

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

**INFORMATION  
ON THE IMPLEMENTATION OF  
THE CONVENTION FOR THE PROTECTION  
OF CULTURAL PROPERTY  
IN THE EVENT OF ARMED CONFLICT**

**THE HAGUE 1954**

**1995 REPORTS**



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## INTRODUCTION

Article 26, paragraph 2, of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague in 1954, stipulates that, at least every four years, the High Contracting Parties 'shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfilment of the present Convention and of the Regulations for its Execution'.

Reports were received by the Director-General in 1962, 1965-1966, 1969-1970, 1977-1978, 1984 and 1989 and published in documents UNESCO/CA/RBC/1/3 and Add. 1-6, SHC/MD/1 dated 19 May 1967, SHC/MD/6 dated 30 April 1970, CC/MD/41 of July 1979, CLT/MD/3 of December 1984 and CC/MD/11 of December 1989.

In January 1994 the Director-General again invited the High Contracting Parties to forward to him the reports referred to in Article 26 of the Convention. The Director-General received reports from 29 High Contracting Parties.

These latest reports of High Contracting Parties are published in the present document, which also broadly recalls the historical background of the Convention and describes the measures taken in connection with its implementation until 30 September 1995.

### I. HISTORICAL BACKGROUND

#### **Adoption of the Convention**

1. The Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict were adopted by an intergovernmental conference, convened by the Executive Board of UNESCO in pursuance of a resolution of the General Conference. At the invitation of the Netherlands Government this Conference met at The Hague from 21 April to 14 May 1954.

2. All the Member States of UNESCO, together with a number of non-Member States, as decided by the Executive Board (33 EX/Decision 8.3.1), were invited to send delegations furnished with the necessary powers to enable them, if required, to sign international agreements. Of the 86 States thus invited, 56 were represented at the Conference.

#### **Signature**

3. The Convention and Protocol remained open for signature by all States invited to the Conference, from 14 May to 31 December 1954. By this latter date, the Convention had been signed by 50 States and the Protocol by 40 States.

#### **Entry into force**

4. In accordance with the provisions of Article 33, the Convention entered into force on 7 August 1956, that is, three months after five instruments of ratification had been deposited. It enters into force, each State which has ratified or acceded to it, three months after the deposit of its instruments of ratification or accession. This is subject, however, to the provisions of Article 33, paragraph 3, which stipulates that ratifications and accessions shall take effect immediately when the States ratifying or acceding are Parties to a conflict as defined in the Convention.

#### **States invited to accede**

5. The Convention contains a clause stipulating that from the date of its entry into force it shall be open for accession by all States invited to the Hague Conference which have not signed it, as well as by any other State invited to accede by the Executive Board. Availing itself of this clause, the Board adopted at its 53rd session a resolution inviting all States becoming members of UNESCO which had not been invited to the Hague Conference in 1954 to accede to the Convention.

6. As at 30 September 1995, 87 States are party to the Convention and 74 of them are bound by the protocol. A list of those States, together with the dates of deposit of the instruments of ratification, accession or succession and those of entry into force, follows this introduction. All but one of the States, which joined the Convention and its Protocol between 1990 and 1994, were States successors to the former Union of Soviet Socialist Republics, the former Socialist Federal Republic of Yugoslavia or the former Czech and Slovak Federal Republic. Thus the following have become Parties to the Convention since 1990: Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Czech Republic, Finland, Georgia, Slovak Republic, Slovenia and Tajikistan. The Convention is

under active consideration in Canada and the United States of America.

## **II. MEASURES TAKEN IN CONNECTION WITH THE IMPLEMENTATION OF THE CONVENTION (1990-1994)**

### **International list of persons**

7. Article 1 of the Regulations for the Execution of the Convention stipulates that on the entry into force of the Convention, the Director-General 'shall compile an international list consisting of all persons nominated by the High Contracting Parties as qualified to carry out the functions of Commissioner-General for Cultural Property'. In accordance with the terms of the same article which provides for the periodic revision of this list, a revised list compiled as at 31 March 1983 was transmitted to the High Contracting Parties on 5 November 1983. Updated versions of this list, taking account of amendments proposed by the High Contracting Parties were issued on 24 May 1984, 9 October 1984, 14 October 1985 and 12 September 1986. In October 1992 the Norwegian authorities designated Dr Øivind Lunde, Director-General of the Directorate for Cultural Heritage Management, as qualified to carry out the functions of Commissioner-General for Cultural Property, thus replacing Dr Stephan Tschudi-Madsen.

### **International register of cultural property under special protection**

8. Article 8 of the Convention provides that, subject to certain conditions 'There maybe placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance' and that such special protection is granted by their entry on the 'International Register of Cultural Property under Special Protection'. Article 12 of the Regulations for the Execution of the Convention further stipulates that the Director-General shall maintain this Register and that he shall furnish copies to the Secretary-General of the United Nations and to the High Contracting Parties. Under Article 9 of the Convention, the High Contracting Parties undertake to ensure the immunity of cultural property entered on the Register by refraining 'from any act of hostility directed against such property and, except for the cases provided for in paragraph 5 of Article 8, from any use of such property or its surroundings for military purposes'. Article 13 of the above-mentioned Regulations provides that any High Contracting Party may submit an application for entry on the Register.

9. The following entries have been made on the above-mentioned Register, in accordance with the provisions of the Conventions

- the whole of the Vatican City State, the registration of which came into effect on 11 March 1960;

- the Alt-Aussee Refuge in Upper Austria, the registration of which came into effect on 7 January 1969;
- six refuges for cultural property in the Netherlands, the registration of which came into effect on 2 July 1969;
- the Oberried Mine Drift Central Refuge in the Federal Republic of Germany, the registration of which came into effect on 26 July 1978.

10. At its 141st session in May 1993, the Executive Board adopted decision 5.5.1 inviting States Parties both to the Hague Convention and to the Convention concerning the Protection of the World Cultural and Natural Heritage of 1972 that have cultural sites inscribed on the World Heritage List to consider the possibility of nominating them for the International Register of Cultural Property under Special Protection. In August and September 1993 the Secretariat contacted more than 40 States which had cultural or mixed sites inscribed on the World Heritage List inviting them to register these sites for special protection under the Convention. To date, seven States have expressed their desire to do so and the Secretariat has provided them with more detailed information enabling them to comply with all conditions of inscription,

11. In January 1994 the relevant authorities of the Netherlands requested the Director-General to cancel the inscription of three Dutch refuges for cultural property on the Register. In accordance with the provisions of the Register, the cancellation has been carried out and the Secretariat distributed copies of the record of cancellation of the inscription to the Secretary-General of the United Nations, States Parties to the Convention and the States signatories of the Convention.

### **Iraq-Kuwait**

12. Following the entry of Iraqi military forces into Kuwait in August 1990, the Kuwaiti authorities informed the Director-General of destruction and removal of the cultural heritage of that country. The Director-General drew the attention of the Iraqi authorities to the necessity of complying fully with the provisions of the Hague Convention and its Protocol. This item was placed on the agenda of the 135th session of the Executive Board (October 1990) which adopted decision 8.4 on this matter.

13. As tension mounted in this area, the Director-General made three public appeals to all parties to observe the principles of the Hague Convention, two in January 1991 and the third in February 1991. When military operations took place on the basis of Resolution 678 (1990) of the Security Council, up to 30 other States were involved in one way or another. A majority of them were Parties to the Hague Convention, three were not- In January 1991 the Director-General sent a letter to the Secretary-General of the United Nations, drawing his attention to Resolution I of the 1954 Hague Conference which expressed the hope that 'the competent organs of the United Nations should decide, in the event of military action being taken in implementation of the Charter, to

ensure application of the provisions of the Convention by the armed forces taking part in such action'.

14. UNESCO sent several missions to Kuwait to help restore the cultural **heritage**. **The Kuwaiti authorities** notified UNESCO of the removal from their territory of a vast number of cultural objects and requested UNESCO to assist in their recovery. In accordance with United Nations Security Council Resolution 686 (1991) adopted on 2 March 1991, Iraq was requested to 'immediately begin to return all Kuwaiti property seized by Iraq; the return to be completed in the shortest possible period'. Under the supervision of the United Nations Return of Property Unit (UNROP), 25,082 museum items from the Dar-Al-Athar Al-Islamiyya (DAI) and Kuwait National Museum (KNM), including objects from Failaka Island were ham-pled over by Iraq to the Kuwaiti representatives during the period 14 September 1991 to 20 October 1991. Kuwait also notified UNESCO that a large number of items were still missing and details have been communicated to the United Nations Co-ordinator for the Return of Property from Iraq to Kuwait in order to enable further action to be taken in this respect..

15. During and after the conflict the Iraqi authorities informed the Director-General of damage to the cultural heritage of Iraq. In October 1991 the Permanent Delegation of Iraq to UNESCO transmitted to the Secretariat four volumes of documentation of items missing from a number of Iraqi provincial museums and requested further assistance. UNESCO forwarded copies of these volumes to the Metropolitan Museum of Art (New York), the International Foundation for Art Research (IFAR), the International Criminal Police organization (INTERPOL), the International Council of Museums (ICOM) and the auction house Sotheby's (London) (for the information of the London market). UNESCO was also prepared to send a mission to Iraq to assess the damages caused to the Iraqi cultural heritage but the dispatch of such a mission was deferred in light of United Nations Security Council Resolution 661 (1990), reaffirmed by further subsequent resolutions adopted by the United Nations Security Council on this matter. A meeting of international experts in antiquities from the region met in Baghdad in December 1994 to discuss the losses. Representatives of this group of experts paid a visit to the Director-General in February 1995 to express their concern and to solicit help from UNESCO for the recovery of the missing objects. UNESCO had been invited to send a representative to the Baghdad meeting, but received the invitation, and the necessary approval of the relevant United Nations Security Council Committee, too late to be able to attend. Further to this meeting, UNESCO issued in March 1995 a press release alerting the museum community, collectors and art dealers against any purchase of artefacts possibly stolen in Iraq. The Secretariat also published on 1 August 1995 a notice of certain representative missing pieces including their photographs and descriptions.

## The former Yugoslavia<sup>1</sup>

16. When hostilities were threatening on the territory of the former Yugoslavia, following declarations of independence by Slovenia and Croatia, the Director-General immediately contacted the responsible authorities to remind them of their obligations under the Convention and the Protocol. Several missions were dispatched to Zagreb and Belgrade in that context. After the outbreak of hostilities in August 1991, the Secretariat received numerous complaints from Croatian and Serbian authorities from national and international non-governmental organizations and from individuals from a number of countries of the world regarding the large-scale destruction of cultural heritage in Croatia. Further messages were sent to the Yugoslav Government its Minister of Foreign Affairs, the Croatian President and other authorities of Yugoslavia and Croatia in order to remind them of the necessity of safeguarding and respecting the cultural heritage. In October 1991 the Director-General also contacted the Chairman of the European Community Peace Conference on Yugoslavia and asked him to draw the attention of all parties concerned to the protection of the cultural heritage.

17. Since the situation continued to deteriorate, the Director-General made several public appeals at the end of 1991 for the protection of cultural heritage in ex-Yugoslavia and in particular with regard to Split and Dubrovnik, which are also protected by the Convention concerning the Protection of the World Cultural and Natural Heritage of 1972 by virtue of their inclusion on the World Heritage List. During the twenty-sixth session of the General Conference of UNESCO (October-November 1991) the Secretary-General of the United Nations and the Director-General, in a joint appeal, urged all parties concerned to end this conflict and to negotiate a peaceful settlement of their differences. With regard to Dubrovnik they asked all parties to the conflict to honour their obligations under the Hague Convention of 1954 and the World Heritage Convention of 1972.

18. When military operations were launched against Dubrovnik in November 1991, UNESCO dispatched a two-person observer mission to this city. The UNESCO mission was present in Dubrovnik in November and December 1991, during the shelling of the city, and again in January, February and March 1992. On 6 December 1991 the mission contacted the Director-General reporting that the Old City was being shelled. The Director-General immediately requested the Yugoslav Federal Minister of Defence to stop the shelling of the city and it ceased soon after.

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1. It should be noted that the following former republics of Yugoslavia became Member States of UNESCO Slovenia (27 May 1992), Croatia (1 June 1992), Bosnia and Herzegovina (2 June 1993) and the former Yugoslav Republic of Macedonia (28 June 1993).



19. After the cessation of hostilities in this area local preservation experts carried out a detailed survey of the damage and drew up a special plan of action. However, in May and June 1992 the attacks against Dubrovnik resumed. The Director-General made an appeal on 23 July, protesting against this continuous shelling and reiterated his appeal for cessation of hostilities. UNESCO then accorded emergency assistance to Dubrovnik, notably by providing tiles for the most severely damaged roofs and by establishing a special fund. In February 1993 UNESCO together with the Institute for the Protection of the Cultural Monuments and Natural Environment of Dubrovnik and the Institute for the Rehabilitation of Dubrovnik published two brochures: *Dubrovnik 1991-1992* and *Dubrovnik - Cultural properties damaged by shelling* and widely distributed them. Following threats against the Old City and renewed shelling of the Dubrovnik area in August 1995, the Director-General warned in a public appeal issued on 28 August, against attacks on Dubrovnik and recalled the obligations under the Convention. He also informed the Croatian authorities that he would consider other measures if necessary.

20. With regard to the situation in Bosnia and Herzegovina the Secretariat has been informed, since the outbreak of hostilities, by the relevant authorities of Bosnia and Herzegovina, international non-governmental bodies and individuals of the acts of the deliberate destruction of the cultural heritage. In May 1992 the Director-General issued an appeal expressing his concern for human lives as well as for the secular and religious cultural heritage of Bosnia and Herzegovina. This situation was closely examined by UNESCO's Executive Board which adopted a number of decisions in this respect (139 EX/Decision 7.5 of May 1992, 140 EX/Decision 8.4 of October 1992, 141 EX/Decision 9.3 of May 1993, 142 EX/Decision 9.2 of November 1993, 144 EX/Decision 7.3 of May 1994, 145 EX/Decision 8.2 of November 1994 and 146 EX/Decision 9.3 of June 1995). The General Conference at its twenty-seventh session (October-November 1993) adopted 27 C/Resolution 4.8 regarding the situation of the cultural and architectural heritage and of educational and cultural institutions in Bosnia and Herzegovina (Sarajevo National and University Library). In particular, it expressed grave concern 'at the continuing massacres of and aggression against innocent human beings and destruction of the cultural, historical and religious heritage of the Republic of Bosnia and Herzegovina (including mosques, churches and synagogues, schools and libraries, archives, and cultural and educational buildings) under the abhorrent policy of "ethnic cleansing"'.

21. Following further deterioration of the situation, the Director-General sent several missions in order to determine the scope of damage caused to the architectural, cultural and historical heritage of this country, to prepare a plan of action and to maintain a UNESCO presence. UNESCO's representative in Bosnia and Herzegovina, appointed in August 1994 by the Director-General, took

up her functions in September 1994 and the UNESCO Office in Sarajevo has already started its work. In agreement with the Council of Europe and the European Union, a Mostar-based expert for cultural heritage issues, answerable to the Sarajevo Office, has been appointed. At the beginning of the 146th session of the Executive Board, the Director-General issued another appeal in which he recalled UNESCO's commitment for the protection of cultural heritage in Bosnia and Herzegovina.

22. Another significant activity of UNESCO was co-operation with the United Nations Commission of Experts established pursuant to United Nations Security Council Resolution 780 (1992). This Commission was entrusted with the investigation of grave breaches of international humanitarian law in the former Yugoslavia. One of the international agreements, applied by the Commission in its work, was the Hague Convention. UNESCO provided the Commission with information on the destruction of cultural heritage. The Commission has already completed its work and transmitted its report to the International Tribunal, established in 1993 by the United Nations Security Council Resolution 808 to deal with these breaches. This report included a chapter on the destruction of cultural property which dealt with two specific cases: Dubrovnik (inscribed on the World Heritage List in accordance with the 1972 Convention) and the Mostar Bridge. The jurisdiction of the Tribunal also included offences against cultural property.

23. Croatia and Slovenia deposited their instruments of succession to the Hague Convention of 1954 and its Protocol on 6 July 1992 and 5 November 1992 respectively. Bosnia and Herzegovina informed the Secretariat by letter of 24 June 1993 of its succession to all treaties to which the former Yugoslavia was a party. The Federal Republic of Yugoslavia (Serbia and Montenegro) declared on 27 April 1992 that it would be bound by all international conventions to which the Socialist Federal Republic of Yugoslavia had been a party.

#### **Armenia-Azerbaijan**

24. Since January 1992 the Secretariat has received a number of communications from Armenian and Azeri authorities regarding the destruction of movable and immovable cultural heritage in the region of Nagorno-Karabakh. An intersectoral mission to Armenia and Azerbaijan in November 1994 discussed the position of cultural property in the area and the necessity of applying the Hague Convention of 1954. Contacts have been made with the relevant authorities in order to remind them to respect the provisions of the 1954 Convention and its Protocol to which Armenia and Azerbaijan are now States party. In August 1995 a mission was fielded to these countries to assess the state of conservation of cultural heritage and to advise on restoration and preservation work.

#### **The Secretariat's activities**

25. The experience of the past five years has demonstrated the concern of Member States, non-Member

States, international governmental and non-governmental organizations and the world community as a whole for a more effective implementation of the 1954 Convention. In view of this situation, UNESCO has been reconsidering its approach to the protection of cultural heritage in time of armed conflict in general and to the application of this Convention in particular. The following activities have taken place

- Pursuant to resolution 3.9 of the twenty-sixth session of the General Conference (Paris, October-November 1991) inviting the Director-General to report to the Executive Board on the reinforcement of UNESCO's action for the preservation of the world cultural and natural heritage, the 141st session of the Executive Board (Paris, May 1993) adopted decision 5.5.1 which, among other things, called a Member States not Parties to the Hague Convention of 1954 to join this agreement and invited States Parties to set up national systems to implement their obligations under that Convention. The 142nd session of the Executive Board (Paris, October-November 1993) adopted decision 5.5.2 stating that the universal acceptance of the 1954 Hague Convention is essential for the effective protection of cultural property in times of armed conflict and underlining the importance of a better dissemination of this Convention to the military and the public at large.

- The twenty-seventh session of the General Conference (Paris, October-November 1993) adopted resolution 3.5 on the Hague Convention of 1954 reaffirming the validity of the principles of the Hague Convention and the fact that the fundamental principles of the Convention are part of customary international law. Furthermore, it invited States Parties to consider the need for an institutional mechanism under this Convention that could execute both advisory and operational functions, taking into account the experience of the existing bodies, established under other UNESCO instruments for the protection of cultural property.

- In 1993 UNESCO published in English and French a study written by Professor Patrick Boylan, an expert consultant, analysing the implementation of the 1954 Convention since 1954 and proposing practical steps for its improvement and relevance to the present day. This study was widely distributed to Member States, non-Member States, international governmental and non-governmental organizations and the general public.

