 'cultural property under special protection' shall mean the cultural property defined in Article 8 of the Convention referred to in Point a);

3. 'cultural property under enhanced protection' shall mean the cultural property defined in Article 10 of the Second Protocol to the Convention referred to in Point a).

266. **Japan** has taken all necessary steps to implement the Convention with its Penal Code, the Self-Defence Forces Law, the Cultural Properties Law and the Law for the Protection of Cultural Property in the Event of Armed Conflict in 2007.
267. The **Jordanian** Antiquities Law (Law No. 21 from 1988, along with its amendments) serves to prosecute and penalize those who commit or order to be committed crimes against cultural heritage.<sup>66</sup>
268. The Criminal Code of the Republic of **Lithuania**<sup>67</sup> provides for especially strict sanctions for violations of the provisions of the Hague Convention and other international conventions. These provisions include Article 106, "Destruction of Protected Objects, Plunder, Destruction

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<sup>66</sup> Article 26, a) A punishment of not less than one year and not more than three years' imprisonment and a fine not less than three thousand dinars, in proportion to the value of the antiquities, shall be imposed on anyone who:

- 1.) Prospects for antiquities without obtaining a license by virtue of this Law
  - 2.) Trades in antiquities, assist, participates in, interferes with or incites others to do so
  - 3.) Fails to provide the Department with a list of the antiquities that he owns or possesses when this law takes effect.
  - 4.) Destroys, ruins or disfigures any antiquities including any change of their features, separating a part of thereof, or transforming them
  - 5.) Makes fake any antiquities or makes an attempt to do so
  - 6.) Refrains from or is in default of handing over the antiquities which he discovered or came across to the Department, whether or not he holds license, within their prescribed period of time.
  - 7.) Moves or disposes of any antiquities in violation of this Law including hiding or smuggling them
  - 8.) Steals pieces of antiquities
  - 9.) Trades in imitation antiquities alleging that they are genuine ones
- b) The antiquities seized as a consequence of the commission of the acts mentioned in Paragraph a of this Article shall be confiscated and handed over to the Department.

#### Article 27

A punishment of imprisonment for a period not less than two months and not more than two years or a fine of not less than five hundred dinars in proportion to the values of the antiquities shall be imposed on anyone who:-

- a) Attaches notices on any antiquities or puts signs or any other things there on.
- b) Carries out without a license from the Department any of the following acts:
  - 1) Creating fake antiquities or dealing with fake antiquities
  - 2) Manufacturing and use of molds or samples of antiquities
- c) Discovers or find any antiquities by chance or if he knows of their discovery or finding and fails to inform about them pursuant to the provisions of this law
- d) Presents any false statement or information or any incorrect documents to obtain any license or permit pursuant to the provisions of this law.

#### Article 28

- a) In addition to the penalties provided for in Article 26 and 27 of this Law:-
  - 1) The antiquities for which the violation was committed shall be confiscated. Moreover, the apparatuses and tools shall also be confiscated and become the property of the Department.
  - 2) Any construction, buildings or other things which were erected, made or planted in violation of the provision of this law or any system issued hereunder shall be removed at the expense of the offender including the cost of repair of any damage caused to the antiquities.
- b) The expenses and cost payable under this Article shall be estimated by the Committee provided for in Article 17 hereof.

Its estimation shall be legal evidence acceptable to all parties.

- c) The Director may request the court to impose attachment on the apparatuses, tools and machines used during encroachment upon the antique sites until it passes its related decision.
- d) The court may impose a fine of not more than one thousand dinars on the owner of the machine used in committed the encroachment if it is proved that he knew of same.

#### Article 29

For the purpose of executing this Law and regulations issued hereunder, the Director, his assistances, Section Heads, inspectors of antiquities and museum managers of the department, shall be vested with the power of judicial police provided for in the Law of Penal Procedure in force.

