

Report to the Director-General of UNESCO on the national implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its First Protocol

FINLAND 2008

Finland signed and ratified the 1954 Hague Convention and its First Protocol in 1994 (Act 1135/94). In Finland, the obligations related to defining and protecting cultural property imposed by the Convention fall within the sectors of the Ministry of Education and the Ministry of Defence, but their implementation requires broad cross-administrational cooperation. The Ministry of Education takes the main responsibility for implementing the Convention, but in practice this work has been delegated to the National Board of Antiquities, which coordinates practical measures for protecting cultural property and disseminating information about the Convention.

The Ministry of Education appointed a working group to oversee and coordinate measures for implementing the Convention and its Second Protocol. The working group operated from 13 March 2004 to 31 December 2006, and its tasks included disseminating information about the Convention and looking into aspects related to education, international cooperation, and protecting and marking cultural property. The working group consisted of representatives from the Ministry of Education, the Ministry of the Interior, the Ministry of Defence, the Ministry of the Environment, the National Board of Antiquities, the Defence Command (the Ministry of Defence), the National Archives, the National Library, and Finnish National Gallery. In addition, the working group sought expert advice from different fields. The group's report (in Finnish with an abstract in English) is published at

http://www.minedu.fi/OPM/Julkaisut/2007/Kulttuuriomaisuuden_uhat_ja_suojelu?lang=fi&extra_locale=en

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

In Finland the protection of cultural property is part of a broader strategy of protecting functions vital to society, as a strategic task related to psychological crisis tolerance. This strategy is a programme adopted by Government, and it guides all Finnish authorities as regards being prepared for and responding to threat scenarios. The strategy expands the safeguarding of cultural property to cover disasters and disorders occurring in normal conditions. The aim of the strategy is to uphold the security of society, including cultural property. Finland prepares itself for predefined threats, so that possible threats can be pre-empted or their effects reduced in all security situations. Altogether, nine different threat scenarios are defined in the strategy, of which two are military threats. Though the emphasis of the strategy is on non-military threats, it meets the requirements of the Second Protocol to the 1954 Hague Convention, particularly those related to safeguarding measures in time of peace.

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

Finland is honoured to give the following replies to the questions presented by the Director General of UNESCO:

1. Military measures

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

2. Special protection

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

As regards general protection, Finland has compiled a preliminary list of approximately 1,000 items of cultural property, including groups of buildings, individual buildings, monuments of antiquity, and collections of movable cultural property. The aim for the next 3 to 4 years is to finalise the list of items of cultural property under general protection, which, due to the cross-administrational effects of protection, then needs to be ratified by a Government decision.

3. Distinctive Emblem

So far, Finland has not officially protected its cultural property by virtue of the Hague Convention, and thus no decision in principle on marking property has yet been made. The aim, however, is to mark publicly owned property under general protection in time of peace. Marking privately owned property during peace would be at the discretion of the owner.

4. Dissemination of the Convention

General information on the Convention is included in the training and education given to Defence Forces staff, conscripts, and peacekeepers as part of basic teaching on humanitarian law. The aim is to consider the possibility of including education on the protection of cultural property also in voluntary defence training.

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

As regards other civilians, the plan is to target information on the Convention at special key groups, such as owners of cultural property and people who work with cultural property through their occupation. At present there are no plans for more wide-spread education aimed at citizens. The idea of an information campaign targeted at citizens has, however, been raised. In addition, possibilities for citizens to participate actively in the protection of cultural property and to have an impact on it have been looked into.

The practice of linking education on the Convention with other education on humanitarian law has proved to be useful, particularly in promoting respect for cultural property. Emphasising the legal and moral obligations of the Convention and challenges of protecting cultural property in recent conflicts have raised particular interest. As regards safeguarding cultural property, emphasising also the practical side of the Convention's obligations has proved necessary.

5. Official translation

Finland has delivered the official translation of the Convention to UNESCO.

6. Sanctions

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

7. Protocol

Finland ratified the Protocol to the Convention together with the Convention. The Act ratifying the Convention (1135/94) also covers the implementation of the Protocol. According to the Act, cultural property, as it is defined in the Act, may be confiscated and returned to its original owner. The expert authority on defining cultural property is the National Board of Antiquities. Finland is also party to the UNESCO conventions related to illicit importation and exportation of cultural property.

8. Resolution II of the Hague Convention

Practice has shown that the implementation of the Convention and its Protocols requires broad cross-administrational coordination, and the best way to do this is through an appointed body of cooperation. Finland is in the process of appointing a working group for 2008–2009, the task of which will be to coordinate measures for implementing the 1954 Hague Convention and, in particular, its Second Protocol. This working group is to continue the work of the previous working group, which operated from 2004 to 2006. The need for a permanent body has been acknowledged, but sufficient resources are currently unavailable.