- Three meetings of experts have been held to consider the Convention and the Boylan report. The first took place at The Hague in July 1993, the second in Lauswolt (the Netherlands) in February 1994 (both at the invitation of the Netherlands' Government) and the third in Paris at UNESCO Headquarters in November-December 1994. The Hague meeting resulted in a general discussion of possible improvements to the Convention. The Lauswolt meeting resulted in the drafting of detailed proposals for an improvement of the working of the Convention which were incorporated in the working paper of the Secretariat for consideration by experts at the Paris meeting.

- The results of those preliminary processes have been submitted to the Director-General who, in accordance with Article 27 of the Convention, proposed to convene a meeting of the States Parties to this Convention during the twenty-eighth session of the General Conference (Paris, October-November 1995). This proposal was submitted to the 145th session of the Executive Board (October-November 1994) which approved it. It will be the second meeting of this kind. The first such meeting took place in Paris in 1992. This meeting will initiate the second stage of the review process, namely, formal consideration by States of the various proposals which have been made to date.

- The Secretariat is disseminating an Information Note on the Convention in English, French and Russian giving a brief summary of the Convention's provisions. A three-language leaflet (English, French and Spanish) on the Convention, designed for wide distribution to the general public, is also available. Other language versions of the Note and leaflet are in preparation.

- An article-by-article commentary on the Hague Convention, written by Professor Jiří Toman, a Geneva-based specialist in international humanitarian law, was published by UNESCO in November 1994 in French. The English version is about to be published.

- Training workshops on the Convention are being instituted the first one for Central Asian States in Tashkent (Uzbekistan) from 25 to 29 September 1995 in co-operation with the International Committee of the Red Cross. Such training activities are planned for other regions.



**CONVENTION AND PROTOCOL FOR THE PROTECTION OF CULTURAL  
PROPERTY IN THE EVENT OF ARMED CONFLICT  
(The Hague, 14 May 1954)**

**List of the 87 States Parties (74 States Parties to the Protocol)  
as at 5 July 1995**

<i>states</i>	Convention		protocol	
	<b>Date of ratification (R) accession (A) succession (S)</b>	<b>Date of entry into force</b>	<b>Date of ratification (R) accession (A) succession (S)</b>	<b>Date of entry into force</b>
Albania	20.12.1960 (A)	20.03.1961	20.12.1960 (A)	20.03.1961
Argentina	22.03.1989 (A)	22.06.1989		
Armenia (Republic of) <sup>1</sup>	05.09.1993 (s)	Note 1	05.09.1993 (s)	Note 1
Australia	19.09.1984 (R)	19.12.1984		
Austria	25.03.1964 (R)	25.06.1964	25.03.1964 (R)	25.06.1964
Azerbaijan (Republic of)	20.09.1993 (A)	20.12.1993	20.09.1993 (A)	20.12.1993
Belarus	07.05.1957 (R)	07.08.1957	07.05.1957 (R)	07.08.1957
Belgium	16.09.1960 (R)	16.12.1960	16.09.1960 (R)	16.12.1960
Bosnia and Herzegovina (Republic of) <sup>2</sup>	12.07.1993 (S)	Note 2	12.07.1993 (S)	Note 2
Brazil	12.09.1958 (R)	12.12.1958	12.09.1958 (R)	12.12.1958
Bulgaria	07.08.1956 (A)	07.11.1956	09.10.1958 (A)	09.01.1959
Burkina Faso	18.12.1969 (A)	18.03.1970	04.02.1987 (A)	04.05.1987
Cambodia	04.04.1962 (R)	04.07.1962	04.04.1962 (R)	04.07.1962
Cameroon	12.10.1961 (A)	12.01.1962	12.10.1961 (A)	12.01.1962
Côte d'Ivoire	24.01.1980 (A)	24.04.1980		
Croatia (Republic of) <sup>2</sup>	06.07.1992 (S)	Note 2	06.07.1992 (S)	Note 2
Cuba	26.11.1957 (R)	26.02.1958	26.11.1957 (R)	26.02.1958
Cyprus	09.09.1964 (A)	09.12.1964	09.09.1964 (A)	09.12.1964
Czech Republic <sup>3</sup>	26.03.1993 (s)	Note 3	26.03.1993 (S)	Note 3
Dominican Republic	05.01.1960 (A)	05.04.1960		
Ecuador	02.10.1956 (R)	02.01.1957	08.02.1961 (R)	08.05.1961
Egypt <sup>4</sup>	17.08.1955 (R)	07.08.1956	17.08.1955 (R)	07.08.1956
Estonia	04.04.1995 (A)	04.07.1995		
Federal Republic of Yugoslavia (Serbia and Montenegro) <sup>4,5</sup>	13.02.1956 (R)	07.08.1956	13.02.1956 (R)	07.08.1956
Finland	16.09.1994 (A)	16.12.1994	16.09.1994 (A)	16.12.1994
France	07.06.1957 (R)	07.09.1957	07.06.1957 (R)	07.09.1957
Gabon	04.12.1961 (A)	04.03.1962	04.12.1961 (A)	04.03.1962
Georgia (Republic of) <sup>1</sup>	04.11.1992 (S)	Note 1	04.11.1992 (S)	Note 1
Germany <sup>6</sup>	11.08.1967 (R)	11.11.1967	11.08.1967 (R)	11.11.1967
Ghana	25.07.1960 (A)	25.10.1960	25.07.1960 (A)	25.10.1960
Greece	09.02.1981 (R)	09.05.1981	09.02.1981 (R)	09.05.1981
Guatemala	02.10.1985 (A)	02.01.1986	19.05.1994 (A)	19.08.1994
Guinea	20.09.1960 (A)	20.12.1960	11.12.1961 (A)	11.03.1962
Holy See	24.02.1958 (A)	24.05.1958	24.02.1958 (A)	24.05.1958
Hungary	17.05.1956 (R)	17.08.1956	16.08.1956 (A)	16.11.1956
India	16.06.1958 (R)	16.09.1958	16.06.1958 (R)	16.09.1958
Indonesia	10.01.1967 (R)	10.04.1967	26.07.1967 (R)	26.10.1967
Iran (Islamic Republic of)	22.06.1959 (R)	22.09.1959	22.06.1959 (R)	22.09.1959

States	Convention		Protocol	
	Date of ratification (R) accession (A) succession (S)	Date of entry into force	Date of ratification (R) accession (A) succession S	Date of entry into force
Iraq	21.12.1967 (R)	21.03.1968	21.12.1967 (R)	21.03.1968
Israel	03.10.1957 (R)	03.01.1958	01.04.1958 (A)	01.07.1958
Italy	09.05.1958 (R)	09.08.1958	09.05.1958 (R)	09.08.1958
Jordan	02.10.1957 (R)	02.01.1958	02.10.1957 (R)	02.01.1958
Kuwait	06.06.1969 (A)	06.09.1969	11.02.1970 (A)	11.05.1970
Kyrgyz Republic	03.07.1995 (A)	03.10.1995 <sup>7</sup>		
Lebanon	01.06.1960 (R)	01.09.1960	01.06.1960 (R)	01.09.1960
Libyan Arab Jamahiriya	19.11.1957 (R)	19.02.1958	19.11.1957 (R)	19.02.1958
Liechtenstein	28.04.1960 (A)	28.07.1960	28.04.1960 (A)	28.07.1960
Luxembourg	29.09.1961 (R)	29.12.1961	29.09.1961 (R)	29.12.1961
Madagascar	03.11.1961 (A)	03.02.1962	03.11.1961 (A)	03.02.1962
Malaysia	12.12.1960 (A)	12.03.1961	12.12.1960 (A)	12.03.1961
Mali	18.05.1961 (A)	18.08.1961	18.05.1961 (A)	18.08.1961
Mexico	07.05.1956 (R)	07.08.1956	07.05.1956 (R)	07.08.1956
Monaco	10.12.1957 (R)	10.03.1958	10.12.1957 (R)	10.03.1958
Mongolia	04.11.1964 (A)	04.02.1965		
Morocco	30.08.1968 (A)	30.11.1968	30.08.1968 (A)	30.11.1968
Myanmar <sup>4</sup>	10.02.1956 (R)	07.08.1956	10.02.1956 (R)	07.08.1956
Netherlands	14.10.1958 (R)	14.01.1959	14.10.1958 (R)	14.01.1959
Nicaragua	25.11.1959 (R)	25.02.1960	25.11.1959 (R)	25.02.1960
Niger	06.12.1976 (A)	06.03.1977	06.12.1976 (A)	06.03.1977
Nigeria	05.06.1961 (A)	05.09.1961	05.06.1961 (A)	05.09.1961
Norway	19.09.1961 (R)	19.12.1961	19.09.1961 (R)	19.12.1961
<b>Oman</b>	26.10.1977 (A)	26.01.1978		
Pakistan	27.03.1959 (A)	27.06.1959	27.03.1959 (A)	27.06.1959
Panama	17.07.1962 (A)	17.10.1962		
Peru	21.07.1989 (A)	21.10.1989	21.07.1989 (A)	21.10.1989
Poland	06.08.1956 (R)	06.11.1956	06.08.1956 (R)	06.11.1956
Qatar	31.07.1973 (A)	31.10.1973		
Romania	21.03.1958 (R)	21.06.1958	21.03.1958 (A)	21.06.1958
Russian Federation <sup>5</sup>	04.01.1957 (R)	04.04.1957	04.01.1957 (R)	04.04.1957
San Marino <sup>4</sup>	09.02.1956 (R)	07.08.1956	09.02.1956 (R)	07.08.1956
Saudi Arabia	20.01.1971 (A)	20.04.1971		
Senegal	17.06.1987 (A)	17.09.1987	17.06.1987 (A)	17.09.1987
Slovak Republic <sup>3</sup>	31.03.1993 (s)	Note 3	31.03.1993 (s)	Note 3
Slovenia (Republic of) <sup>2</sup>	05.11.1992 (S)	Note 2	05.11.1992 (S)	Note 2
Spain	07.07.1960 (-R)	07.10.1960	26.06.1992 (A)	26.09.1992
Sudan	23.07.1970 (A)	23.10.1970		
Sweden	22.01.1985 (A)	22.04.1985	22.01.1985 (A)	22.04.1985
Switzerland	15.05.1962 (A)	15.08.1962	15.05.1962 (A)	15.08.1962
Syrian Arab Republic	06.03.1958 (R)	06.06.1958	06.03.1958 (R)	06.06.1958
Tajikistan (Republic of)	28.08.1992 (S)	Note 1	28.08.1992 (S)	Note 1
Thailand	02.05.1958 (A)	02.08.1958	02.05.1958 (A)	02.08.1958
Tunisia	28.01.1981 (A)	28.04.1981	28.01.1981 (A)	28.04.1981
Turkey	15.12.1965 (A)	15.03.1966	15.12.1965 (A)	15.03.1966
Ukraine	06.02.1957 (R)	06.05.1957	06.02.1957 (R)	06.05.1957
United Republic of <b>Tanzania</b>	23.09.1971 (A)	23.12.1971		
<b>Yemen</b> (Republic of) <sup>9</sup>	06.02.1970 (A)	06.05.1970	06.02.1970 (A)	06.05.1970
Zaire	18.04.1961 (A)	18.07.1961	18.04.1961 (A)	18.07.1961

1. This State lodged a notification of succession at the mentioned date, by which it stated that it was bound by the Convention and its Protocol which the Union of Soviet Socialist Republics ratified on 4 January 1957.
2. This State lodged a notification of succession at the mentioned date, by which it stated that it was bound by the Convention and its Protocol which Yugoslavia ratified on 13 February 1956.

3. This State lodged a notification of succession at the mentioned date, by which it stated that it was bound by the Convention and its Protocol which Czechoslovakia ratified on 6 December 1957.
4. In conformity with the procedure set forth in the Convention and the Protocol, both agreements enter into force, for the first States, three months after the deposit of instrument of ratification by the fifth State, Mexico.
5. The Federal Republic of Yugoslavia (Serbia and Montenegro) notified the Director-General on 27 April 1992 that it would strictly abide by all the international obligations which the Socialist Federal Republic of Yugoslavia had assumed in the past.
6. The German Democratic Republic deposited an instrument of accession to the Convention and its Protocol on 16 January 1974. Through the accession of the German Democratic Republic to the Basic Law of the Federal Republic of Germany, with effect from 3 October 1990, the two German States have united to form one sovereign state.
7. Date foreseen for entry into force.
8. The instrument of ratification was deposited by the Union of Soviet Socialist Republics, on 4 January 1957. The Director-General has been informed that the Russian Federation would continue the participation of the Union of Soviet Socialist Republics in UNESCO conventions.
9. The People's Democratic Republic of Yemen deposited its instrument of accession on 6 February 1970. After the unification of the People's Democratic Republic of Yemen and the Yemen Arab Republic into a single sovereign State called 'the Republic of Yemen', the Ministers of Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen informed the Secretary-General of the United Nations on 19 May 1990 that all treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which are in force on 22 May 1990 would remain in effect.

## REPORTS FROM STATES PARTIES TO THE CONVENTION

### ARGENTINA

1. The subjects of the 'International Law of War' and the 'Law of Belligerency', whose contents include the above-mentioned Convention, are taught in the Navy and the Air Force respectively.

2. The following subjects are taught in the Army 'Introduction to International Relations'; 'Principles of Military Legislation', Section VIII Laws of War-Relations between Belligerent 'Public International Law', Section II of which, *Ius in Bellum*, deals with the 'General Protection of Civilians and Property of a Civil Character'.

3. A Commission for the Application of International Humanitarian Law has recently been established within the Ministry of Defence. Its competence includes the protection of cultural property in the event of armed conflict.

### AUSTRALIA

#### **Domination of information on the 1954 Hague Convention**

#### **1. Information and training provided to military personnel**

The following is a summary of measures taken by the Australian Defence Force (ADF) to instruct and inform ADF personnel regarding their obligations under the 1954 Hague Convention.

#### **(a) Reference materials**

Details regarding the contents of the 1954 Hague Convention have been included in the *Draft Military Manual of International Law* which is made available to all military personnel. References to the Convention also appear in the *Australian Defence Force Publication 37 Supplement 1- Interim Edition Law of Armed Conflict Commander's Guide* and the *Australian Army Law of Armed Conflict Manual (Second Draft)* (p.118).

#### **(b) Training**

All ADF members are trained in the Law of Armed Conflict (LOAC) (i.e. 'international humanitarian law' including, of course, the 1954 Hague Convention) to the level of understanding necessary for their duties and responsibilities. Instruction occurs at four levels graded alphabetically from A to D:

- Level A is the basic understanding of LOAC required by all ADF personnel, and requires knowledge of fundamental tenets of the humanitarian philosophy behind LOAC, and an ability to offer a general summary of those restrictions on conduct in combat which are absolute. It is emphasized that individual officers and soldiers will be held accountable for any violations of these rules. Level A training is provided to all ADF recruits during basic training.

- Level B is training for those personnel who could have direct contact with a belligerent, for example personnel assigned to operational units such as the Overseas Deployment Force stationed in Townsville.

- Level C is training for those who would plan and direct combat operations, such as personnel serving at operational headquarters/commands.

- Level D is the level of understanding necessary for a Service Legal Officer to become an accredited legal adviser to assist Australian military commanders with legal aspects of operational planning and implementation.

In addition to these general training requirements, each arm of the ADF (i.e. the Australian Army, the Royal Australian Navy (RAN) and the Royal Australian Air Force (RAAF)) conducts training in LOAC which is specifically tailored to the operational requirement of their service. Thus, for example, the Australian Army conducts a number of specialized LOAC courses. These include reference to the 1954 Convention. Similarly, the RAAF includes instruction of the 1954 Convention in its 'Introduction to Operations Law' course. The RAN is currently considering including information relating to the 1954 Convention in future 'Minor Commanding Officer/Executive Officer Designate' courses and its courses for Principal Warfare Officers (i.e. those specialist officers responsible for directing the fire of an Australian naval vessel).

LOAC training is included in the curricula of a wide range of Australian military training institutes including the Australian Defence Force Warfare College, the Australian Defence Force Academy, the Joint Services Staff College, the Royal Military Academy and the Single Service Staff Colleges. Opportunities are also provided for ADF officers to receive further training in LOAC at seminars and courses within Australia, and overseas. For example, three Australian Regular Army Legal Officers have attended courses at the International Institute of Humanitarian Law in San Remo, Italy. Similarly, the 1994 Australian Army Chief of the General Staff Exercise (Townsville, 27 June-1 July) was entitled 'Impact of International Law on Land Operations'. This Exercise addressed international legal issues of concern to Australian military commanders. Extensive reference was made to the 1954 Hague Convention in the course of the Exercise.

Those ADF members sent overseas are provided with specific training. Prior to departure for service overseas, all service personnel under the command of the Australian Land Headquarters receive instruction at the Reinforcement Holding Company in humanitarian law concepts relevant to their duties. This complements Brigade training in LOAC at battalion level. In the course of this training all personnel are briefed on differences in culture they may encounter during the course of their duties. They are also briefed on the necessity to respect these differences, which would include respect for the cultural heritage of other peoples.

To provide a specific illustration, prior to its deployment to Somalia, the 1st Royal Australian Regiment Battalion Group received training by military legal staff in Townsville on their international legal obligations in low-level operations.

This training was detailed and included working the troops through scenarios and playlets. The objective was to ensure that the troops would conduct themselves in accordance with both international humanitarian and domestic Australian laws. A Service Legal Officer was deployed with the troops to Somalia. This officer's responsibility was to ensure that troops complied with the LOAC and Australian domestic law.

## **2. Dissemination of information to the civilian population**

Educational curricula in schools throughout Australia are not controlled by the Federal Government, but fall within the purview of the State and Territory Governments. Each State and Territory therefore has responsibility for education, and accordingly, the curricula of each is different. Within this system there is scope for schools to introduce educational programmes aimed at increasing respect for cultural property and cultural values of all peoples. However, there is not uniform application of such a programme at this time.

The Australian Government provides funds to the Australian Red Cross to enable it to conduct humanitarian law dissemination activities throughout Australia (e.g. public lectures, university lectures, advertisements, school

presentations, instructions for schoolteachers, etc.). These activities routinely include descriptions of the contents of the 1954 Hague Convention.

## **3. Regional Conference on Humanitarian Law**

As part of the Asia-Pacific regional follow-up to the International Conference for the Protection of War Victims in Geneva (30 August-1 September 1993) the Australian Red Cross has decided to convene, in conjunction with the Australian Defence Studies Centre (a college of the University of New South Wales, Sydney) a three day 'Asia-Pacific Regional Conference on Humanitarian Law'. This Conference will be held at the Australian Defence Force Academy in Canberra from 12 to 14 December 1994.

Using the Declaration of the War Victims Conference as a base, the Regional Conference will identify and explore priority issues in the field of international humanitarian law including measures to enhance respect for, and where necessary, strengthen the existing law governing the protection of cultural property in times of armed conflict.

The Australian Government has welcomed this initiative by the Australian Red Cross and the Australian Defence Studies Centre and has agreed to participate. We will be closely studying the outcomes of the Conference, particularly in the field of cultural property.

### **Immovable cultural property**

#### **Identification of immovable cultural property**

The Australian Government is currently seeking to establish effective criteria for identifying cultural property coming under the specific definition of 'cultural property' in Article 1 of the 1954 Hague Convention. This task has proved to be difficult. Much of Australia's immovable cultural property forms part of the heritage of the Aboriginal and Torres Strait Islander peoples of Australia. Yet the definition for 'cultural property' and indeed the concept of 'property' itself in the 1954 Convention do not reflect the dynamics of the Aboriginal and Torres Strait Islander cultures. There are thus numerous practical problems associated with identifying and marking 'immovable cultural property' which forms part of the heritage of the Aboriginal and Torres Strait Islander peoples. Moreover, the Australian Government is concerned that there may be areas of significance for the Aboriginal and Torres Strait Islander peoples that are not covered by the definition of 'cultural property' in the 1954 Hague Convention or by any other conventions protecting property or the environment in times of armed conflict.

Once effective criteria are established and cultural property is properly identified the government will examine measures to ensure this property is marked and safeguarded in armed conflict situations. Because the criteria for identification of immovable cultural property in Australia has not yet been determined, the government has not had cause to request inclusion of Australian



immovable cultural property on the 'International Register of Cultural Property under Special Protection'.

We note that the Australian Department of the Environment, Sport and Territories and the Australian Heritage Commission are currently developing 'The Register of the National Estate'. The Register is a national list or inventory of places which make up Australia's natural, historic and Aboriginal and Torres Strait Islander heritage. In June 1993, there were 10,721 places on the Register and a further 143 on the Interim List. It is envisaged that the Register may well be used as a basis for Australia's identification of its cultural property in the future. Further information on the Register is forwarded with this report.

### **Movable cultural property**

#### **Importation and exportation of movable cultural property**

Australia is still considering whether to become a party to the 1954 Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict. The matter is currently being reviewed by the Department of Communications and the Arts in consultation with the Attorney-General's Department, the Department of Defence and the Department of Foreign Affairs and Trade. There is no timetable for ratification at this stage.

## **BELARUS**

All matters relating to the protection of cultural property in Belarus are regulated by the law of the Republic of Belarus on 'the protection of the historical and cultural heritage', adopted by the Parliament of Belarus on 13 November 1992. In this law the Republic of Belarus undertakes to 'prohibit any type of action which may adversely affect property of historical or cultural value, including its use for purposes which may cause its destruction or damage to it in the event of armed conflict; ..'. The law prohibits the use of such property for purposes connected with the activities of the armed services and internal security forces. The law also prohibits the placement of such property in the territory where military forces are deployed.

The law establishes the National Inspectorate of the Republic of Belarus for the Protection of the Historical and Cultural Heritage. The Inspectorate is responsible for co-ordinating all activities connected with the protection, conservation, methodology of renovation, utilization and study of the cultural property of Belarus. The National Inspectorate also deals with the problems involved in the return of property to Belarus removed from the national territory (including the period of the Second World War), ensures that the exportation of property outside the country's borders does not adversely affect the historical and cultural heritage of Belarus and participates in the control of the legality of transfers of cultural property across the borders of the Republic of Belarus.

With respect to the implementation of the requirements of the Hague Convention, it should be pointed out that this activity is now being largely conducted at a new level as a result of the completely new circumstances that have arisen and new approaches that have been adopted following the country's recent accession to independence. At the present time, when the Belarus army and civil defence system are being reorganized, there can be seen to be new difficulties but at the same time new prospects compared with the past. In accordance with the civil defence requirements, museum holdings are divided into the following three categories

- unique (bearing a red label)
- valuable (a blue label)
- standard (a green label).

All museums have air-raid shelters, but these are small and very old.

The most valuable objects will be sheltered in places that are more secure and less dangerous than those where they are normally exhibited. At the same time, the most important cultural property will be protected by affixing to it the Convention's distinctive emblem and by taking steps to record, document and protect it by the use of technical methods. At the moment, all the parties concerned are studying the possibility of adapting a special military air-raid shelter to the needs of museums, but in the present circumstances considerable effort will be needed to solve this problem.

Belarus has so far not requested that any of its cultural property be entered on the 'International Register of Cultural Property under Special Protection'. One of the main reasons for its not having done so is the fact that the conditions with which an item of property has to comply in order to be entered on the Register are complicated. The following measures are planned for the very near future:

- the marking of cultural property in accordance with the provisions of the Convention;
- the provision of instruction for the army through the appropriate military structures, in order to explain to them the scope and purpose of the Hague Convention and to ensure that all army personnel are familiar with the Convention's distinctive emblem;
- the return by the armed forces of immovable cultural property in their possession;
- the promotion of activities connected with the protection of historical and cultural property within the civil defence system.

## **BELGIUM**

### **Preliminary remarks on the Interdepartmental Commission on Humanitarian Law (CIDH)**

The CIDH was set up pursuant to a decision by the Council of Ministers on- 20 February 1987. Its main purpose is to inventory and examine national measures to apply the Additional Protocols to the 1949 Geneva

Convention and, where appropriate, the Conventions themselves. The four Geneva Conventions of 12 August 1949 were approved by the Law of 3 September 1952. The two Additional Protocols, done at Geneva on 8 June 1977, were approved by the law of 16 April 1986.

The CIDH is composed of the representatives of the national (federal) departments most involved in the implementation of international humanitarian law (Prime Minister, Ministers of Justice, Budget Foreign Affairs, Interior, Social Affairs, National Defence, and public Health). Experts and representatives of the two Communities of the Belgium Red Cross also take part in the CIDH's work.

The CIDH is chaired by the Chairperson of the Commission for National Defence Problems (CPND). The legal adviser of this Commission acts as Secretary to the CIDH.

It must be said, however, that the CIDH has been without a Chair-m since the beginning of 1993 because of the non-replacement of the Chairman of the CPND, the Council of Ministers' decision of 24 December 1992 to dissolve the CPND, and its resultant dismantlement.

Proposals have been made to attach the CIDH to a new authority or structure and to revise its terms of reference. No decision has been taken so far in that regard.

### **The CIDH and implementation measures relating to the protection of cultural property**

The measures for the implementation of humanitarian law studied by the CIDH pertain *inter alia* to Article 53 of Protocol I to the Geneva Conventions, relating to the protection of cultural objects and of places of worship, and to Article 16 of Protocol II relating to non-international armed conflicts.

Accordingly, the CIDH had necessarily to take into account the Hague Convention of 14 May 1954 approved by the Law of 10 August 1960 and mentioned in Article 53 and in Article 16.

CIDH's action in this field is contained, however, within certain limits, namely:

- those arising from the terms of reference of the CIDH which is required to study measures for implementing the Additional Protocols to the Geneva Conventions and, where appropriate, the Conventions themselves. Its task is not, therefore, to study, as such, the implementation of the 1954 Convention;

- those arising from the actual composition of the CIDH in which neither the Communities, which have jurisdiction for the cultural heritage and museums, nor the regions, which have jurisdiction for monuments and sites, are represented. Proposals to extend CIDH membership to these federal authorities have been made several times, so far to no avail.

#### **1. Dissemination measures**

Here, the word 'dissemination' is used in the broad sense to cover information, training, teaching, coaching, etc.

The stipulation of Article 53 of Protocol I to the Geneva Conventions and the main rules of the 1954 Hague Convention are made know as required by these international instruments, namely:

- by Article 83 of Protocol I (see also Articles 6, 80, 82 and 87);
- by Article 25 of the Hague Convention (see also Article 7.1).

#### **Within the Armed Forces**

The text of the Hague Convention is disseminated widely within the Armed Forces by means of a General Order, military regulations and an *aide-mémoire* that explains the distinctive protective signs.

The protection of cultural property is one of the subjects taught in courses on the law of armed conflict at all levels and grades of the military hierarchy, in both basic and continuing training for both personnel on the active list and reservists. Teaching is adapted to the level of responsibility and duty requirements. For example, training for privates, training for non-commissioned officers and training for commissioned officers, including candidates for the grade of sub-lieutenant, candidates for the grade of captain, candidates for the grade of major, and candidates taking higher staff courses. In addition, a specialized course on the law of armed conflict is provided for advisers on military law (application of Article 82 of Protocol I).

The Armed Forces are also concerned to protect historic and archaeological monuments and sites that are in the military domain (forts, barracks, citadels, etc.). Internal regulations have been enacted to that end.

#### **The Belgium Red Cross**

The Belgium Red Cross has always disseminated international humanitarian law not only to its own members (volunteers) but also to the general public, through the education system and the media. In this work of dissemination, considerable importance is given to publicizing the rules governing the protection of civilian property, especially cultural.

The various initiatives taken by the Belgium Red Cross (French-Speaking Community and Flemish Community) include, in particular, the annual organization of a humanitarian law competition, the annual provision of a course on humanitarian law open to various groups of people (students, civil servants, diplomats, judges, etc.), and the publication of a periodical on humanitarian law.

#### **Education and the civil service**

Dissemination has been developed less in these two circles, however with a few exceptions (university courses on the law of armed conflict, international law and criminal law).

## 2. Penal and disciplinary measures

Article 28 of the 1954 Hague Convention provides for penal or disciplinary repression for breaches of the Convention. No specific legislation has been passed in that regard since the approval of the Convention in 1960. Only ordinary penal law therefore applies.

The 1949 Geneva Convention and Protocol I thereto defined various forms of behaviour as grave breaches. Such breaches must be reorganized as punishable offences in the domestic laws of countries bound by these international instruments.

After many years, Belgium has passed specific legislation on the subject, namely, the Law of 16 June 1993 'relating to the repression of grave breaches of the International Geneva Conventions of 12 August 1949 and of Protocols I and II thereto of 8 June 1977'.

The grave breaches punished under that Law include 'directing attacks against historic monuments, clearly recognized works of art or places of worship which constitute the cultural or spiritual heritage of peoples and have been granted special protection under a particular arrangement, when there is no evidence of violation by the opposing party of the prohibition to use such places in support of the military effort and when property is not in the immediate vicinity of military objectives' (Article 1.20). The penalty is ten to 15 years' hard labour (Article 2.5).

The disciplinary regulations of the Armed Forces contain provisions to ensure that military personnel abide by humanitarian law and military law.

## 3. Implementation measures and establishment of a Commission for the Protection of Cultural Property

During the review of Article 53 of Protocol I to the Geneva Conventions and the 1954 Hague Convention, the CIDH noted that no steps had been taken to apply and give effect to the latter Convention since its approval in 1960.

The proposals made by the CIDH include the establishment of a Commission for the protection of Cultural Property, modelled on the CIDH itself, to look into steps that could be taken nationally to implement the 1954 Convention. This Commission would be composed of the delegates of the relevant federal, community and regional departments responsible for cultural property. The establishment of such a commission would also be consistent with the hope expressed in Resolution II annexed to the 1954 Hague Convention concerning the setting up of a national advisory committee.

The powers of such a proposed commission could perhaps also be assigned to the CIDH, after revision of its terms of reference.

## BULGARIA

Notwithstanding the many difficulties experienced in the period of transition to a market economy, the need to

amend the legal system, and the financial problems with which it is having to contend, the Bulgarian State is continuing to make a considerable effort to protect cultural property. Its responsibilities in this connection are clearly specified in the new Constitution of the Republic of Bulgaria (Articles 18 and 23), the provisions of the existing law on cultural monuments and museums, and the relevant normative acts, in particular Council of Ministers Decree No. 222 of 7 November 1993, governing structural reform in respect of the protection of cultural property as it relates both to the rights and obligations of the people concerned and to the machinery for funding the relevant activities from the Republic's budget.

The Ministry of Culture is currently drafting a law on cultural property which contains the following provisions:

Art . . . (1): The State shall ensure the protection of Bulgarian cultural property of great cultural and historical value in the event of armed conflict and natural disaster, in accordance with a list compiled for that purpose.

Art. . . . (2): The concrete action taken to protect cultural property shall be governed by a joint ruling of the Ministry of Culture, the Ministry of Defence, the Ministry of the Interior and the Ministry of Town and Country Planning and Construction.

Art . . . . The protection of cultural property provided for in this law maybe limited or amplified by any other law or by any international agreement ratified by Bulgaria, if that law or international agreement provides for better protection for cultural property.

These draft provisions clearly illustrate the position of the Ministry of Culture, which is that the application of the Convention for the Protection of Cultural Property in the Event of Armed Conflict must be specifically regulated by a supplementary normative instrument which must regulate the institutional machinery governing interactions among those responsible for the implementation of this Convention ratified by Bulgaria.

In addition to the above legislative action, the Ministry of Culture and its specialized subdivision, the National Institute for Cultural Monuments are complying with the obligations of the Convention as they pertain to the (physical and legal) protection of cultural property. In this connection, over the past ten years (since the last country report was submitted to UNESCO), 19,727 objects have been declared new cultural monuments and a further 9,685 have been declared cultural monuments. At the present time, a total of 39,412 items of cultural property come under the protection of the law on cultural monuments and museums.

During the above-mentioned ten-year period, at Bulgaria's instigation, three further cultural monuments - the Thracian tomb of Ginya Mogila, the Rila Monastery and the ancient city of Nessebar - have been included on UNESCO's World Heritage List. Steps are also being taken to submit the Thracian tomb in the vicinity of the town of Chipka for inclusion on UNESCO's World Heritage List.

Likewise in connection with the application of the international instrument ratified by Bulgaria (including the Hague Convention), and in conformity with its domestic legislation, Bulgaria is making an effort to



protect cultural property and its surroundings in the difficult circumstances created by the serious problems following the application of the law on the restitution and re-establishment of ownership on arable land.

### **Movable cultural property**

The protection of cultural property in the Republic of Bulgaria is a duty of the State, as laid down in Article 20 of the Constitution. Although the 1%9 law on cultural monuments and museums does not contain any specific provisions concerning the protection of cultural property in the event of armed conflict, this protection is guaranteed by the supplementary normative instruments.

The ruling of the Ministry of Culture concerning the protection of movable cultural property provides for the preparation of standardized documentation and an inventory, and for the scientific treatment and conservation of cultural property in museums and art galleries. All the objects (more than 4,000,000) on display in the country's 222 museums and art galleries are listed in the inventory, which ensures their legal protection.

In accordance with the same ruling the Ministry of Culture has compiled a list of movable cultural property of great historical, artistic or scientific importance (the State holdings of museums), which is shortly to be updated. The items on this list are accorded special protection by the Ministry of Culture and the museums and art galleries.

The ruling on the description and protection of movable cultural property requires all museums and art galleries to draw up plans for safeguarding the objects on display in the event of fire or other disaster and for ensuring that these plans can be put into effect.

As a result of the joint action taken by the Ministry of Culture and other competent government agencies, museums and art galleries each have their own plans for the protection, evacuation and dispersal of movable cultural property in the event of armed conflict. In spite of the considerable financial difficulties involved, the relevant government agencies and local authorities are making efforts to ensure that the action provided for in these plans can be implemented.

The draft law on the country's cultural heritage (1994) drawn up by the National Centre for Museums and Art Galleries, contains a special section of the 'Protection of Movable Cultural Property in the Event of Armed Conflict and Natural Disasters', which is reproduced in the following Annex. The provisions of the draft law are consistent with the requirements of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

## **ANNEX**

### **Protection (of cultural property) in the event of natural disasters or armed conflict**

#### **Article 58**

(1) The State shall be responsible for the protection of the movable cultural property situated on its territory in the event of natural disasters or armed conflict.

(2) The State shall defray the cost of protecting the movable cultural property of which it is the owner or which has been entrusted to it in the event of armed conflict or natural disasters.

#### **Article 59**

(1) The Ministry of Culture shall draw up a list of places where movable cultural property under special protection will be brought together and placed in the event of natural disasters or armed conflict (museums or shelters).

(2) The Ministry of Culture shall compile a list of the items of movable cultural property to be placed under special protection in the event of natural disasters or armed conflict and shall mark them with a distinctive emblem.

(3) The Ministry of Culture shall set up archives containing the most significant data concerning items of movable cultural property benefiting from special protection and photographs of them with a view to their restoration.

### **Libraries**

In accordance with the requirements of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, libraries are required to take practical measures to protect the literary treasures they contain.

The libraries have made provision for individual measures to be taken to preserve the most important historic documents. The working hours in case of armed conflict and critical situations have been specified. The most detailed plans are those which have been drawn up for the 'Saint Cyril and Saint Methodius' National Library in Sofia and for the 'Ivan Vazov' Library in Plovdiv. Safes have been set aside for a number of historic documents at the National Bank of Bulgaria.

The country's library holdings are divided into two groups, as follows

#### **Group A**

Group A comprises particularly valuable items covered by regulations governing their conservation and use and stipulating the places to which they should be evacuated

in the event of armed conflict, fire, flooding or earthquake.

### **Group B**

The second group comprises the remaining library holdings in respect of which measures for their conservation *in situ* have been planned in accordance with specific requirements for the protection of books and other library materials in the event of fire or flooding, or against rodents, etc.

The measures provided for Groups A and B apply to the libraries most actively engaged in the constitution, conservation and use of the country's library holdings.

The measures provided for Group B also apply to other libraries connected with reading centres and schools.

Every library in the country is required to appoint an official responsible for taking action in accordance with the conditions stipulated and for drawing up a practical plan of action.

Each year libraries organize a variety of activities and provide information on the protection of historic documents and literary treasures. They co-operate with local authorities and government agencies in ensuring that local communities know what to do in the event of armed conflict or natural disaster.

Library holdings are amplified, processed and recorded in catalogues and card indexes.

Plans are drawn up for the protection of the most valuable books and for the designation of the places to which they should be evacuated. At the moment, work has been halted on the construction of the book deposit for use in the event of armed conflict.

In accordance with the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Ministry of Defence of the Republic of Bulgaria is responsible for taking the measures within its prerogative for the protection of cultural property in the event of armed conflict and for updating such measures from time to time.

Study of the Hague Convention forms part of the training of military personnel and is the second subject on curriculum No. 1 of the 'Information programme for military personnel of the Bulgarian Army for the academic year 1993-1994', which was approved by ruling of the Ministry of Defence dated 31 July 1993. The requirements of the Convention are among the subjects of international military law studied exclusively by officers at specialized courses.

The basic provisions of the Hague Convention are published in a handbook entitled 'Essential Information', published in 1993 (Chapter 1, pp. 45-50).

In recent years, the basic rules and regulations ensuring that the activities provided for in the Convention are carried out have been laid down by the civil defence organization of the Republic of Bulgaria. The problems involved in protecting cultural property in the event of armed conflict or natural disaster are covered in a draft law on civil defence. A refutation concerning the organization and management of civil defence in the

Republic of Bulgaria has been published and sets out in detail the obligations of all the country's institutions responsible for the protection of cultural property in the event of armed conflict:

A national plan for the evacuation of cultural property in the event of armed conflict has also been drawn up and is updated every year.

A Standing Commission of the Council of Ministers has been set up to deal with the protection of the population in the event of armed conflict or natural disaster. Commissions set up at the regional and local levels are required to organize and assist in the protection of cultural property in time of peace and to safeguard it in critical situations. It is also the task of these Commissions to reduce and prevent losses.

## **BURKINA FASO**

Burkina Faso acceded to the Convention and to its Protocol on 18 December 1969 and 4 February 1987 respectively. Following accession, the Convention was circulated to the relevant departments.

Now that more stable structures have been set up for the protection of cultural heritage, our country has been at pains for some years to improve all national machinery for the protection of our cultural property, in time with the efforts expended in this field at the international level.

The department in charge of the safeguard and promotion of the cultural heritage is currently engaged in drawing up an inventory of cultural property. This, in our view, is an essential prerequisite for any bona fide action of protection.

Once this work has been completed, the various international and national instruments will become fully effective. Accordingly, the proper implementation of the 'Convention for the Protection of Cultural Property in the Event of Armed Conflict' also depends on the fulfilment of this prerequisite.

## **CROATIA**

The Republic of Croatia is a party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Protocol of 14 May 1954.

This report is being submitted pursuant to Article 26, paragraph 2, of the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the implementation of the provisions of the Convention and covers the period 1990-1994.

The report deals with the implementation of the provisions of the Convention during the war waged against the Republic of Croatia by certain State authorities and the resulting experience concerning the efficiency of some provisions of the Convention. The report also contains basic information on the deliberate



violation of the provisions of the Convention by the enemy forces. An integral part of the report are relevant attachments documenting the status of cultural property in the area of the Republic of Croatia caused by war Operations.<sup>1</sup>

### **The implementation of the provisions of the Convention in the area of the Republic of Croatia in peacetime and shortly before the war**

As part of preparatory actions designed to protect cultural property from the effects of war conflicts, the Croatian authorities and institutions took a series of measures.

The protection of cultural property in Croatia is regulated by special acts, such as the Law on the Protection of Cultural Monuments, the Law on Museums, the Law on the Protection of Archives, as well as a number of other laws covering other areas affecting the protection of cultural property. Thus the Criminal Code defines criminal acts involving damage, destruction and pillage of cultural treasures during the war pursuant to Article 28 of the Convention. Therefore, before the war conflict in Croatia preparations were made and regulations passed by the Croatian authorities in order to ensure the implementation of the Convention.

In compliance with Article 3 of the Convention the conservation institutes took actions to train the holders of cultural treasures on the methods of handling them in the event of war or other extraordinary circumstances. Special instructions to this effect were made for the holders of cultural treasures. Systematic activities were undertaken to safeguard the buildings and institutions accommodating valuable historic treasures or collections. Conservation institutes, museums and archives were making microfilms of the originals being, as a rule, stored at three different locations.

In the middle of 1991, as the armed incident in Croatia escalated, the Ministry of Culture and Education incorporating the Conservation Service took a series of measures for protection and rescue of the cultural heritage. As ordered by the Ministry of Culture and Education, permanent exhibits of museums and galleries were relocated to safer places. Due to the imminent war danger, the most important treasures were selected, packed and evacuated to areas and buildings ensuring safer storage. The participants in these actions were conservators, restorers, museum experts, special units of the Croatian Army and police, local authorities and enterprises. These measures were taken after the emergency regulations were introduced.

Within the work under emergency conditions and pursuant to Articles 6 and 17 of the Convention, historic buildings were marked by the Hague Convention sign. As ordered on 27 July 1991 by the Ministry of Culture and Education, a total of 794 buildings were marked by the Hague sign nationwide. Also, special identity cards were issued for those involved in the protection of cultural property. In compliance with Article 17 of the Convention, a special sign was used for personnel and vehicles.

After an artillery attack of 25/26 July on Erdut from the area of the Republic of Serbia, in which the medieval fortress there, a top-category monument, was damaged, the Ministry of Culture and Education protested to the Federal Defence Secretariat in Belgrade against such unscrupulous violation of the Hague Convention and requested that the Yugoslav People's Army (JNA - official Armed Forces of the then Socialist Federal Republic of Yugoslavia) comply with the Convention. Along with the said protest to the Federal Defence Secretariat and all JNA-headquarters, lists of cultural monuments marked with the Hague Convention sign were sent out.

As the aggression against the Republic of Croatia continued unabated, the Conservation Service started an organized evacuation of cultural treasures from the areas worst hit. Most evacuated objects came from churches and monasteries, many damaged and still unrepaired or destroyed, followed by museum collections and, to a lesser extent, private collections. The transport of these objects was mostly done under highly hazardous conditions, exposed to the risk of interception, looting or annihilation. Considering the fact that the aggressor did not even spare ambulances, no respect for the Convention sign could be expected, so such convoys were never announced or marked with the Convention sign. Transport was mostly made in secret and in some cases re-routed via neighboring Hungary for safety reasons.

Buildings and premises for safe storage of evacuated objects were agreed with local authorities after an opinion given by conservation experts. The result of such evacuation actions are more than 6,000 packages containing individual objects of groups of objects.

For protection of immovable treasures technical measures were taken, such as installing wooden structures, panelling and sand sacks. Other measures were also taken to protect such buildings from bombardment. Priority was given to important architectural decoration and weak structural spots. Protected in this way were also sculptures, open space groups of sculptures and public statues in towns. These measures proved to be highly useful.

In churches, from which transportable or highly valuable objects were evacuated such as dishes, paintings and statues, the fixed inventory like altars and organs had to be left behind. Efforts were made to protect them *in situ* by proper materials and structures. Therefore, churches contain an abundance of monuments in varying states after being attacked.

### **Treatment of cultural property during the war against Croatia**

The Croatian authorities did their best to implement the provisions of the Convention. Since Croatia had no Armed Forces of its own, the cultural property could not have been misused by the Croatian Armed Forces in the initial stage of the war. However, the then Yugoslav

1. Note by the Secretariat: Documentation concerning the destruction of or damage to the cultural heritage of Croatia is available on request from the Secretariat

People's Army (JNA) deployed many of its units in buildings having the status of cultural monuments. Examples the Fort in Slavonski Brod, a part of the Brijuni Islands, the Garagnin-Fanfogna Summerhouse and the Gripe Tower in Split, the Erdödy Palace in Varazdin, the Benkovac Castle, plus many other buildings that cannot all be listed in a brief report.

In the continued aggression against Croatia during 1991 and up to now many cultural monuments were destroyed or damaged in spite of the fact that most of them were marked by the Hague Convention sign and technically protected. Disrespect for cultural property by the aggressor's forces is a result of the planned 'scorched land strategy involving the ethnic cleansing of non-Serbian population and destruction of all material traces of the Croatian national identity. In the war-affected areas systematic devastation was undertaken of any buildings or localities important to the Croatian culture, such as churches, monasteries, graveyards. Objects of such importance were either destroyed or plundered. Attached to this report is a report on war destruction inflicted on Croatia.<sup>1</sup> It is sufficient here to recall that the Serbian aggressor brutally attacked the historic city centre of Dubrovnik, entered on the World Heritage List, in spite of UNESCO flags flown on the ancient walls of the city. A series of other examples could be given illustrating the enemy's open contempt for the Convention.

As for Article 4, paragraph 2, of the Convention, cases should be mentioned where relentless enemy attacks necessitated some deviations from the Convention. An example of it is the defence of Vukovar, which, besieged for many months, had to organize defence against incessant air and artillery attacks intended to take the town.

The enemy forces in occupied areas were looting or destroying the movable cultural property found there. Such conduct was typical of all occupied areas of Croatia, from the plundered and burnt villages in Konavli (Dubrovnik area) to the Slavonian places in the surrounding of Vinkovci and Vukovar. The Croatian authorities have no access to the occupied areas, but, judging by the reports coming from international monitors, in the actions of ethnic cleansing most Catholic churches and settlements earlier populated by the Croats have been destroyed.

The aggressor did not even refrain from requisitioning movable cultural property, such as the museum and church collection of Vukovar and Drnis.

Cultural treasures in occupied territories were subsequently destroyed without any reason, for example the Catholic church in the village of Aljmas, which was razed to the ground and levelled to an extent as if no building had ever existed there. A similar example is the Catholic church in the village of Vocin, a unique specimen of medieval architecture, which was tilled with ammunition and blasted upon the enemy's withdrawal.

The foregoing shows that the aggressor also violated the provisions of Article 5 of the Convention. Thus no access was allowed to the cultural property in occupied areas, let alone actions taken by competent authorities in compliance with Article 5, paragraph 2, of the

Convention. It should be noted that the Croatian Government requested that UNPROFOR's mandate be extended to the inventorying and salvaging of cultural property in occupied areas. This initiative yielded some results only in 1994.

As for Article 15 of the Convention, requiring that the occupying forces respect the immunity of the local conservation personnel, it should be noted that such personnel was expelled from the occupied areas i.e. did not enjoy any immunity or protection envisaged by the Convention.

During the aggression against Croatia UNESCO was helpful in efforts to protect the historic centre of Dubrovnik, a treasure entered on the World Heritage List and the List of World Heritage in Danger. During the war a UNESCO delegation visited the occupied Vukovar and Plitvice Lakes, but other aspects of UNESCO's assistance in the area of protection of cultural property have not materialized.

Regarding the implementation of Articles 18 and 19 of the Convention in the case of Croatia, the Regulations for the Execution of the Convention have not been practised, which is partly due to the fact that at its very outset the war was not treated as an international armed conflict. Following the independence of the Republic of Croatia and its international recognition in 1992, this war or, more precisely, the aggression against Croatia became an international issue, but even since then the said Rules have not been applied.

## EGYPT

### **Report by the Higher Council for Antiquities concerning the Convention for the Protection of Cultural Property in the Event of Armed Conflict**

1. The provisions of the Convention have been approved.

2. A number of highly qualified and effective senior officials dealing with antiquities in all of its various branches and fields in the Higher Council for Antiquities are being assigned to protect cultural property in the event of armed conflict, in accordance with the terms of the Convention. They should be given all the powers required to ensure the protection of the said property and provided with identity cards in accordance with the provisions of the Convention. The necessary measures will be taken to ensure that this is done.

3. The necessary steps are being taken to place a distinctive emblem on cultural property in the Arab Republic of Egypt in order to facilitate its recognition.

4. UNESCO has been asked to provide the Higher Council for Antiquities with a model for the emblem with a view to implementation.

1. Note by the Secretariat: Documentation concerning the destruction of or damage to the cultural heritage of Croatia is available on request from the Secretariat.

5. The Ministry of the Interior and the Ministry of Defence have been informed of the measures taken by the Higher Council for Antiquities in application of this Convention.

### **Report by the Ministry of Defence concerning the Convention for the Protection of Cultural Property in the Event of Armed Conflict**

1. The Ministry of Defence has distributed the Convention for the Protection of Cultural Property in the Event of Armed Conflict to members of the Armed Forces for application in the event of necessity within the framework of the rules established for that eventuality.

2. The Ministry of Defence considers that the Ministry of Culture is responsible for the following measures in conjunction with the Ministry of the Interior:

(a) preparation of detailed lists of the various items of cultural property and their exact situation in the Arab Republic of Egypt and their insertion on maps in order to determine their precise location;

(b) execution of a study of the most suitable methods for securing them against the various effects of armed conflict;

(c) provision of a copy of the relevant measures and maps to the Ministry of Defence;

(d) placing of the prescribed signs on the items of cultural property during armed conflict, in accordance with the relevant conventions and protocols.

Note: The Ministry of Defence has been provided by the Higher Council for Antiquities with lists and survey maps delimiting precisely the archaeological areas.

## **FEDERAL REPUBLIC OF GERMANY**

### **1. Ratification and entry into force**

The Federal Republic of Germany ratified the Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the Protocol to the Convention by means of the Law of 11 April 1967 concerning the Convention, published in the Federal Law Gazette 1967, Part II, page 1233. The Convention and the Protocol entered into force for the Federal Republic of Germany on 11 November 1967, the instrument of ratification having been deposited with the Director-General of UNESCO on 11 August 1967.

Pursuant to the first sentence of Article 2(1) of the Law, the Länder implement the Convention on behalf of the Federal Government, unless the Law provides otherwise.

2. The Federal Republic of Germany is currently implementing the following measures for the protection of cultural property in accordance with Article 3 of the Convention.

### **2.1 In the civilian sector**

#### **2.1.1 Dissemination of the Convention**

Pursuant to Article 2(5) of the Law, the Federal Civil Defence Agency is responsible for disseminating the text of the Convention and of the Regulations for its Execution under Article 25 of the Convention. This agency published in 1966 a German translation of the text of the Convention, the Regulations for its Execution, and the Protocol, of which a third revised edition (175,000 copies) appeared in 1979. The brochure is distributed to federal, Land and local authorities, to schools, universities, museums, art galleries, churches, the press and to anyone who requests it. A revised, fourth edition is due to be published shortly.

#### **2.1.2 Microfilming of valuable archives for safeguarding**

Since 1961 government departments as well as selected churches, industrial institutions and local authorities have been microfilming valuable historical archives for safeguarding.

Until now approximately 620 million microcopies have been made, the rolls of film being placed in steel containers and stored under suitable climatic conditions in the Central Refuge, the Oberried mine drift near Freiburg. On 22 April 1978 the refuge was entered on UNESCO's International Register of Cultural Property under Special Protection (No.611.101.Pr512/1).

The material microfilmed includes deeds issued by medieval German emperors and kings, decrees, regulations and other administrative documents from the fourteenth century to the present. Microfilming ensures the safekeeping of unicas of great historical significance in the proper conditions.

Since 3 October 1990, when the accession of the German Democratic Republic to the Federal Republic of Germany became effective, valuable archives from the former German Democratic Republic, too, have been included in the microfilming programme. However, owing to the fact that the methods used in the past in that country are not up to standard, it has been necessary to duplicate the material, which is likewise stored at Oberried.

In 1989 the first steps were taken to microfilm library material of national value but the actual processing has been delayed.

#### **2.1.3 Identification of immovable cultural property**

At present, 8,000 architectural monuments and places of historical interest, as well as 2,000 museums, archives, libraries and archaeological sites in western Germany have been identified with the distinctive emblem provided for in Article 16 of the Convention.



In the former German Democratic Republic, immovable cultural property was identified with a symbol combining the Convention's symbol in accordance with Articles 16 and 17 of the Hague Convention with an additional mark and the description 'architectural monument'. No decision has yet been taken as to whether in the new German States, too, only the Convention symbol should be used.

#### 2.1.4 Provision of refuges for movable cultural property

In 1987 the German Government laid down 'technical criteria for the provision of refuges'. They provide guidance on the civil defence aspects of new buildings, especially museums, archives and libraries.

#### 2.2 In the military sector

Cultural property can only be protected during armed conflicts if national and international protective measures are initiated during peacetime. As early as 1964 the Federal Ministry of Defence issued Service Regulation 15/9 entitled 'Kriegsvölkerrecht - Leitfaden für den Unterricht (Teil 6) - Der Schutz von Kulturgut bei bewaffneten Konflikten (Lehrschrift)' (International Law of War - Instructional Guidelines (Part 6) - Protection of Cultural Property in Armed Conflicts (Teaching Manual)) which was available to military units and schools of the Bundeswehr. It was superseded in August 1992 by Service Regulation 15/2 entitled 'Humanitäres Völkerrecht in bewaffneten Konflikten - Handbuch', which covers all aspects and includes a chapter on the protection of cultural property. It is the basic material used for the instruction of all servicemen on matters of international law. The regulation was prepared in co-operation with other countries. Government experts from 18 countries and representatives of the International Committee of the Red Cross and of the International Institute of Humanitarian Law, San Remo, Italy, were involved. The manual's English title is 'Humanitarian Law in Armed Conflicts - Manual'.

In August 1991 a supplement was introduced in the form of Service Regulation 15/3: 'Humanitäres Völkerrecht in bewaffneten Konflikten - Textsammlung' (Humanitarian International Law in Armed Conflicts - Collated Texts) which gives servicemen and civilian employees at all levels access to relevant international treaties, including the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the implementing provisions.

Regional military headquarters prepare lists of cultural property on the basis of information received from the State authorities responsible for the protection of architectural monuments and historical sites. The objects are marked on military maps. There are several thousand of them. The maps are kept up to date and are accessible to all units on request.

### 3. Meeting of experts in The Hague 5-7 July 1993

Dr Horst Fischer of the Institute for the Safeguarding of Peace and Humanitarian International Law, Bochum, represented the Federal Republic of Germany at a meeting of experts held in The Hague from 5 to 7 July 1993 which was concerned with the Convention's application and ways and means of improving its effectiveness.

#### FEDERAL REPUBLIC OF YUGOSLAVIA<sup>1</sup> (Serbia and Montenegro)

As you are well aware, war broke out on the territory of the former Yugoslavia war which is, regrettably, still raging, and whose end is still not in sight. The cause of the war was the secession of some republics. The international community hastened to recognize the seceded republics, before political solutions had been found to complex national issues, internal ethnic borders, etc.

The real answers to the question of how the Hague Convention was applied can be best got if we ask how it was not applied, and even better, how it was abused.

The first example of the violation of the Hague Convention was registered during the war in Slovenia. A helicopter of the federal army was shot down from positions in Gornji grad in Ljubljana - a monument of culture. The federal army did not neutralize that position, which it was entitled to do; the media registered this event, but regrettably, no assessment from the standpoint of the Hague Convention was made. In any case, this incident was, *inter alia*, a dangerous provocation to the federal army to neutralize this position located in the very core of a monument complex, so as to be accused by the media as the party 'destroying monuments'. The rules of the former JNA (the Yugoslav People's Army) i.e., the 'Regulations on the application of international war law in the Armed Forces of the Socialist Federal Republic of Yugoslavia', published in Belgrade in 1988, incorporate all the substantial provisions of the Hague convention.

How important military circles and the leadership of the federal army considered this to be is best attested to by the fact that when military operations had already commenced in 1992 in the areas of Knin, Slavonija and Srem, military institutions organized a series of lectures for the soldiers on the rules of the Hague Convention, i.e. the prohibition of destroying monuments of culture.

The rules of the reformed army of Yugoslavia & vote exceptional attention to this subject-matter and appropriate training will be organized for the conduct of

1. Note by the Secretariat: This report is the text of a letter dated 29 June 1994 and addressed to the Director-General of UNESCO by the Federal Minister of Education and Culture.

soldiers in war theatres. Appropriate seminars have already been held with a view to more efficient and better training in the area of the application of international war law and the Hague Convention. One such seminar was held in the Centre of Higher Military Schools of the Army of Yugoslavia in March 1993, with the participation of instructors from the International Committee of the Red Cross. Also, two representatives of the Army of Yugoslavia took part in the work of a seminar at the Institute for International War Law in San Remo in 1993.

In terms of scope, breadth of front and severity, the war in Croatia was much more dramatic than the one in Slovenia. The State leadership of Croatia, with its programmes of secession and constitutional concept, erased the Serbs as a constituent people in the Croatian State (the Serbs had this status in the previous Constitution). The objective of the Croat State leadership and of the party in power were borders approximating those from the time of the NDH (Independent State of Croatia - a puppet State from the time of the Second World War), including part of those territories under Italian occupation during the Second World War. The greater-Croatian concept envisaged, *inter alia*, Boka Kotorska and Zemun (a commune of Belgrade) as forming part of Croatia.

Such ambition resulted in a front near Dubrovnik and Vukovar, and the core of Serbian resistance in Knin.

Vukovar, and especially Dubrovnik (on the List of World Cultural and Natural Heritage), as cities of exceptional importance in terms of culture and monuments, were the object of military and political abuse on the part of Croatia. Through media manipulations, Croatia managed to focus the attention of the world public on Dubrovnik, depicting the federal army and the Serbs as aggressors who did not respect Dubrovnik as an exceptional monument of culture and world heritage. As already mentioned the federal army was familiar with the provisions of the Hague Convention, and aware that Dubrovnik was world heritage, and respected the core of the old city and avoided the cases when orders were not obeyed. However, as determined later, there was no major damage. The flagrant example of media manipulation concerning Dubrovnik, aimed at creating a picture of Dubrovnik being destroyed and burning was conjured up by the Croatian side which set fire to old car tires. Photographs and video materials were sent out worldwide, this resulting in extremely successful political and propaganda media effects. Later reports on Dubrovnik were much more moderate, but the aim of laying absolute blame on only one side in the conflict had been achieved.

Similar effects were achieved in the case of Vukovar, with the difference that the old core of Vukovar had been transformed into a military fortress by the Croatian formations. Neither museums nor religious facilities were exempted, and there was much speculation around Vukovar.

However, without going into military analyses, it can be stated that both Dubrovnik and Vukovar were the hostages of Croatian political, military, and broader territorial ambitions.

There were countless examples of the flagrant violation of the Hague Convention by the Croatian side and its formations. Most frequently church towers were made use of as sniper and machine gun nests and look outs, and mops and material were frequently located in and around the facilities. The federal army and territorial units were forced to neutralize such nests, which resulted in the destruction or damage of cultural and historic monuments. There was not a single example of targeted and deliberate destruction or damage of a cultural and historical monument similar to the spectacular destroying of the Old Bridge in Mostar by the Croatian forces before the eyes of the entire world. Despite that fact, confidence continues to be placed only in their sources of information on the causes of destruction and the fate of monuments in this war.

The deliberate destruction of many monuments, mainly and for the most part those of Serbian provenance is attested to by the not small number of sacral objects destroyed by planting mines, fire and other forms of desecration in areas outside war operations, deliberately carried out by Croatian troops.

Several reports and publications were written and published about the destroyed monuments of Serbian provenance.

At the beginning of the war, in 1991, the Republican Institute for the Protection of Monuments of Serbia and the Serbian Society of Conservators sent a letter (0305-No. 543/1 of 22 October 1991) to the Director-General of UNESCO, Mr Federico Mayor, indicating the means resorted to by a party to the conflict (Croatia). It drew attention to political manipulation with the Hague Convention and the flagrant ignoring of its provisions. Regrettably, the letter did not meet with a positive response, and the policy of double standards became sad reality.

The Ministry of Culture of Serbia appointed an expert commission entrusted with the task of determining the fate of Serbian and other monuments of culture in war-torn areas. Expert teams engaged in fact-finding missions wherever possible and drew up reports on the basis of them. An extensive report was published under the title 'War Destruction of Orthodox Churches in Croatia'. That publication documents in detail the damage to monuments and analyses the causes. The documentation and material was published at the proposal of the Ministry of Education and Culture of the Federal Republic of Yugoslavia, in the IVth report on the war destruction of cultural heritage of Croatia and Bosnia and Herzegovina prepared by the Commission on Culture and Education of the Council of Europe.

The expert commission set up by the Republic of Serbia had the mandate, on the basis of requests from the local authorities to dislocate movable cultural property (iconostases, icons, sacral materials and museum objects). Special expert teams evacuated such objects from war-endangered areas and facilities. The evacuation of museum objects from Vukovar was especially extensive and risky. The museums were in ruins, the objects left exposed to the weather and possible illicit appropriation.



The ground had not been cleared of active explosive devices and shells which had not exploded. The materials were removed to the museum storage of the Republic of Serbia. Proper documentation on their taking over was made with the local authorities. The objects are under constant conservator surveillance, and the necessary conservation measures are taken where necessary. The Republican Ministry for Culture has set up a special commission to control and monitor the evacuated materials, check it against the original take-over documents and issue direct recommendations to the responsible institutions and Ministry of Culture. The Republic of Serbia, which protects these materials, has a special fund for caring for the evacuated materials.

Lists of evacuated material have been processed by computer, and the Republican Administration for International Co-operation has opened a special file for them. UNESCO has been informed of action undertaken.

This necessary action was presented by the Croatian side to the international public and UNESCO as robbery, which is a dirty form of propaganda. A high official of UNESCO had occasion to acquaint himself on the spot with this action of saving movable cultural property. It is indubitable that the material will be returned to its respective localities, i.e. the direct owners as soon as conditions permit, irrespective of the final political settlement.

In addition to evacuating the movable property, the special expert team made a survey and assessment of the material damage to the monuments and natural values in Vukovar. A copy of that report was sent to UNESCO.

As Serbia was realistically threatened by war, especially in regions with ethnically mixed populations, i.e. in regions where the Serb population constitutes a relative minority, the majority population was systematically incited by various political and big-finance lobbies to disloyalty to the State and its integrity (especially in Kosovo, Metohija and Sanjak), so that preventive protection measures had to be taken in those areas. Signs of the Hague Convention were displayed, and movable cultural property from a number of important treasuries was temporarily removed. It is subject to conservation measures.

The war in Bosnia broke out under different international-legal circumstances from the wars in Slovenia and Croatia. Under the pressure of some countries, especially Germany, the international community recognized the secession of Bosnia at a moment when the constituent ethnic communities - the Serbs, Croats and the population of Islamic confession had not yet arrived at a political and constitutional settlement. This generated war conflicts with horrendous consequences which have not yet ended. Due to this war, with no justification whatsoever, the United Nations imposed sanctions on the rest of Yugoslavia.

The service for the protection of monuments of culture of the Federal Republic of Yugoslavia i.e. of Serbia took on operational action in that war, as that was in the competence of the newly created State communities (the Republic of Srpska, and others), which organized their services for the protection of cultural property. None the

less, data was indirectly collected about the state of monuments in war-stricken areas. The Serbian Orthodox Church is preparing a special publication on the destruction of Serb monuments in these areas, which will be sent to UNESCO for its information.

The sanctions implemented against the Federal Republic of Yugoslavia and its suspension from international organizations, including UNESCO, have caused enormous damage in the area of the protection of monuments also. Possibilities for taking the envisaged protection measures on monuments on the World Heritage List in the Federal Republic of Yugoslavia have been limited as there was no help and co-operation from UNESCO, no co-operation between our institutions with international organizations, on procurement of equipment and materials, etc., which has already had adverse effects on these and other cultural monuments. Yugoslavia's inequitable position, and the suspension of its membership of UNESCO make it impossible to give an objective evaluation of the professional approaches and efforts made to mitigate the consequences of the war on cultural heritage.

The situation of monuments of culture in the Republic of Montenegro with respect to the application of the Hague Convention is as follows:

- At the end of 1979, i.e. after the earthquake which struck the area, the Republican Institute for the Protection of Monuments of Culture organized, with the participation of experts from all the then Yugoslav Republics the marking of monuments of culture with the sign envisaged under the Hague Convention (Article 1 of the Rules for the Implementation of that Convention). This included all immovable monuments as well as immovable facilities intended for keeping displaying movable cultural property in the territory of the Republic of Montenegro.

- Since an inventory list was then made of immovable cultural property and of facilities in which it is kept or displayed, a copy of the list was submitted to UNESCO through the Yugoslav Commission.

- With regard to measures of special protection (storage for the protection of movable cultural property, centres for the collection of cultural property, etc.), no such measures were taken, no compulsory marking with the identification sign repeated three times under the Hague Convention. The reason for delays in this task, which occupies an important place in the programmes of protection institutions, is the shortage of necessary resources and equipment, especially now in view of the sanctions against Yugoslavia.

- The Republican Ministry of Culture and the Republican Institute for the Protection of Cultural Monuments of Montenegro requested, in 1984, special protection of the town of Cetinje, a city with a concentration of cultural and historic monuments. This request was sent, through the Yugoslav Commission, to UNESCO. Since this possibility has not been reviewed so far, the proposal should be renewed. Montenegrin institutions in the area of culture and the protection of monuments have expressed readiness to take all the measures and obligations under the Hague Convention,

within their possibilities, if the limiting circumstances imposed by the sanctions are not continued, and primarily to work on promoting the Hague Convention in the public through the media, lectures, school programmes, etc.

## **HOLY SEE**

On 18 January 1960 the Vatican City was entered on the International Register of Cultural Property under Special Protection as a centre containing monuments, under Article 8 of the Convention and Articles 12 and 13 of the Regulations for the Execution of the Convention.

The steps taken to implement the Convention should be seen in the context of the legal framework laid down by Article 24 of the Lateran Treaty, whereby the State of the Vatican City was established. In that Article, 'The Holy See, in respect of the sovereignty it exercises even in the international domain, declares that it intends to remain and shall remain uninvolved in temporal rivalries between other States [...], while in each case reserving the right to assert its moral and spiritual power'. Therefore, Article 24 continues, 'the Vatican City shall for ever and in all cases be regarded as neutral and inviolable territory'.

### **Measures taken for the safeguarding of cultural property against the foreseeable effects of an armed conflict (Article 3)**

When the Vatican City was entered on the International Register of Cultural Property under Special Protection, Saint Peter's Basilica the Papal Palace including the museums, the Secret Archives and the Papal Library were specifically mentioned as its 'principal cultural property'. While the entire territory of the Vatican is protected by an appropriate surveillance system, for these particular monuments special peacetime precautions have been adopted; these could also be effective in the event of a conflict in the vicinity of the Vatican.

#### **Saint Peter's Basilica**

For all matters relating to the Basilica, in particular the preservation and protection of the building, a special body called the Congregation of the Fabric has been established. This body has currently at its disposal installations that serve at present to meet peacetime security requirements, but are capable of rapid conversion to protect the Basilica in the event of armed conflict these installations consist of internal radio and telephone communications systems, video surveillance, electronic alarm systems and various other security measures.

#### **The Vatican museums and the Sistine Chapel**

The protection systems in place are geared to the permanent risks springing from the nature of these places, which are usually very crowded and enjoy such universal

fame that they are likely to be selected prime targets for terrorist acts or demands for ransom with the possibility of hostage taking and the carrying of explosives. Security measures comprise

- (a) the training of security guards;
- (b) the internal radio communications system, video surveillance and various electronic security systems.

#### **A. Training of security guards**

Security guards attend courses on which they are trained to communicate with foreigners to recognize people who may be likely to pose a threat to use force where necessary (some of them have received training in judo); to prevent fires and extinguish incipient fires; to administer first aid. Plans have been drawn up for emergency evacuation and visitor-flow diversion in the various sectors, and each security guard has instructions for such an eventuality.

#### **B. Internal radio communications system, video surveillance and electronic security systems**

Security guards carrying walkie-talkie equipment linked to a central security unit are stationed at 24 key positions. There is also a centrally controlled public address system. Mounted in various places are 35 closed-circuit television cameras that transmit information to screens in the central security unit and allow the monitoring of events.

There is also electronic security apparatus designed to prevent various types of attack.

The Sistine Chapel - which is liable to damage from heat and humidity - has been equipped, following the recent restoration of the Michelangelo frescoes, with an elaborate air-conditioning system that maintains the temperature and humidity at a constant level day and night. The lighting system has also been upgraded; the regular lighting has been placed outside the windows of the chapel, one of the results of which is to avoid creating a source of heat that might damage the frescoes.

#### **The Secret Archives and the Papal Library**

From 1977 to 1980 the Secret Archives and the Papal Library of the Vatican were transferred to large, modern, underground premises (beneath the Cortile Della Pigna); these premises are entirely built of reinforced concrete on a mesh-reinforced floor; all surfaces are watertight and airtight; and there are independent air-conditioning and lighting systems that meet the most modern security and health standards. Occupying two floors, these premises, which measure 65 m. by 70 m. have a capacity of some 43,000 cubic metres and can accommodate a large part of the collections held today by the Archives and Library and thus protect them against possible earthquakes - thanks to a 'mobile cube' structure -or against the risks of war.

Steps taken to safeguard the archive collections have included the microfilming of entire sets of

texts - especially the most ancient and most precious and those most often consulted -, and restoration of the actual documents. With regard to the latter point, it should be mentioned that there has recently been established a workshop for the preservation and restoration of documents and the reproduction of seals. In the old Archives premises the electrical installation has recently been renewed, and new alarm and tie-detection systems have been installed. Existing fire-protection measures have been reinforced.

The Library has recently commissioned a project on the establishment of an image bank and a telecommunications network, in collaboration with the *Pontificia Universidade Católica* of Rio de Janeiro. This initiative, which is primarily designed to allow remote consultation using data networks, will also make it possible to carry out electronic restoration of illuminated manuscripts and codices.

### **Provisions relating to the Armed Forces and to the Security Forces (Articles 7 and 25)**

The Papal Armed Forces consist of the Swiss Guard. General security maintenance and the enforcement of laws, rules and regulations is the responsibility of the Security Corps of the State of the Vatican City.

The Papal Swiss Guard understands that the Convention is directly related to its function. There is a training course aimed at making the guards more aware of the protection and security of the movable and immovable cultural property, and the priority of this aspect is constantly stressed - with instructions that form an integral part of the 'Rules and Regulations of the Papal Swiss Guard, distributed in the form of a 'manual' to all members of the corps. They receive special training in the protection of cultural property in the event of natural disasters and armed conflict. Furthermore, the guard carries out permanent, regular and strict checks of the places concerned and of the working of the security systems.

The Security Corps of the State of the Vatican City carries out surveillance and the maintenance of security paying particular attention to the protection of cultural property. Candidates must pass an examination that tests, among other things, knowledge of the legal system of the Vatican and the location of the various monuments.

Article 25 of the Convention recommends that its principles be made known to the public. The State of Vatican City includes approximately 600 persons, of whom over 300 hold Vatican citizenship, the rest being authorized merely to reside within the State, temporarily or even permanently, without being citizens thereof. Many of the citizens are cardinals resident in the Vatican City or in Rome, or persons belonging to the diplomatic service. These persons are aware of the special situation of the State of the Vatican City under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. This information is also contained in illustrated brochures available to tourists, who are thus made aware that the State is recognized even internationally, as part of the moral, artistic and cultural

heritage deserving respect and protection as a treasure belonging to humankind.

### **Marking with the distinctive emblem (Articles 6 and 16 of the Convention Article 20 of the Regulations for the Execution of the Convention)**

Recognition of the entire State as a 'centre containing monuments of particular importance' inscribed on the International Register of Cultural Property under Special Protection is deemed to obviate the need to identify with a distinctive emblem each item of cultural property of the Vatican City and each of the works of art contained in the buildings (museums, libraries, archives, the basilica, etc.). The entire territory, the whole of which is considered to be a 'centre containing monuments' covered by the 'Special Protection' referred to in Article 8, should normally be marked with the stipulated emblems. This is not necessary in peacetime, but it will certainly be done in the circumstances referred to by the Convention. Similarly, recognition of the entire Vatican as a 'centre containing monuments, etc.', means that it is not necessary to identify security guards within the State by armbands, identity cards or other means.

## **HUNGARY**

### **1. Measures taken for the implementation of the Convention**

#### **(a) Information of the public**

The Hague Convention, its Protocol and the Resolutions were promulgated in Hungary by Law Decree No. 14 of 1957. In accordance with Resolution II, the Minister of Culture set up the 'National Advisory Committee' by Ministerial Order No. 2/1958 (III.9).

We believe that much, but not enough has been done for the information of the civilian population and of public opinion in general. The text of the Convention was published in the official Gazetteer of the country and also in the official papers of the portfolios concerned. Press communiques were issued on this fact. However, a better planned and more professional presentation of the content of the Hague Convention, particularly on television and radio, should be made in the future. The importance of the protection of cultural property and related events are reported upon by the most viewed programmes.

Professional public opinion is better informed. Tasks deriving from the Convention regularly feature in conferences and extension training. This holds true for the respective personnel of the churches as well.

The detrimental impact of the civil war raging in the southern Slav region near the borders of Hungary, news of the destruction of cultural values, the reception of tens of thousands of refugees, have made Hungarian



public opinion and the official authorities more sensitive towards the objectives spelt out by the Hague Convention.

### **(b) Information and influencing of military organizations and persons**

In keeping with the importance of the Convention, the Ministry of Defence has taken concrete steps to make the Hague Convention broadly known. The entire Hungarian Army is covered by a system of training, education and extension training in military law, including the Hague Convention. Posts of military legal advisers have been created in the appointed commands in the interest of ensuring the obligations defined by the international legal agreements. Education and dissemination of information on the Convention are also included in the list of their tasks.

Curricula of the military secondary and higher schools (training of non-commissioned officers, officers and senior officers) also contain the teaching of the Convention. Items 9 and 11 of 'Separate Regulations' of the Service Regulations of the Armed Forces of the Hungarian Republic discuss the humanitarian rules of war, including the tasks deriving from the Hague Convention in detail.

The Ministry of Defence issued the 'Collection of International Agreements on Military Law and War, Treaties on Alliances' in 1991. Item 25 of this collection is the publication of 'the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict' promulgated by Law Decree No. 14 of 1957.

### **(c) Categorization and differentiation of cultural property**

In the Hungarian Republic the following authorities can be distinguished in respect of cultural property that may be deemed protected by them:

- in the case of the majority of *State or local government* museums, libraries, archives;
- ecclesiastical authority, buildings, objects for sacral purposes and in the case of ecclesiastical collections (a small number of protected collections of outstanding value may also be classified under this heading);
- immovable of cultural value (buildings of historic value, national parks, etc.) under the authority of the Ministry of Environment and Territorial Development and the National Authority for the Protection of Monuments.

The situation of the categorization of cultural property in the care of the above-mentioned groups varies.

Inventories (essentially lists) are available everywhere. The use of a distinguishing mark has not yet been introduced. In the biggest State public collections of distinguished importance the list of cultural property proposed to be put under the category suggested by the Convention was compiled for the first time in 1962 following steps taken by the Ministry of Culture. The list was modified in 1981 and in 1987. The cultural authorities ordered the critical revision of these lists most recently in 1992, basically for two reasons:

### **On the one hand**

a new defence concept has been elaborated in the wake of the change of the political, social and economic systems of the country. Part of the earlier measures, such as the resettlement of cultural property, has lost its meaning and has become inapplicable.

### **On the other hand**

the lists of public collections often reflect maximalism, and have not always corresponded to the requirements of Category I of the Convention.

As far as the protection of cultural property under the authority of the churches is concerned the *State can* only offer help in creating the necessary conditions, its measures can only be indirect ones, while respecting the autonomy of churches. The mistrust of some representatives of churches should also be taken into account because of prior history in our region.

A comprehensive, professionally correct list of titles, running to several volumes, of immovable is available. In this respect a number of problems are caused by the selection of Category I on the basis of consensus, and its marking with a distinguishing emblem. Values declared to be parts of world heritage naturally belong to this group.

In October 1993 the Ministry of Environmental protection and Territorial Development and the National Office for the Protection of Monuments brought the first draft of the bill on the 'protection of monuments' before the Committee on Environmental Protection of Parliament, which, after a discussion by portfolios, would be brought to the government shortly. Chapter eleven of the aforementioned bill, entitled 'Protection of monuments in the event of extraordinary circumstances' makes a proposal about saving and protecting monuments. The draft suggests that attention should be focused on the preparation of documentation, drawings, films, pictures, etc., of buildings and statues of public places that are difficult to defend.

When such documentation exists, it is easier to restore and reconstruct the damaged and destroyed monuments.

There is no uniform view in professional public opinion on the obligatory display of distinguishing emblems. According to some the implementation of their marking may cause damage as it calls attention to values that are to be protected.

It is also a question whether it is not an exaggeration to place an additional emblem, as stipulated by the Hague Convention, besides the enamel plaques put on historical buildings (the replacement of which by new ones would be rather costly).

The concept of the cultural administration is that distinguishing marks in the form of plates, stickers and roof advertisements should be manufactured out of the State budget and be distributed to the appointed institutions. Their placement would be done in the case of danger only. A UNESCO recommendation would be useful for the detailed rules of their introduction.



In addition to the measures so far taken, the Minister of Internal Affairs would issue supplementary order to the Border Guard, the Minister of Finance to the Customs Authorities, and the Minister of Defence to the Commander of the Hungarian Army, in addition to the measures so far taken in relation to the Geneva Conventions. These measures would define more unambiguously the behaviour and tasks of the armed forces (army, police, border guard customs and financial authorities) related to the protection of the treasures of art on the bank of the 1954 Hague Convention.

#### **(d) Measures for the protection of cultural property in the case of armed conflict**

The Ministry of Culture has issued a new regulation and a model plan of action for the protection and safe location of irreplaceable national cultural property, to make the tasks more unambiguous. These plans and rules are placed at the disposal of the persons concerned in the local governments, churches and armed organizations with the view of giving information and exercising influence over them.

According to the concept of the Ministry, cultural property should remain in public collections to the latest possible date. In the case of emergency, the most valuable treasures of art, books and archive materials would be removed and transported to a shelter and receiving area selected for the purpose well in advance.

Based on a government resolution, the Ministry of Defence has organized a methodological exercise in Eger, one of the cities of our country richest in monuments, on the theme of depositing secular and ecclesiastical treasures of art in safety. During the course of the exercise useful co-operation has developed among military, civilian defence, church and civil organizations, and the press, radio and television have given a detailed account of the event.

The built structures which had been selected earlier to house cultural property in the case of an armed conflict, were relieved of this function because of their one-sided geographical and distant location.

The selection of a smaller number of centrally located shelters has now become possible a plan of reconstruction and furnishing has to be prepared and its costs provided for.

A manual is being prepared which would summarize the most feasible and up-to-date packing of cultural property. This would be widely distributed. It will be placed at the disposal of UNESCO, it would be a great pleasure for us if it were found suited for translation and international distribution.

#### **(e) Measures concerning cultural property of outstanding significance, falling under special protection**

There is a special operative plan for the protection of the Hungarian crown and coronation insignia.

A bill on the protection of objects of museum value is under preparation, which would prescribe the obligation

to protect our national relics besides the crown jewels mentioned above.

## **2. The problem of the list & cultural property of outstanding significance**

The selection of the Hungarian cultural property recommended to be included on the International Register of Cultural Property under Special Protection, has not taken place, mostly because of the lack of consensus mentioned above.

In Hungary the political and social changes that have taken place since 1990, have created a new situation regarding the status of those who maintain collections. There have been significant changes also in the sphere of those who are authorized to make decisions. The National Advisory Committee, set up in 1958, did not perform its tasks.

In our view the conditions of compiling the list of eminent cultural property of Hungary have developed by now so that work maybe completed within one year and its inclusion on the international list maybe requested.

## **ISLAMIC REPUBLIC OF IRAN**

### **L Introduction**

The extensive damages sustained by the Islamic Republic of Iran during the imposed war significantly heightened this country's interest in the application of the terms of the Hague Convention of 1954. For eight years, over 2,500 kilometres of the water and land boundaries of the Islamic Republic of Iran were the direct scene of military operation, while the cities and hinterland areas also suffered aerial bombardments and rocket attacks. The indiscriminate, massive onslaught of the enemy seriously harmed the unique, time-honoured cultural patrimony of Iran, which indeed is none but the cultural heritage of humanity. Hundreds of monuments, cultural and historic sites, museums and historic urban fabrics were destroyed. The country's important cultural and historic centres, such as Esfahan, Kashan, Shiraz, Shush, Dezful, Bakhtaran, etc., were repeatedly targeted in blind attacks, in such a way that the restoration and reorganization of the historic fabric of the cities damaged during the imposed war ranks among the main cultural goals in the reconstruction period.

The records of the different UNESCO missions in order to survey the damages sustained by the cultural heritage of Iran during the imposed war indicate the vast dimensions of this disaster imposed on the nation and the Islamic Republic of Iran.

### **II. Constitution of the National Advisory Committee**

Following the acceptance of the Security Council's Resolution 598 by Iraq, and after the establishment of peace, the opportunity arose to implement those terms of

the 1954 Convention which are applicable in times of peace. In compliance with the second resolution of this Convention, a National Advisory Committee was constituted in 1989, under the direction of the Director of Iranian Cultural Heritage Organization (ICHO), in presence of the representatives of the Ministry of Foreign Affairs, the Armed Forces General Headquarters, the Joint Headquarters of the Army of the Islamic Republic of Iran, the Joint Headquarters of the Islamic Revolution Guards, the Legal and International Services Bureau of the Islamic Republic of Iran and the Iranian National Commission for UNESCO.

Initial surveys showed that, notwithstanding the adoption of the Convention in question and Iran's adherence to it in 1956, no serious action aiming at its implementation had taken plain before the victory of the Islamic Revolution.

Despite difficulties inherent in the adopted text of the Convention, and regardless of the disproportion of its suggested methods with the extent of damages inflicted in contemporary wars, particularly in view of the continuous qualitative and quantitative development of weaponry during the recent past, which, in practical terms, have considerably reduced its capability and practical effectiveness, the spirit of the Convention, which calls for the decrease of war-induced destruction and the preservation of the cultural heritage from such harm, and thus constitutes a positive step towards the achievement of peace throughout the world, were welcomed by the Iranian National Advisory Committee, who stressed the implementation of all the immediately practicable items.

During the past two years, the Iranian National Advisory Committee has actively discussed and examined each of the items of the Convention and taken the necessary measures by setting up educational, technical and engineering, legal and military subcommittees, whose activities are listed below.

### **Education**

One of the most essential subjects raised during the sessions of the National Advisory Committee and thoroughly discussed with the participation of military and educational experts was the implementation of the goal stipulated in Act 7, paragraph 1, of the 1954 Hague Convention. The best, most practicable, way of 'creating a spirit of respect towards the cultures of nations within the Armed Forces' was considered by the Committee to be the provision of cultural tour.m designed to deepen the knowledge of the military personnel about culture, the cultural heritage and the country's international obligations in this regard. In order to facilitate the achievement of this goal, the National Advisory Committee recommended the utilization of both direct and indirect education.

#### **A. Indirect education**

Although the implementation of the obligations stipulated in the 1954 Convention is the responsibility of the high-ranking military of its States Parties, with file-finding

(military obligations) being entrusted to officers ranking at least among division generals, nevertheless the soldiers, rank and file officers and low-level commanders can also contribute significantly by refraining from attacking the enemy's cultural artefacts, by safeguarding Iran's own cultural heritage, by avoiding use of the perimeters of historic and cultural sites as trenches, headquarters or other military facilities, which can jeopardize the obligations included in the Convention. It is therefore imperative to supply this personnel with minimum required information concerning the respect of the cultural heritage of humankind. Due to the practical difficulties of providing them with a direct education, the National Advisory Committee has suggested the use of indirect education, emphasizing the necessity of its implementation. To the present, the following steps have been taken in this regard

1. Supplying the libraries of the military education centres of the Armed Force-s with cultural books and periodicals and encouraging historic, cultural and artistic studies among the personnel.

2. Organizing group visits of museums and historic sites for personnel of the Armed Forces, upon direct invitation and by expedition of gratuitous entry cards.

3. Publishing articles and interviews on various topics, taking into consideration the readers' level of knowledge, in the publication of the Armed Forces and ICHO.

4. Printing and reproducing posters of historic relics, to be displayed in military locales.

5. Encouraging the establishment of military museums and giving substantial co-operation in the realization of such projects.

6. Enlisting the cooperation of television in featuring films connected with the cultural heritage.

7. Publishing 'The Cultural Heritage and Imposed War' comprising damage to cultural-historic relics and localities caused by the imposed war.

8. Publishing the text of the 1954 Hague Convention among the cultural laws.

#### **B. Direct education**

Since military decisions to be executed on the battlefield are taken by military commanders, the provision of direct education in the higher education centres and universities of the Armed Forces is particularly important. For this reason, having obtained the opinion and counsel of its military and educational experts, the National Advisory Committee prepared and adopted, taking into account the occupational fields and academic antecedents of the personnel to be educated a specific course entitled 'Teaching the Cultural Heritage in the Armed Forces'. This project gained the assent of the responsible military authorities, and instructions were issued concerning its implementation at the level of the higher education centres and universities of the Armed Forces.

'Teaching the Cultural Heritage in the Armed Forces' aims primarily at familiarizing military personnel with the contents of the 1954 Hague Convention, so that, gaining awareness about the universal cultural heritage,

they may discerningly acknowledge and implement the items of this Convention. It is therefore part of this project to provide an acquaintance with the most important and valuable artistic achievements of Iran and the world, through appropriate teaching aids (films, slides, etc.).

The National Advisory Committee has entrusted the Iranian Cultural Heritage organization with the task of fulfilling this education. In order to ensure its success, create the necessary co-ordination between the military higher education centres and the instructors, secure the co-operation of the required instructors, and also provide facilities and teaching aids, the Iranian Cultural Organization created a Directorship for the Cultural Heritage Education of Armed Forces, under which all the educational affairs of the project adopted by the National Counseling Committee were centralized. In moderation with educational liaison officers appointed by the armed forces, this Directorship guides education in the cultural heritage among the Armed Forces.

This ten-hour course is designed in two, theoretical and practical, parts for each educational level. Thus students of various grades, while completing their theoretical course, become acquainted with the cultural heritage and the historic and cultural values of these relics through visits to museums, palace-museums, historic monuments, traditional art workshops and archaeological sites, carried out under the supervision of experienced instructors and guides.

ICHO's projects for 'Teaching the Cultural Heritage in the Armed Forces' comprises three main chapters:

- (a) Culture and the Cultural Heritage;
- (b) Cultural Property;
- (c) Duties and Obligations of the Armed Forces in relation to the terms of the 1954 Hague Convention.

The instructors are selected, taking into consideration the level of knowledge, specialization, prior awareness and current occupation of the students, from among the most proficient ICHO experts, all benefiting from past teaching experience in universities. Taking advantage of appropriate teaching aids, they convey the necessary information concerning the various periods of human life, particularly in Iran.

Presenting the necessary information about movable cultural property dating back to various historic periods and expounding the particularities and historic, artistic and cultural values of monuments, sites, ensembles, museums and movable cultural property are among the subjects included in this course.

Complementing the theoretical education of the Armed Forces' students, a programme of visits to cultural centres is provided. In accordance with a pre-established schedule, the military units make guided tours in museums, exhibitions, ancient monuments, excavation sites and restoration workshops. The aim of this practical education is to intimately familiarize the students with the cultural heritage. During these visits, they first learn about the situation and the stages involved in discovering ancient artefacts in the workshops of Iranian archaeological missions by Iranian archaeologists, then become acquainted with the restoration of immovable and movable objects in the laboratories of the Iranian Cultural

Heritage Organization, and finally get to know how scientific examinations and deductions are made upon discovered documents with the purpose of learning about political, social, economic, artistic and cultural events in past periods. In presenting historic specimens, examples related to the students' occupational branches are utilized.

The course includes the duties and obligations of the Armed Forces concerning the preservation of cultural property against damages deriving from war. Obviously, it is only after becoming familiar with the value and importance of the cultural heritage that the Armed Forces will knowledgeably implement the instructions stated in the Convention concerning the preservation of the cultural heritage, national and alien alike, as part of the cultural heritage of mankind.

During the first yearly course, military and security commanders on the level of Armed Forces completed the programme, and in view of the interest and eagerness expressed by the country's military commanders and responsible authorities, it will be repeated indefinitely. The success of the project is the outcome of precise planning, reliance upon the expertise of educational and military specialists in designing the course, its proper, commensurate implementation, matching the knowledge levels, specialization categories and learning capabilities of the students, and the particular care taken concerning applied education.

### **III. Technical and engineering operations**

Beyond doubt, one of the most effective ways of safeguarding historic cultural artefacts and monuments against war-induced damage is the implementation of Article 8 of the 1954 Hague Convention, concerning special protection. In order to ensure the proper implementation of this act, the Iranian National Advisory Committee set up a technical and engineering sub committee and, while procuring the equipment necessary to complete the Inventory of National Artefacts, examined the situation of valuable cultural historic artefacts and monuments bearing in mind the terms of above mentioned Article 8.

Avoiding the military utilization of the perimeters of historic sites and retaining from establishing constructions susceptible of being targeted as military objectives within a specified radius around these were seriously emphasized by the National Advisory Committee, and relevant instructions were drafted and put into application.

#### **1. Matching the existing conditions with the terms of the Convention**

Due to a lack of sufficient interest towards the cultural heritage and the implementation of the m of the Convention before the advent of the Islamic Revolution, occasionally constructions susceptible of being targeted as military objectives were built in the vicinity of historic sites and monuments. In ordination with the relevant situation, a schedule for the evacuation of such facilities was prepared and adopted by the National Advisory



Committee, and put into application. In this regard, the approval of the Higher Council of Urbanism and Architecture, as the highest legal instance in the country concerning urban projects, was secured for the evacuation of military barracks located within urban areas, and the project is currently under execution.

2. In order to comply with the stipulations of the Convention concerning the securing of areas within the perimeter or in the vicinity of historic sites against eventual war damage, and with a view to impeding the construction of edifices contravening the terms of the 1954 Hague Convention in areas nearby such sites, the exact dimensions of the perimeter and refuge, the geographic location and the preservation standards specific to each site, alongside those of the corresponding military enclosure, are brought to the attention of relevant authorities by the Iranian Cultural Heritage Organization. The penal laws of the country forbid any construction work contravening the standards published, and provisions exist for the punishment of such action.

Among the difficulties hindering the preparation of relevant directives in the Iranian National Advisory Committee was that of determining the 'adequate distance' required in Article 1, paragraph 1, section (a) of the Convention. The lack of indications concerning the magnitude of this distance, as well as that of any related standards, are objectionable points in the Convention which seem in need of amendment.

The ever increasing destructive power and shrapnel scatter radius of bombs, rockets and other explosive projectiles currently used in military operations makes it even more difficult to determine the 'adequate distance', to the extent that demonstrating the necessity of respecting it has become impossible.

In seeking to obviate this difficulty, the National Advisory Committee in Iran benefits from the services of a team of military experts who determine a 'military sanctuary', taking into account the destructive power and shrapnel scatter radius of current weapons to evaluate the 'adequate distance' beyond which facilities capable of being targeted as military objective must be built.

Preparing the project for creating individual shelters featuring the latest scientific standards for the country's museums, to which the cultural objects can be rapidly transferred in emergency situations, as well as planning for the creation of regional public shelters for cultural property falling within the definition of the Convention, are strictly enforced.

#### **IV. Legal subcommittee**

In view of the progress achieved in international law since 1954, which calls for the inclusion of such benefits in the Convention and its adaptation to the legal systems prevalent inside various countries, and with the purpose of dispelling technical contradictions which exist in some items of the Convention, this subcommittee has been studying the text of the Hague Convention of 1954 and the relevant Protocol. It has separated the practicable terms from those requiring amendment, submitted the necessary suggestions to the National Advisory

Committee, and in accordance with the decisions taken by the National Advisory Committee, prepared and submitted the required implementation instructions. The legal subcommittee has also prepared suggestions for the amendment of the 1954 Convention, which were sent to UNESCO following approval by the National Advisory Committee.

Notwithstanding the ambiguities and deficiencies of the text of the Convention, and stressing the necessity of amending it so as to adapt its terms and concepts with the latest legal and cultural achievements of the contemporary world and the magnitude of imaginable damages deriving from the technological warfare of the last few decades, the Iranian National Advisory Committee insists upon the necessity of implementing the terms of the Convention in question as the sole international document dealing with the preservation of the cultural heritage against war damages.

International cultural organizations, headed by UNESCO, must necessarily act in the thee of the aggression of war against culture and cultural heritage. In the absence of fundamental action aimed at banning war or reducing its destructive effects, implementing the 1954 Convention, regardless of its deficiencies, is a highly imperative duty in both human and cultural terms, which calls for ever greater efforts on the part of the country's responsible authorities, thinkers at large, and international cultural institutions, particularly UNESCO.

A brief review of the Iranian National Advisory Committee's achievements within a short period of three years clearly shows that the military forces are highly interested and eager to become acquainted with cultural legacies and the mission they carry in this context. What has made the realization of such acquaintance possible is to find a common language and achieve coordination between the members of the Committee.

Undoubtedly, the real protection of cultural heritage, such as taking into consideration the provisions of the Hague Convention of 1954, depends on two bases:

- Firstly to understand and interpret the cultural heritage of countries as a part of the cultural heritage of humanity and struggle to determine the basic and unique role of the cultural heritage in the cultural-social life of society.

- On the other hand the deep and universal respect of nations and countries for the cultural heritage will result in the increasing richness of internal law and international conventions controlling the world cultural heritage.

Since the end of the imposed war, the Islamic Republic of Iran, with deep understanding of the cultural heritage rules, besides the vast reconstruction plans in war stricken areas, has taken into serious consideration and protection the particular restoration plans and the revival of cultural heritage, developing and supplying the museums, public education of cultural heritage through establishing the higher education centre of cultural heritage and public classes, organizing thousands of cultural heritage associations all over the country, forming and developing the cultural document centres and, finally



the serious fight against illegal excavation and exportation of cultural property.

## ITALY

In accordance with Articles 7 and 25 of the Convention, intense and meticulous efforts to inform active personnel have been made by the Italian Armed Forces with a view to ensuring - in time of peace - observance of the provisions contained in the Convention and respect for cultural property. These activities have been conducted as part of the training programmes in all military schools and institutes. The courses use the following publications, which contain specific guidelines for the safeguarding of cultural property

- Manuale del Combattente (Soldier's Handbook) (SME 1000/A/2, 1988);
- Compendium of international conventions concerning land warfare (SME 6420, 1989);
- Compendium of national laws relating to armed conflict and neutrality (SMD G-014, Vol. IV, 1992);
- Elementary rules of the laws of war (SMD G-012, 1991);
- Manuale di diritto Umanitario - Usi e Convenzioni di guerra (Manual of Humanitarian Law - Customs and Conventions of Warfare) (SMD G-014, one volume, 1991).

The above-mentioned texts, which draw combatants' attention to their fundamental duty to respect cultural property whether or not marked in accordance with conventions, emphasize among other things the duty to disobey manifestly criminal orders, including definition of indiscriminate attacks against cultural property, its destruction and damage to such property. These texts also refer to the international conventions relating to armed conflict and the distinctive emblems for protected personnel and places mentioned in these conventions.

## LIECHTENSTEIN

### **Question regarding measures to protect the cultural heritage**

#### **First question on measures to protect the cultural heritage**

The cultural heritage, including that which is already protected and that which deserves such protection, has been largely covered by an inventory whose contents have been registered.

In the event of armed conflict, all items forming part of the cultural heritage (for instance, buildings, *objets d'art*, writings, archaeological excavation sites, preserved

landscapes, and so forth) will be marked by an emblem symbolizing protected cultural property.

Armies (which do not exist in Liechtenstein) are familiar with this international emblem designating protected cultural property.

There is good reason to hope that, in the event of war, contrary to what has happened in Yugoslavia such a heritage will be respected.

This task has been entrusted to the civil authorities and national utilities departments.

The National Museum, the National Archives, the archaeology department and the maintenance services for monuments also support this endeavour.

In special cases, additional experts and services will be called upon to deal with specific areas.

As regards the safekeeping of cultural property housed in buildings, it has been possible to store the contents of the National Museum of Liechtenstein and of the archaeology department in the House of Crafts in Triesen. They are kept in the best climatic conditions and protected against theft and flood damage, but not against collapse of the buildings.

The immediate objective, under the reform of the government buildings district, is to set up strong-rooms for the safekeeping of cultural property that will comply with safety standards in the event of the collapse of buildings.

The setting up of strong-rooms for cultural property, together with a new legal authority for organizational problems, will greatly improve the protection of cultural property in Liechtenstein.

#### **Second question concerning inclusion on the International Register**

The examples cited by UNESCO of objects justifying inclusion on the International Register of Cultural Property under Special Protection make it clear that inclusion is justified, and also possible, only under certain conditions.

Accordingly, the inclusion on the International Register, as regards the national heritage placed under special protection, of the collections previously mentioned should be regarded as a long-term measure.

#### **Third question on the surveillance of the transportation of cultural property**

As regards the surveillance of transportation, i.e. the importation and exportation of cultural property, there are few possibilities of control by Liechtenstein, given that border controls are carried out by the Swiss authorities under a customs treaty between the two countries. Internally, additional controls are carried out under the law for the protection of monuments, whereby the government must give its consent to any change of place of protected objects. No displacement of cultural property that is specially protected and included on the International Register has occurred to date.

## LUXEMBOURG

The Army of Luxembourg enacted in December 1993 under the title 'RA 543-6-Basic Rules of Law of War' the provisions contained in:

- 'Manual on Law of War for Armed Forces' by F. Mulimen, based on the 'Basic Rules of Law of War'; and

- Manual 'Rules for conducting hostilities' disseminated by ICRC in 1985.

## MADAGASCAR

Like many other countries, Madagascar possesses a heritage, made up of both immovable and movable property.

### I. Immovable property: historic monuments

The protection, safeguarding and conservation of this property has been a major concern of the government.

No distinctive emblem described in the Convention has been placed on such property since Madagascar has so far not been troubled by the possibility of armed conflict within its frontiers.

### II. Importation and exportation of movable property

In regard to the measures taken concerning the importation and exportation of cultural property, a Commission will be set up in accordance with current legislation, in particular with Edict No. 82-029 of 6 November 1982 on the safeguarding, protection and conservation of the national heritage and Decree of application No. 83-116 of 31 March 1983 further implementing this Order.

#### A. Importation

As a rule, and in accordance with the provisions of the above-mentioned Decree, the Customs Service is required to notify the Ministry of Culture of any cultural object brought into the country.

#### B. Exportation

The list of registered or classified objects and those prohibited from export has been drawn up and distributed for consultation by the Customs Service each time that an object is referred to them. Checking is systematic.

#### Objects whose export is not prohibited

An 'export permit' office was opened within the Ministry of Culture to deal specifically with the exportation of cultural property. It issues export permits for

non-classified and non-registered property; every object authorized to be taken out of the national territory must be presented under seal for inspection by the Customs, otherwise it is confiscated and handed over to the Ministry of Culture, which decides what is to be done with it-

However, the commissions provided for by the legislation governing the heritage have not yet been established as a co-operative gesture, a temporary measure has been adopted for the time being:

- The Ministry of Water and Forests issues permits for the export of wooden objects (furniture, etc.) and butterflies

- The Ministry of Mines deals with precious stones, etc.;

- The Ministry of Censorship deals with books, films, photographs, cassettes and magnetic tapes;

- The Ministry of Culture deals with objects made of leather, basketwork, embroidery, paintings, iron objects, etc.

Cultural objects must be exported through one of the Customs Offices at Antananarivo, Ivato, Antsiranana, Taolanaro, Fianarantsoa, Mahajanga, Nosy-Bé, Toamasina and Toliary.

### III. Public awareness and information

This work has been carried out by means of radio broadcasts.

In addition, there are special courses organized by the Madagascar branch of ICOM, known as 'ICOM-MAG, for the staff of all existing public museums.

### IV. Measures under consideration

The Ministry of Culture proposes to inscribe the following properties on the International Register of Cultural Property under Special Protection: the museums of the Queen's Palace, Ilafy, Antongona, Ambohimanga and Tsinjoarivo, the Residence of Prime Minister Rainilaiarivony at Amboditsiry, the Palace of Andafiavaratra, the Museum of Ambositra Tompon'anarana and the Royal Palace of Ankify in the Province of Antsiranana.

Distinctive emblems will be prepared and for this purpose, co-operation with the Ministry of the Armed Forces and other relevant ministerial departments will be stepped up.

### Measures taken by the Armed Forces with reference to the protection of cultural property in the event of armed conflict within the framework of the Geneva Conventions

#### A. Domination of the Convention and information of the civilian population

This is the government's responsibility (cf. Obligations of States Parties to the Conventions).

## **B. Concerning the Armed Forces**

As the Convention for the Protection of Cultural Property in the Event of Armed Conflict is a part of the Geneva Convention and comes within the framework of international humanitarian law (law of armed conflict), and as Madagascar is a Member State, steps have been taken for:

1. The training of a national co-ordinator at San Remo, Italy, in 1989;
  - the training of a national supervisor at San Remo and Geneva in 1993;
  - the training of national instructors at Antsirabe, supervised by officials from the Kenya ICRC, in 1990;
  - the training of two instructors in Mauritius in 1993;
  - participation in various conferences on international humanitarian law in Kenya and Geneva (1991, 1993);
  - publication of measures to be observed with regard to cultural property in the soldier's handbook.
2. Subsequently, from March 1994, it was decided to include courses on international humanitarian law in military training. In this connection, a ministerial Commission on the Law of Armed Conflict has been set up within the Armed Forces with the task of co-ordinating such instruction.

### **Activities carried out from March 1994 to date**

Raising awareness of senior officers.

Training of some 70 instructors in the army.

The training of instructors in the ZP will be organized as from July 1994.

It should be stated that the instructors' training course is for senior officers holding posts with responsibility. These instructors will be responsible for the instruction of the Armed Forces in three modules:

- instruction of officers;
- instruction of non-commissioned officers;
- instruction of ordinary soldiers.

With particular reference to the protection of cultural property, therefore, all provisions contained in the Geneva Conventions are taught to personnel (definition, identification, marking systems, co-ordination with local authorities, etc.). The Command pays particular attention to implementation of the Convention for the Protection of Cultural Property in the Event of Armed Conflict. All forms of preparatory measures (list of property, conservation and protection measures, preparation of signs and emblems described in the Convention, etc.) are within the responsibility of the Ministry of Culture and Communication.

## **MALAYSIA**

Malaysia has taken the following measures for the implementation of the 1954 Hague Convention:

1. The Department of Museum and Antiquities with the co-operation of the Ministry of Housing and Local government and University of Science, Malaysia, is preparing guidelines for the protection of immovable cultural property in the country.
2. An Advisory Committee will be set up by the government for the implementation of various provisions of the Convention and Regulation.
3. The marking of immovable cultural property as provided for in Article 16 of the Convention as protected ancient monument and historical site.
4. The distribution of posters and leaflets to various people in order to raise awareness about the importance of the cultural property.

## **MEXICO**

1. The Office of the Secretary of National Defence has published and distributed to staff at all hierarchical levels in the Mexican Army and Air Forces a handbook on conduct in action which sets out the rules of war contained in the Geneva and Hague Conventions in a practical and simple form and points out that they must be known, understood and respected by virtue of Mexico's commitment to ensure their observance.

2. The Code of Military Justice which establishes possible crimes and has been widely distributed within the military, stipulates the legal action to be taken against military personnel who by whatever means destroy libraries, museums, archives, aqueducts, or outstanding works of art, under the section on 'crimes against the rights of people'.

3. Information on the subject is provided in military academies and in higher education establishments in the military education system by means of seminars and lectures.

## **NETHERLANDS**

### **Introduction**

The Netherlands Government has given fresh impetus to the implementation of the 1954 Hague Convention in the past few years. This report provides an overview of the main activities that have been undertaken recently at both national and international levels. For more general information on efforts to protect the cultural heritage, reference should be made to the previous reports submitted by the Netherlands.

### **International activities**

The direct cause for the renewed attention that has been paid to the 1954 Hague Convention in the Netherlands was the adoption by the General Conference of UNESCO in November 1991 of a resolution on the protection of the

world cultural and natural heritage, which calls upon the Member States 'to increase their efforts to achieve better implementation of the existing instruments and to reinforce UNESCO's action'. Given the long tradition which the Netherlands has in the field of humanitarian law, the government felt it should focus its efforts in particular on the 1954 Hague Convention. The appeal made by the General Conference of UNESCO came, moreover, at the start of the Decade of International Law, proclaimed by the United Nations in 1989. It was felt that a comprehensive review of the Hague Convention could make a substantial contribution towards the achievement of one of the main purposes of the United Nations Decade of International Law.

A financial contribution to the evaluation of the Convention was the first step taken. In November 1992 Professor Patrick Boylan was commissioned by UNESCO and the Netherlands to review the objectives and operation of the 1954 Convention and protocol and to formulate recommendations for improving their application and effectiveness. The following year the Netherlands Government with the assistance of the UNESCO Secretariat organized an expert meeting in The Hague, at which Professor Boylan's report was examined. Experts from 19 countries and representatives from governmental and non-governmental organizations attended the meeting, which was held from 5 to 7 July 1993. The report on the meeting was made available to the Member States of UNESCO and the conclusions contained in it were subsequently endorsed by the General Conference of UNESCO at its twenty-seventh session.

In February 1994 a second meeting was convened by the Netherlands Government. Legal experts, invited in their personal capacity, drafted proposals for the improvement of the Convention. Whether these will take the form of amendments to the Convention, an additional Protocol or both, or some other form, remains to be seen. The proposals have been presented to the Director-General of UNESCO and will be submitted to the Executive Board at its 145th session for further action.

## **National activities**

### **General**

During the period under review the system for the protection of the cultural heritage in emergencies has been revised to reflect the changed situation and incorporate preventive measures. Expectations as to how an armed conflict would come about have, for instance, changed. The system of disaster relief in peacetime has also been updated. It was therefore decided to adopt an integrated approach and to endeavour to apply the measures and facilities for the protection of the cultural heritage, provided for under the 1954 Hague Convention, in the event of peacetime disasters as well. The preventive measures are on the whole applicable to both peacetime and emergencies. What we are talking about here is, of course, protection from sudden disasters and not

protection from the normal risks inherent in the day-to-day care of an object or building, i.e. the regular risks.

## **Policy**

The purpose of policy on the protection of the cultural heritage in emergencies can be summed up as the protection of movable and immovable cultural objects against the consequences of disasters and war as a supplement to regular policy on the physical preservation of cultural property. The priority to be accorded to protective measures is determined by weighing up the cultural and historical value of an object, the degree of risk, the physical measures to be taken, the action that can be taken by the emergency services and the financial consequences.

Generally speaking, Dutch policy aims at:

(a) encouraging and co-ordinating activities to ensure that account is taken of emergency situation

(b) taking additional measures which may be of vital importance in the event of an emergency;

(c) adapting or creating the necessary statutory or regulatory framework;

(d) promoting awareness of cultural heritage issues among those responsible for dealing with disasters and increasing the professionalism of disaster relief operations;

(e) operationalizing policy and promoting continuity.

## **Civilian provision: the Cultural Protection Inspectorate**

The organization charged with protecting cultural property has undergone sweeping changes during the period under review. In keeping with the new integrated approach mentioned above, the Inspectorate has been reorganized and the areas covered by the inspectors have been harmonized with the regions into which the national fire service is divided. The Inspectorate now works with the national disaster relief organizations, while operation with the military unit responsible for cultural protection has been stepped up. The review of policy has also meant that priorities have been established. A selection has been made from among the objects eligible for protection under the 1954 Hague Convention of those that deserve priority.

A summary follows of the principal activities and concerns of the Inspectorate in the last few years:

- The Convention and the measures arising from it have been publicized throughout the country by distributing a booklet to the provincial and municipal authorities.

- Physical measures have been adapted in keeping with technical advances, notably in the field of fire prevention.

- More attention has been paid to the drawing up of storage plans and the creation of special units to evacuate movable art objects in an emergency.



- Extra attention is paid during the restoration of listed churches to preventive measures of a structural nature designed to protect items that are permanently fixed in place.

- Research is currently being conducted into ways of providing additional protection for items of cultural or historical value that are permanently fixed in place or cannot be evacuated quickly, such as church furnishings, panelling and libraries, by means of fire- or waterproof construction methods.

- Efforts are continually being made to provide secure repositories on the premises. This is taken into account, if possible, when buildings are built or renovated, or extensions are added.

- Together with the Ministry of Defence, the Inspectorate is looking into the possibility of setting up a geographical information system (GIS) for use in the protection of the cultural heritage.

### **Cultural Protection Section of the National Territorial Command, Royal Netherlands Army**

As mentioned above, the political situation has changed to such an extent that a direct threat to Dutch territory is no longer considered likely; no direct acts of war are now expected to take place on Dutch soil. On the basis of this assumption, there has been a radical reorganization of the Dutch Armed Forces, in terms of both size and duties. The Cultural Protection Section will certainly be affected, although the details have not yet been worked out.

Both the evaluation of the 1954 Hague Convention and other international developments will affect the way in which the military cultural protection unit operates. Within the framework of the United Nations new tasks for the Armed Forces are to be expected within the near future as a result of the changing international scene. It is worth noting here that the monitoring mission of the European Union (ECMM) has in the meantime incorporated cultural monitoring in its remit. With regard to such matters as a possible role in cultural monitoring, within the context of United Nations peacekeeping forces or otherwise, a statement should be made as soon as possible, given what an enormous and time-consuming task the training of cultural monitors will be.

Meanwhile, the Cultural Protection Section is endeavoring to respond in an effective way to recent developments. It has been expanded considerably during the period under review and care has been taken to ensure that a wide range of professional skills are available in-house. (Please note that positions connected with cultural protection are filled by reserve officers who do this work in addition to their civilian profession.)

The activities of the Cultural Protection Section fall into one of three categories: territorial duties, training duties and other.

#### **Territorial**

Although there will be no fighting on Dutch soil, it may well be that Dutch territory is used either by its own troops

or the troops of other powers; military assistance will also be requested in the event of a disaster. All commanders who are charged with supplying facilities in such a situation must therefore be aware of possible restriction imposed by the 1954 Hague Convention. The advising of these commanders by cultural protection officers will therefore be a permanent task. This task is currently performed by one cultural protection officer, and his/her deputy, in each province, in close consultation with their civilian counterparts at the Ministry of Welfare, Health and Cultural Affairs.

#### **Training**

Dutch troops and individual members of the Armed Forces who are sent abroad as part of United Nations operations are subject to the provisions of the Convention too. Partly for this reason, the Commander-in-Chief of the Royal Netherlands Army decided in May 1993 that cultural protection should be included in the training given to military personnel prior to a foreign assignment. Since August 1993 all military personnel, ECMM members and UNMOs due to be sent abroad have been instructed in this subject.

The lessons begin with a general introduction to art and culture in the Netherlands and the way in which civilian and military cultural protection is organized, under the title 'cultural reflections'. The next lesson looks at the extent and nature of the culture of the host country, from a historical and religious perspective, among others. The message that is conveyed is an ideal one: show respect for the cultural achievements of the warring factions and try, where the opportunity arises, to convey this respect to the parties themselves, so that - maybe - the cultural heritage, and with it part of the cultural identity of the people, can be saved from damage and destruction. To enable personnel to respond in the event of a sudden emergency, the lessons on Yugoslavia and Cambodia are accompanied by lessons on other countries where conflicts are taking place and to which United Nations forces might be sent.

As the groups attending these lessons are often large and heterogeneous in composition, the attitudes of those involved vary greatly. Observers generally have a high opinion of the lessons, while the military personnel sometimes doubt their value, feeling powerless until they are assigned duties, however minor, in the field of cultural protection. Their views are influenced by the intensive, demanding nature of the course as a whole; furthermore, it is difficult for most of them to realize that cultural objects contribute to the environment in which people live. However, that negative attitude itself demonstrates how important the lessons are and shows that they should be incorporated in all courses given to members of the Armed Forces.

#### **Other**

The other duties are largely carried out by the senior officers of the Cultural Protection Section, the most important being:

(a) during the period under review, seminars have been held twice a year for all cultural protection officers;

(b) relations have been established and maintained with various government ministries, UNESCO, ICOMOS, universities and research institutes;

(c) the media were afforded assistance in relation to the courses (cultural reflection) for military personnel;

(d) in the Autumn of 1994 support will be given to the making of a film - an initiative of the Cultural protection Section - on the implementation of the 1954 Hague Convention.

## POLAND

The Law on the Protection of Cultural Property and Museums, which was adopted by Parliament on 15 February 1962, which governs all matters relating to the Hague Convention, was amended on 19 September 1990.

This law designates the Ministry of Culture as the central administrative body responsible for the protection of cultural property. In the event of armed conflict, the measures involve, specifically, the protection from destruction, damage, theft and loss, of movable and immovable cultural property and also basic documentation on cultural property.

The decrees promulgated by the Minister of Culture and Fine Arts dated 3 February 1973, 9 September 1974 and 10 May 1982, which set out principles and measures for the protection of cultural property in the event of armed conflict, remain in force. They provide for the protection of cultural property irrespective of who owns it or who uses it.

By virtue of the Law amended in 1990, the Minister of Culture and Fine Arts set up a State Department for the protection of Historic Monuments, comprising a Bureau for the Protection of Cultural Property and Museums and 49 branches in the voivodships. It is managed by the Head Curator of Historic Monuments.

### Organizational framework

The task of the State Department for the Protection of Historic Monuments is to formulate policies for safeguarding the heritage, to collect information and documentation and to co-ordinate the protection of cultural property, the preservation of the natural environment and land-use planning. It is also responsible for organizing the services for the protection of the heritage at central and local levels and initiating the legal measures necessary for the protection of cultural property.

Three specialized centres set up by the Minister of Culture and Fine Arts have central responsibility for the protection of cultural property, each in its own field.

The Centre for the protection of State Property is responsible for protection against illegal entry, thefts and fire. This Centre also compiles lists of stolen cultural property, organizes the transportation of works of art and

provides advisory services. It is also responsible for organizing operations to protect cultural property in the event of natural disaster and armed conflict.

The Documentation Centre on Historic Monuments compiles the main catalogue of cultural property and collects documentation on the cultural environment. It is responsible for studies and research on the methodology to be used for documentation on cultural property and the protection of the heritage.

The Centre for the Protection of the Cultural Landscape carries out research and prepares documentation. It undertakes projects for the protection of the natural and cultural landscape, historic parks, gardens and cemeteries while at the same time being responsible for the safeguarding and conservation of these properties.

The State Department for the Protection of Historic Monuments assigns to these three specialized centres an important role in the event of armed conflict. In time of war, there is a proliferation or theft, illicit appropriations and disappearances, while the devastation of physical property and its natural surroundings by fire results in irreversible damage to the cultural landscape.

In the voivodships, the responsibility for all matters associated with the protection of cultural property lies with the voivodship curators.

### Protection measures

Among the measures proposed, mention should be made of the plan to indicate the most outstanding examples of immovable property on the Armed Forces' topographical maps. In the opinion of the authors of this plan, this would be an important instrument for the identification of such property and, consequently, for the implementation of the Convention by each State in times of armed conflict.

### Domination of the Convention

The State Department for the Protection of Historic Monuments organizes the training of civil servants from the public bodies concerned.

A compendium of texts on the protection of cultural property in the event of armed conflict is under preparation. It takes into account the new political context and the restructuring of the local and government authorities.

In military academies, lectures and seminars on the Hague Convention are part of syllabuses on international, maritime and military law. In addition to the manuals mentioned in the 1989 report, documents relating to the area covered by the Hague Convention and the Red Cross serve as a basis for training.

Today, subjects associated with this area are included in syllabuses at all levels of education. From 1990 up to 1993 they have progressively been introduced in military academies for the professional training of soldiers.

### General remarks

At present, the restructuring of the civil administrative bodies and the reorganization of the Armed Forces of the

Republic of Poland are creating a situation conducive to creative reflection on the implementation of the Convention in the new circumstances in Poland.

Similarly, transformations in Central and Eastern Europe have modified strategic and political factors. Regional co-operation on the drafting of implementation instruments for the Hague Convention seems to be necessary, with a view to its more effective application.

## ROMANIA

1. International humanitarian law has been introduced as a subject in all military academies and proficiency courses for military officers. The length and the content of the courses are related to the type of institution and the functions of the persons taking the courses.

2. In December 1993, a pilot centre for international humanitarian law was set up in Ploiesti, where many courses and activities are organized to promote awareness of the principles of international humanitarian law not only among servicemen but also among specialists from other State institutions and representatives from civil society.

3. In their research work, a large number of students from civilian institutes of education and military academies are dealing with subjects and specific situations concerning the protection of cultural property in the event of armed conflict.

4. A book, to be published in October 1994, is devoted to aspects of the protection and status of military and memorial cemeteries - in memoriam - as these are regarded as being cultural property of general interest.

5. In June 1995, the first international symposium on the 'Protection of cultural property in the event of armed conflict' will be held at the Ministry of Defence in Bucharest, attended by Romanian specialists and eminent international figures well known in this field.

## SLOVAKIA

Changes in the political system of the former Czech and Slovak Federal Republic in 1989 and especially the break-up of the Warsaw Treaty Organization had major impact on the whole structure of the army organization and components as well as on the organs and organizations responsible for the protection of cultural heritage. In addition, the dissolution of the Czech and Slovak Federal Republic and the creation of two independent States has brought about another important change.

The Slovak Republic is prepared to fully carry out its obligations under the Hague Convention. At the moment the organizational structure of Slovakia is being modified and the system of local self-government is being implemented. This process naturally affects the field of competence and the scope of decision-making bodies responsible for the protection of cultural heritage. It is,

therefore, necessary to set up organizational and implementing structures for the protection of cultural heritage. The relevant Slovak authorities will update lists of movable and immovable property and those of buildings containing such objects (museums, archives and libraries). To date, the only lists available have been drawn up under the previous political regime or under the Czech and Slovak Federal Republic. In addition, it is planned to update the list of monuments under special protection, to re-evaluate the system of refuges for movable cultural property and to undertake the necessary measures in the military structure in accordance with Article 7 of the Convention.

Slovakia is aware that the present situation existing in a new State does not create the most favourable conditions for the full implementation of the provisions of the Hague Convention; nevertheless it shall endeavour to improve, within a short period of time, the situation.

At the same time, the relevant authorities of Slovakia should like to draw the attention of the Secretariat of UNESCO to the fact that the changed conditions in the military relationship in Europe, especially military conflicts in the former Yugoslavia, have demonstrated the deficiencies in the protection of cultural heritage in the event of armed conflict. It is, therefore, recommended that some Articles of the Hague Convention be reconsidered in the light of the present situation in order to propose possible amendments to this Convention and to strengthen the sanction for its breaches. The Slovak Republic is prepared to help effectively in improving the protection of the European and world's cultural heritage, namely by adopting effective measures in time of peace and taking preventive measures in the event of armed conflict.

## SLOVENIA

Following international principles, the Republic of Slovenia has notified the Secretariat of UNESCO of the succession to the Convention for the Protection of Cultural Property in the Event of Armed Conflict along with the Regulations for its Execution and the Protocol to the Convention, thus becoming a State Party to the Convention and its Protocol.

### I.

#### 1. Informing professionals about the text of the Convention

In compliance with the provisions of the Convention binding the parties to disseminate, the text of the Convention, the Slovene (although unofficial) translation has been published, together with the Regulations and the Protocol, in the review for theory and practice in protection of monuments, published by the Institute of Natural and Cultural Heritage, Protection of Monuments, No. 29, in 1987.



## 2. Measures for identification and marking of cultural property

According to the Rules on Marking Cultural Monuments issued on the basis of the Law on Natural and Cultural Heritage in force, all cultural monuments should bear the mark also containing the sign of the Convention. About 5,550 cultural monuments have been declared as such and are under general protection stipulated by the Convention. The process of marking started some years ago and is still under way. Discussions as to which agglomerations are to be declared centres containing monuments of historical value according to the Convention are also under way. A new law on the protection of cultural heritage is being prepared, which will redefine the concept of the cultural heritage, taking into consideration the definition of cultural property pursuant to the Convention. With regard to the possibility of special protection of certain cultural property stipulated by the Convention, the inclusion of competent provisions for the implementation of special protection of cultural property (criteria, procedure, Register) will be proposed in the new law. We would herewith like to add that it was proposed quite some time ago to determine a refuge for movable cultural property, which would be entered on the International Register of Cultural Property under Special Protection. Taking into consideration all conditions arising from the Convention, the location of such a refuge has not yet been determined.

### 3. Peacetime measures for the protection of cultural property in the event of armed conflict

Based on the provisions of Regulations, official identity cards were issued to the professional staff working on the protection of cultural property. Special marks of the Convention have been especially elaborated for cultural monuments for use in the event of armed conflict. Similar to any other convention, this Convention has also been included in the list of compulsory sources for expert exams to be taken by employees working on the protection of natural and cultural heritage, both conservators in institutions and curators in museums. The content of the Convention and its implementation are included in the programmes of the education of experts.

### 4. Criminal Code

In the Bill of the Criminal Code of the Republic of Slovenia, the criminal act of destroying cultural and historical monuments and natural sites and the criminal act of abusing international marks have been entered in the chapter on criminal acts against humanity and international law. The first criminal act refers to the punishment for destroying cultural and historical monuments and buildings or institutions, intended for science, art, education and humanitarian goals, for destroying natural sites or other protected natural resources contrary to the principles of international law during war or armed conflicts. Sanctions are applied for a particularly serious form of the above-mentioned criminal

act, i.e. demolition of a clearly identified property which is, as the cultural and spiritual heritage of a nation or as natural heritage, under special protection provided by international law. The criminal act of abusing international marks refers to the abuse of the recognized international marks including those by which certain cultural and other buildings are marked in order to be protected against military operations.

## II.

### 1. Convention provision in military instructions and regulations

During training, members of Armed Forces (performing military service and army reserves) are generally acquainted with basic provisions of the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict within the framework of military (humanitarian) law. Booklets and folding leaflets on humanitarian law issued by the International Committee of the Red Cross, translated into Slovene, are being used.

### 2. Education in schools for officers

In military schools (for officers, non-commissioned officers, commanders, and Staff officers) special attention has been paid to humanitarian law and within its framework to the provisions of the Convention, too.

3. Military regulations (manual) on the use of humanitarian law and the provisions of the Convention in the event of armed conflict and in the training of military staff are under preparation. The draft manual has already been elaborated, while further activities will be undertaken following the adoption of the fundamental law on defence along with statutory instruments.

4. The work of advisers (on humanitarian law) and/or individuals, members of special services within defence forces, will be more precisely determined in the process of the implementation of the said law, too. To this end, appropriate domestic and foreign experience and suitable criteria valid for military systems in democratic States will be taken into consideration.

### 5. Measures taken regarding the spacing between military targets and protected cultural monuments

As regards peacetime preparations for the implementation of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, mention should be made of endeavors and practical measures taken regarding the spacing between potential military targets (barracks, arms and munition warehouses, polygons, etc.) and protected cultural monuments. The decision has been adopted, and to a great extent already implemented to withdraw military property from city centres to the outskirts. Indeed much of the military property has changed its purpose and has already been used for cultural and similar activities. This process will be completed on



the basis of the new regional plan of the Ministry of Defence, which is just about to be confirmed. In concrete terms, within the last two years the Ministry of Defence has moved out from the vicinity of the National Gallery (on the outskirts of Ljubljana). The Headquarters Staff of the Slovene Army will move out from the same area as soon as the new building near the Ministry is built (by the end of 1995).

## SWEDEN

The Central Board of National Antiquities has been appointed by the Government of Sweden to submit the report concerning steps taken for the implementation of the Hague Convention of 1954.

Sweden became a State Party to the Convention in 1986. At the same time Sweden became a State Party to the 1972 World Heritage Convention. In 1989 Sweden proposed nominations both for the 1954 Convention for inclusion on the International Register of Cultural Property under Special Protection and the 1972 Convention for the inclusion on the World Heritage List for the following five properties:

1. Rock carvings in Tanum
2. Birka and Hovgarden, Viking settlement
3. Engelsberg ironworks
4. Castle area of Drottningholm
5. The Woodland Cemetery, Stockholm.

Since 1989 Numbers 2,3 and 4 have been decided for inclusion on the World Heritage List. Numbers 1 and 5 will be finally considered by the World Heritage Committee at its meeting in Thailand in December 1994.

No Swedish cultural site has yet been inscribed on the International Register of Cultural Property under Special Protection. The reason is that Sweden has not yet submitted additional information asked for in January 1990. The material is now being prepared and will be submitted to the UNESCO Secretariat in Winter 1994/1995.

Measures to safeguard cultural property against the foreseeable effects of an armed conflict were taken even before joining the 1954 Hague Convention. The existing legislation, going back to the 1960s, provides for evacuation plans for cultural property in museums, archives, libraries, churches, certain private collections etc., out of foreseen war zones.

The County Administrations are responsible for three plans that exist for the whole country. In a time where countries and borders between countries in Europe are quite different since 1989 and the foreseen effects of wars have changed, those plans need to be reorganized, a task that will go on over the coming years.

In the Regulations given by the government, the Central Board of National Antiquities is responsible for the implementation of the Convention.

In the near future the Central Board will complete

- Guidelines for the County Administrations on how to implement the Convention in their work, for example

by compiling an inventory of properties which will be marked with the Convention's single distinctive emblem. Already today the personnel in the Cultural Divisions of the County Administrations participate in the Army's regular preparedness training in order to train them to respect cultural properties and cultural values.

- Information material concerning the Convention and its application for military personnel at all levels. Contact has been established with the Ministry of Cultural Affairs in the Netherlands, which has worked on these questions. So far, the Convention is reproduced in the 'Soldier's Handbook'.

## SWITZERLAND

### 1. Introduction

It is not the intention of the present report to provide a complete picture of all the measures taken for the protection of cultural property (PCP) in Switzerland since 15 May 1962, when this country acceded to the Hague Convention. We will therefore dispense with repeating the contents of the preceding reports published in 1984 and 1989.

Without going into detail we believe that it may nevertheless be useful to describe very briefly the situation of PCP in Switzerland today.

First of all, since 1988, Switzerland has had an inventory of cultural property on national and regional importance, containing approximately 8,000 cultural items for which protection measures must be taken as a matter of priority. Parallel to this inventory, a topographic map has been prepared showing the 1,500 cultural items of national importance. These documents are vital to the implementations of PCP and have been widely distributed throughout the country. They have also been communicated to all States signatories to the Hague Convention, which have thus been informed of the list of cultural items that Switzerland wished to protect and have protected.

From an organizational standpoint, the Confederation has a PCP service, with a staff of three, which is a part of the Federal Civil Defence Bureau. This service has prepared all the necessary legal framework and the training documents enabling the PCP staff to be prepared for its task. It is also in a position to encourage various protective measures by means of the approximately 1,700,000 Swiss Francs it distributes each year in the form of subsidies to the different cantons.

Switzerland being a federal State, it is essential that the protection of cultural property should be organized and implemented both at the level of the Confederation and at that of cantons and communes. The decentralized nature of this system may explain why PCP has not developed in an identical way in all parts of the country and why as a result, some regions are better prepared than others.

## 2. Dissemination of the Convention

### 2.1 Information for civilian population

The Federal Civil Defence Bureau has produced several different sorts of information material which are used on a regular basis in order to make the general public aware of the purpose of protecting cultural property.

- A leaflet and a 50-page brochure have been regularly distributed since 1985 in classes, information sessions and exhibitions dealing with the protection of cultural property. The brochure, which is updated periodically, informs the reader of the objective and the application of the Hague Convention, of the legal provisions in force in Switzerland and of the situation regarding the protective measures being implemented in this country.

- Switzerland has, for many years, had two documentary films available, each approximately 15 minutes in length. The first, entitled 'The Protection of Cultural Property in Switzerland', provides a pictorial definition of cultural property as set out in Article 1 of the Hague Convention. The second, 'The Protection of Cultural Property in the Commune', depicts protective measures being organized and carried out in a small commune with a great deal of cultural property.

- A series of four posters designed by an artist, was added last year to this set of information materials.

### 2.2 Information for the military

In accordance with the Geneva Conventions on humanitarian law, every serviceman is issued with an identity card stating that he is a member of the Swiss Armed Forces. On the back of this card is a memorandum describing the laws and customs of war and also explaining the meaning and purpose of the protection of cultural property emblem.

In September 1989, the Federal Military Department (Ministry of Defence) distributed to all commanders the 'inventory of cultural property of national and regional importance' together with the map of cultural property, accompanied by detailed explanations concerning the obligation of all members of the Armed Forces to respect cultural property.

Warrant officers who are in charge of disseminating the Hague Convention in the Swiss Army, make regular use of the information material mentioned under heading 2.1.

The PCP service is regularly asked to describe and explain the principles of the protection of cultural property during military courses and exercises.

## 3. Measures taken in order to identify cultural property

In the introduction to the Swiss inventory of cultural property, the Federal Council (Swiss Government) has determined that in the event of armed conflict, the 1,500 cultural items of national importance and the refuges for cultural property will have the emblem

of general protection affixed to them. For this to be done, approximately 8,000 cloth badges measuring 80 cm x 80 cm to assist in the protection of cultural property have been distributed throughout the country. We should also recall that the map of cultural property, which contains all cultural items of national importance, has been distributed to the States signatories to the Hague Convention as well as to commanders of the Swiss Army.

## 4. Protection measures for cultural property

### 4.1 Legal provisions

Switzerland has for several years had the legal instruments necessary to apply all the provisions of the Hague Convention. These instruments include, *inter alia*:

- the Federal Law of 6 October 1966 on the Protection of Cultural Property in the Event of Armed Conflict;

- the Order of 17 October 1984 on the Protection of Cultural Property in the Event of Armed Conflict;

- Instruction issued by the Federal Justice and Police Department on 20 September 1985 concerning the granting of federal subsidies for the preparation of documents and the making of reproduction in the field of the protection of cultural property

- Instruction issued by the Federal Civil Defence Bureau on 1 January 1986 on the making of microfilms and copies of microfilms of cultural property;

- Instructions issued by the Federal Civil Defence Bureau on 17 November 1986 concerning the building of refuges for cultural property;

- three instructions issued by the Federal Justice and Police Department on 15 March 1989 concerning the use of the PCP emblem, the identity card for PCP staff, and measures to be taken in order to ensure the protection of cultural property in the event of the setting up of civil defence for active service.

### 4.2 Inventories of cultural property

The 'