

National Report from Monaco on the implementation of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and its First Protocol

16 March 2010

The Principality of Monaco has been Party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (Hague, 1954) since 10 December 1957.

I. Concerning the implementation of the Convention:

1. Safeguarding of cultural property (Article 3 of the Convention): *have the appropriate measures been taken to prepare in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict?*

Regarding the preventative measures taken in Monaco to combat the illicit transfer of ownership of cultural property, it should be noted that an inventory of state property and the cultural heritage list are currently drawn up by the Directorate of Cultural Affairs.

Moreover, concerning the control of the acquisition of cultural property, it should be stressed that since the art museums are the responsibility of the State, it is the Government of the Principality which controls acquisitions. With regard to safeguarding cultural property, Monegasque law already addresses the issue of the:

- origins of property which antique dealers trade in, under Sovereign Order No. 4.365 of 20 November 1969 regulating the professions of antique dealers, second-hand goods dealers and related professions, and stipulating *inter alia* that the professionals in question must hold a register of the type provided by Article 10 of the Convention;
- assertion of claims and restitution of lost or stolen property;
- repression of robbery and concealment of cultural property as well as the compensation for these offences.

Lastly, and above all, it should be noted that the French Customs services operate in Monegasque territory, by virtue of the Franco-Monegasque Customs Union: the rules on cultural property in the French Customs Code therefore apply in the Principality, covering the possession (control of regular possession and written proof of the origin) and circulation of such property, as well as measures for the possible confiscation, control and consignment of seized fraudulent goods. The Customs Services can carry out checks and enquiries into all the operators directly or indirectly involved in an operation involving the circulation and exportation of national treasures and cultural property.

2. Military measures (Article 7 of the Convention): *Is there a service within the armed forces whose purpose is to ensure respect for cultural property?*

The Principality of Monaco is a State with a surface area of 2.02 km². Its territory is an enclave of the French Republic with a coastline on the Mediterranean Sea.

The Principality of Monaco does not maintain its own military forces.

The protection of the independence, sovereignty and integrity of the Principality's territory is guaranteed by the French Republic, pursuant to the Treaty signed in Paris on 24 October

2002 aimed at adapting and confirming the links of friendship and cooperation between the French Republic and the Principality of Monaco.

3. *Distinctive marking (Chapter V of the Convention): Does Monaco use the distinctive emblem of the Convention to mark cultural property? If not, why?*

To date, the Principality of Monaco has not used the Convention's distinctive emblem to distinguish cultural property.

The political stability of the Principality of Monaco, its integration in Europe, its membership of the Council of Europe or of the European Union Customs Union in particular, are all facts that lead Monaco to consider that such marking is not urgent at present, without excluding this possibility should the need arise.

4. *Dissemination of the Convention (Article 25 of the Convention): How are the Convention's provisions and the Regulations for its execution disseminated in Monaco among the civilian and military personnel?*

As previously indicated, Monaco does not maintain its own military forces. As far as the civilian personnel are concerned, no specific measures have been implemented to disseminate the Convention's provisions among them.

Nonetheless, it should be noted that educational measures have been taken in the Principality of Monaco to raise public awareness of the importance of cultural heritage, emphasize its values and ensure its protection. Such is the aim of the "Presentations of cultural heritage carried out within the framework of European Heritage Days".

5. *Official translations (Article 26(1) of the Convention): If an official translation in the language of your country has not yet been received by the Secretariat, please send a copy.*

The French language is the official language of the Monegasque State.

6. *Sanctions (Article 28 of the Convention): Has Monaco incorporated the necessary measures in its Penal Code to prosecute and impose penal or disciplinary sanctions upon those persons who commit or order to be committed a breach of the Convention? Would it be possible to send the Secretariat a copy of the relevant penal legislation, if any?*

Concerning Article 28 of the Convention, no specific measure has been incorporated in the Penal Code as breaches of the Convention are prosecuted under the ordinary criminal law.

It should also be noted that Monaco is Party to the Geneva Conventions and their additional Protocols. Monaco thus acceded to Protocol I relating to the Protection of Victims of International Armed Conflicts and to Protocol II relating to the Protection of Victims of Non-international Armed Conflicts. Consequently, Articles 53 and 85 (4) (d) of Protocol I and Article 16 of Protocol II are an integral part of the Monegasque legal corpus.

II. Concerning the implementation of the First Protocol:

1. *Have the provisions of the First Protocol, concerning both the obligation of the States Parties to the Convention to prevent the exportation from a territory occupied by it of cultural property, and the obligation to return such exported cultural property to the competent authorities of the territory from which it came, been applied in Monaco?*

As previously stated, Monaco does not maintain its own military forces and is not therefore drawn into the situation described above.

Similarly, as mentioned above, the Principality applies European Union Customs regulations and the Customs checks are carried out in Monaco by French Customs services, which consequently control the imports and exports of cultural property on the Principality of Monaco's territory.

With a view to a duty of memory, and wishing to shed full light on the spoliation of the property of persons living in Monaco during the Second World War, His Serene Highness Albert II established on 1 March 2006 an independent Commission to assist claimants in the search for their property.

The purpose of this National Commission is to examine the claims for compensation, made by individuals on behalf of deportation victims or their successors, for material or financial damages following the spoliation of their property in Monaco during the occupation of the Principality in the Second World War.

The Monegasque Government has moreover requested from France the assistance of the Commission for the Compensation of Victims of Spoliation in order to be able to extend their research where appropriate.

Any expropriation or dispossession of movable or immovable property, or of rights thereto, unduly carried out on Monegasque territory, under duress or subsequent to arrest, impoundment, confiscation or deportation, constitutes spoliation.

This decision affirms the commitment to transparency and ethics desired by Prince Albert II for his country.