<sup>67</sup> Current edition of the Criminal Code is available on the *Seimas* website (Lithuanian only): [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_e?p\\_id=111555&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=111555&p_query=&p_tr2=)



of or Causing Damage to National Valuable Properties” and paragraph 1 of Article 111, “Prohibited Military Attack”.<sup>68</sup>

269. Provisions implementing Article 28 of the Convention are included in the **Mexican** Federal Criminal Code. Article 6 of the Federal Penal Code provides that, “When a crime is not covered by this Code, but in a special law or an international treaty binding throughout Mexico, [it] shall be applied, taking into account the provisions of Book I of this Code and, where appropriate, the lead of the Second Book”.
270. The **Netherlands**’ report with regard to Article 28 of the Convention is combined with its report concerning Chapter IV of the Second Protocol.
271. **Oman**’s Law on the Protection of National Heritage (1980) addresses sanctions under Article 28 of the Convention. It provides sanctions, not directly in case of a breach of the Convention, but in several cases where national cultural heritage is put at risk. For instance, in case of non-authorized excavation work, the sanction can be either a fine or up to six months of imprisonment.
272. Although without direct reference to the Convention, there are specific provisions in the **Peruvian** Penal Code that address crimes against cultural heritage (Articles 226 through 231).<sup>69</sup>

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<sup>68</sup> Article 106 “Destruction of the Protected Objects, Plunder, Destruction of or Causing Damage to National Valuable Properties” of the Criminal Code says the following: “A person, who, issues an order not justifiable by military necessity to destroy or destroys the historic monuments, objects of culture, art, education, upbringing, science or religion protected by treaties or national legal acts, uses such objects or their environment for military actions, plunders or appropriate national valuable properties in an occupied or annexed territory or destroys or causes damage to them by acts of vandalism and causes extensive damage shall be punished by imprisonment for a term of three up to twelve years.”

Paragraph 1 of Article 11, Prohibited Military Attack of the Criminal Code says the following: 1. A person who orders to carry out or carries out a military attack prohibited under international humanitarian law against civilians, medical or civil defence personnel, a military or civilian hospital, a first aid post, a vehicle carrying wounded or sick persons, the personnel of the International Red Cross Committee or a National Red Cross or Red Crescent Society, a military attack against an undefended settlement or a demilitarised zone, a military attack against a protected cultural valuable property, a military attack without selecting a specific target and being aware that it could result in civilian casualties or destruction of a civilian object or a military attack against the combatant who had clearly withdrawn from the battle and had given up resistance or other persons shall be punished by imprisonment for a term of five up to fifteen years.” This is a special norm, to which prescription period to penalty does not apply, i.e. persons, having committed crimes under this Article, can be prosecuted their whole life.

<sup>69</sup> **Article 226°.- Attacks on archaeological monuments**

The person, who settles, plunders or explores, excavates or moves pre-Hispanic archaeological monuments without authorization, regardless of the relation of right in rem he holds over the land where it is placed, provided that he knows the asset's cultural heritage character shall be restrained with imprisonment of not less than three years or more than six years and one hundred twenty to three hundred sixty-five fine-days.

**Article 227°.-** The person, who promotes, organizes, finances or leads groups of people for committing the crimes mentioned in the article 226°, shall be restrained with imprisonment of not less than three years or more than eight years and a fine of one hundred eighty to three hundred sixty-five fine-days.

**Article 228°.- Illegal extraction of cultural assets**

The person, who destroys, alters, takes out from the country or market assets of the pre-Hispanic cultural heritage or fails to return them in accordance with the authorization granted, shall be restrained with imprisonment of not less than three years or more than eight years and one hundred eighty to three hundred sixty-five fine-days.

If the agent is a government employee or official with responsibility for the assets, the penalty shall be not less than three years or more than six years and one hundred twenty to three hundred sixty-five fine-days

**Article 229°.-** The political, administrative, customs, municipal authorities and members of the Armed Forces or the Peruvian Police, who participate or facilitate the commission of the crimes mentioned in this Chapter leaving out the duties of their position, shall be restrained with imprisonment of not less than three years or more than six years, with a fine of thirty to ninety days and disqualification for not less than one year, pursuant to the article 3fJh, paragraphs 1, 2 and 3.

If the agent acted guilty, the penalty shall be imprisonment of not more than two years.



273. Information about **Romania's** implementation of sanctions under Article 28 of the Convention was reported in its commentary about Articles 15 and 21 of the Second Protocol.
274. In **Slovakia**, ordinary criminal jurisdiction provides all of the necessary steps to impose penal sanctions for any breach of the Hague Convention. The relevant legislation includes the Constitution of Slovakia; Declaration 91/2001 Z.z. of the National Slovak Council; Law 183/2000, Law 49/2002; Law 395/2002; 416/2002; 206/2009 Z.z.; 207/2009 Z.z. and Law 300/2005 of the Penal Code.
275. A new Penal Code of the Republic of **Slovenia** entered into force on 1 November 2008. Pursuant to Article 102 of the Penal Code, 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. Such acts include the misuse of distinctive emblems of cultural property under the Convention resulting in the death or serious injury of a person, as well as intentional attacks on buildings intended for art, cultural or historic monuments, and cultural property marked with the distinctive emblem, if such facilities are not military targets. A war crime is punishable by a minimum of fifteen years' imprisonment. Article 104 of the Penal Code specifies the responsibility of military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalizes association with or incitement to commit war crimes.
276. **Switzerland** reports that the offences outlined in the 1954 Hague Convention fall within the scope of provisions of the Swiss Criminal Code and not just the military penal code. In the event of armed conflict, the relevant provisions address voluntary deterioration and destruction (Article 264c, al. 1 and 264g, al. 1 of the Penal Code), illegitimate appropriation (Article 264c, al. 1 and 264g, al. 1 of the Penal Code), pillage (Article 264g, al. 1 of the Penal Code), attacks against cultural property (Article 264d, al. 1 of the Penal Code), and misuse of the emblem (Article 264g, al. 1 of the Penal Code). During an attack, the provision on attacks against cultural objects applies (Article 264d, al. 1 of the Penal Code).

### **Resolution II of the 1954 Conference**

277. **Belgium** has an Inter-ministerial Commission for Humanitarian Law (CIDH, created in 1987), which is recognized as a permanent advisory body to the federal government in the field of application and development of international humanitarian law (IHL). It is composed of representatives of federal ministries concerned with the implementation of IHL. Representatives of the Communities and Regions and the Red Cross of Belgium also participate in the work of the Commission.
278. The CIDH is also known as the National Advisory Committee referred to in Resolution II of the 1954 Conference. It created a Working Group specifically dedicated to the issue of the Protection of Cultural Property in the Event of Armed Conflict, composed of representatives of the CIDH as well as experts concerned (the Communities, the Regions, the Belgian Blue Shield, ICOMOS and ICOM).
279. In **Estonia**, the National Joint Commission (NJC) brings together thirteen representatives of different ministries and organizations. It was created in 2005. Its task is the national implementation of the 1954 Hague Convention and its two Protocols, along with coordinating different development activities related to this subject. However, in recent years this commission has not been very active, and Estonia believes that its membership should be renewed.

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**Article 230°.-** Any person, who destroys, alters, takes out from the country or market without authorization cultural assets previously declared as such different from the pre-Hispanic assets, or fails to return them in accordance with the authorization granted, shall be restrained with imprisonment of not less than two years or more than five years and ninety to one hundred eighty fine-days.

**Article 231°.-** The penalties mentioned in this chapter are imposed without prejudice to the seizure in favour of the State, of materials, equipment and vehicles used in the commission of crimes against the cultural heritage, as well as the cultural assets obtained illegally

280. In 2002, **Greece** established a National Advisory Committee for the implementation of the Convention, in accordance with Resolution II of the 1954 Conference. The Committee was recently re-established by Ministerial Decree YPPOT/DOEPY/TOPYNS/28897/27.3.2012. It is composed of nine members from the Ministry of Education and Religious Affairs, Culture and Sports, General Secretariat of Culture; one member from the Ministry of Foreign Affairs; one member from the Ministry of National Defence and one member from the Ministry of Public Order and Citizen Protection. However, the National Advisory Committee is not a part of the national commission on the implementation of international humanitarian law. Still, the Ministry of Education and Religious Affairs, Culture and Sports, General Secretariat of Culture and the Ministry of Foreign Affairs are members of both the National Advisory Committee and the national commission on the implementation of international humanitarian law.
281. In **Hungary**, Ministerial Decree 17/2012 (II. 16) on the Hungarian National Commission for UNESCO established a Cultural Expert Committee that, in cooperation with the Ministry of Human Resources, plans to establish a special committee distinctly aimed at the enforcement of the Hague Convention and its Protocols. Previously, Decree 2/1958 (III. 9.) MM, issued by the Ministry for Education and Culture, had created a Hungarian Advisory Committee to ensure international protection for cultural property; however, it has been rendered ineffective.
282. **Romania** notes that Government Decision No. 420/2006 on the establishment and functioning of the National Committee on International Humanitarian Law (NCIHL) was modified and completed through Government Decision No. 408/2011. The most significant amendments refer to the inclusion within the NCIHL of the representatives from the Ministry of Culture and National Heritage and from the Ministry of the Environment, as well as the expansion of the competences of the NCIHL, by taking over the competences of the Advisory Committee provided in Resolution II of the 1954 Hague Conference. The latter amendment has taken into account the following aspects: the attributions and expertise of this structure in the field of IHL; the composition of the NCIHL, in light of the recent inclusion of the representatives of the Ministry of Culture and National Heritage; and the avoidance of duplication of competences in the field of protection of cultural property in the event of armed conflict, with a potentially new structure.
283. In **Slovenia's** implementation of the Convention and its Protocols, a Working Group for harmonised cooperation of line ministries is active within the national group for international humanitarian law, appointed by the Government of the Republic of Slovenia. The group functions as an Advisory Committee, as envisaged in Resolution II of the 1954 Conference.
284. **Switzerland** has a parliamentary commission, called the Commission for the Protection of Cultural Property, and also an Interdepartmental Committee on International Humanitarian Law. The safeguarding of cultural property is part of this Committee's scope.

### 1954 (First) Protocol

285. Although there are no specific measures in the framework of the 1954 Protocol in **Belgium**, the Belgian police have the responsibility to intervene when they discover cultural property illegally imported based on general criminal law. Then, a civil proceeding is initiated for further processing of the return of the property. Moreover, IPSP INTERPOL have the ability to send to each national police force a warning message asking them to pay particular attention to goods originating from a country at war.
286. **Canada** has implemented the provisions of the 1954 (First) Protocol in its national legislation. Reference to such provisions can be found in Canada's answers regarding the sanctions it has introduced to its penal code to fulfil Article 28 of the Convention.
287. The export of cultural property from the territory of the **Czech Republic** is governed by laws which do not differentiate between times of peace, war or occupation. These laws are Act No. 20/1987 Coll., on state heritage preservation, and Act No. 71/1994 Coll., on the sale and export of items of cultural value. Act No. 20/1987 regulates the regime of export of movable

cultural items which have been declared cultural heritage or national cultural heritage, and it provides for sanctions for disobedience. Act No. 71/1994 deals with permanent export of such movable cultural property which has not been declared cultural heritage, is not part of a museum collection or archival object, was not brought into the Czech Republic for temporary use, or is not a piece of art by a living author. This act also sets out sanctions for breaches. Additionally, Act 122/2000 Coll., on the protection of museum collections, enumerates the conditions for legal export of museum collection items, and it also sets sanctions for its violation. Furthermore, Act No. 101/2001 Coll., on return of illegally exported cultural property, deals with the return of illegally exported cultural property inside the European Union. In bilateral cultural agreements with other states, the Czech Republic includes, as far as possible, a provision to address co-operation and mutual assistance with regard to illegally exported cultural property and its return.

288. **Estonia** has not implemented this provision in their national legislation, having explained that the likelihood of Estonian Defence Forces participating in military occupation is very low. However, Estonia acknowledges that if such an occasion should arise, it is bound to fulfil the relevant obligations under the Convention. Furthermore, the return of unlawfully removed or illegally exported cultural objects is legally regulated by the Act on the return of cultural objects unlawfully removed from the territory of an EU Member State (RT I 2003, 51, 351; 2005, 39, 308). This Act was harmonized with European Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State. The National Heritage Board applies this Act and the Police, Border Guard Board, and Estonian Tax and Custom Board, assist within their respective competences, in finding the objects targeted by this Act.
289. Section 16 of the Museums Act states the principles for replenishing museum collections. According to Part 2 of Section 16, upon replenishment of a museum collection, the museum shall, within available means, ascertain the origin of a thing of cultural value such that the museum collection would not contain things which have been acquired illegally in Estonia or in another state or have been illegally exported from another state. According to Part 1(5) of Section 19 of the Museums Act, a museum object shall be excluded from a museum collection if the museum object has been acquired in good faith in violation of the provisions of subsection 16 (2) of the Museums Act and is transferred to the owner or another state.
290. In terms of confiscating and returning illegally-imported objects, **Finland** has implemented the provisions of the 1954 (First) Protocol through its adoption of “The Act on the implementation of certain provisions of the Protocol for the Protection of Cultural Property in the Event of Armed Conflict and on the application of the Protocol” 1135/1994.<sup>70</sup>
291. **Germany** has implemented the provisions of the 1954 (First) Protocol in its national legislation but has not taken into custody cultural property imported into its territory from occupied territory.
292. As for the prevention of the export of cultural properties from an occupied territory stipulated in the First Protocol, it is not supposed under the Japanese Constitution that **Japan** occupies the territories of other countries, and the Law for the Protection of Cultural Properties prohibits import of such cultural properties without approval and makes any person who destroys, delivers or receives such cultural properties punishable by imprisonment or fine.
293. **Lithuania** has implemented this provision into its national legislation. Lithuania has not taken into custody any cultural property imported into its territory from any occupied territory.
294. In **Mexico**, the Instituto Nacional de Antropología e Historia (INAH) has developed a 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 co-operation to combat the illicit trafficking of these goods.

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<sup>70</sup><http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Finland/1135of1994.pdf>

295. In 2007, the **Netherlands** adopted the Cultural Property Originating from Occupied Territory (Return) Act.<sup>71</sup> With this Act, the 1954 (First) Protocol of the Convention was implemented into Dutch law. The Protocol includes obligations which necessitated the drawing up of statutory rules for the return of cultural objects taken from occupied territory. More information on this legislation can be found in the previous national report of the Netherlands. Additionally, the brochure entitled 'Import and Export of Cultural Property', published in March 2010, included information about the prohibition on importing or possessing cultural property that was taken after 1959, the year the Netherlands became a Party to the Protocol, from a territory occupied during an armed conflict.<sup>72</sup> The bodies responsible for the supervision of the Act are Customs and the Cultural Heritage Inspectorate.
296. **Romania** has not been engaged in any occupied territory during an armed conflict. It has not taken into custody any cultural property, on its territory, in the context of any armed conflict, as there are no records of such cases.
297. In **Slovakia**, Law No. 416/2002 was enacted to prevent the export of cultural property from Slovak territory.<sup>73</sup>
298. As a Member State of the European Union (EU), **Slovenia** has laid down its provisions regarding the import and export of cultural property from the EU to be in accordance with EU regulations. Slovenia has also adopted the Return of Unlawfully-Removed Cultural Heritage Objects Act. The unlawful export and import of objects of special cultural heritage importance are criminal acts. Slovenia is also party to the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.
299. **Switzerland** has revised an Act on the Protection of Cultural Property, which ensures a safe haven for cultural property belonging to other states. For this purpose, a former ammunition depot, located near Affoltern am Albis, has been selected. With this depot available, the Swiss authorities must still adapt the legislation. The totally revised federal law is expected to be effective by 2015.

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<sup>71</sup> Official full title in English: Act of 8 March 2007 containing rules on the taking into custody of cultural property from an occupied territory during an armed conflict and for the initiation of proceedings for the return of such property. The title in Dutch is: *Wet tot teruggave cultuurgoederen afkomstig uit bezet gebied*.

<sup>72</sup> For more information, see: [www.erfgoedinspectie.nl](http://www.erfgoedinspectie.nl)

<sup>73</sup> The original Slovak version and its translation into English are available at the following addresses: [http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk\\_returnillegallyexportobjects2002\\_sloof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_returnillegallyexportobjects2002_sloof.pdf); [http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk\\_returnillegallyexportobjects2002\\_engtof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/slovakia/sk_returnillegallyexportobjects2002_engtof.pdf).

## **Parties Implementing Other Provisions**

### **1. Safeguarding of cultural property**

- 1) Belgium
- 2) Canada
- 3) Cyprus
- 4) Estonia
- 5) Finland
- 6) Germany
- 7) Greece
- 8) Hungary
- 9) Japan
- 10) Lithuania
- 11) Mexico
- 12) Netherlands
- 13) Oman
- 14) Peru
- 15) Romania
- 16) Slovakia
- 17) Slovenia
- 18) Switzerland

### **2. Military measures**

- 1) Belgium
- 2) Canada
- 3) Czech Republic
- 4) Estonia
- 5) Finland
- 6) Germany
- 7) Greece
- 8) Hungary
- 9) Japan
- 10) Lithuania
- 11) Netherlands
- 12) Peru
- 13) Romania
- 14) Slovakia
- 15) Slovenia
- 16) Switzerland

### **3. The distinctive emblem**

- 1) Belgium
- 2) Germany
- 3) Hungary
- 4) Lithuania
- 5) Netherlands

- 6) Romania
- 7) Slovakia
- 8) Slovenia
- 9) Switzerland

#### **4. Dissemination of Convention**

- 1) Belgium
- 2) Canada
- 3) Czech Republic
- 4) Estonia
- 5) Finland
- 6) Germany
- 7) Greece
- 8) Hungary
- 9) Japan
- 10) Lithuania
- 11) Netherlands
- 12) Peru
- 13) Romania
- 14) Slovakia
- 15) Slovenia
- 16) Switzerland

#### **5. Official Translation**

- 1) Belgium
- 2) Cyprus
- 3) Czech Republic
- 4) Estonia
- 5) Finland
- 6) Germany
- 7) Greece
- 8) Hungary
- 9) Japan
- 10) Lithuania
- 11) Netherlands
- 12) Romania
- 13) Slovakia
- 14) Slovenia
- 15) Switzerland

#### **6. Sanctions**

- 1) Belgium
- 2) Canada
- 3) Czech Republic
- 4) Estonia
- 5) Finland
- 6) Germany

- 7) Hungary
- 8) Japan
- 9) Lithuania
- 10) Mexico
- 11) Netherlands
- 12) Oman
- 13) Peru
- 14) Slovakia
- 15) Slovenia
- 16) Switzerland

**8. Resolution II of the 1954 Conference**

- 1) Belgium
- 2) Estonia
- 3) Finland
- 4) Greece
- 5) Hungary
- 6) Romania
- 7) Slovenia
- 8) Switzerland

**9. The 1954 Protocol**

- 1) Canada
- 2) Cyprus
- 3) Czech Republic
- 4) Finland
- 5) Germany
- 6) Japan
- 7) Lithuania
- 8) Mexico
- 9) Netherlands
- 10) Peru
- 11) Slovakia
- 12) Slovenia
- 13) Switzerland

**DRAFT DECISION 8.COM 9**

The Committee,

1. Having considered document CLT-13/8.COM/CONF.203/9,
2. Referring to Articles 37(2) and 27(1)(d) of the Second Protocol,
3. Noting that 20 national reports on the implementation of the Second Protocol have been received from the Parties,
4. Thanks those Parties which have provided the Secretariat with such reports;
5. Reminds the Parties of the obligation under the Second Protocol to submit a report on the implementation of this agreement;
6. Recalls that, in accordance with paragraph 100 of the Guidelines for the Implementation of the Second Protocol, the next report will be due in 2016.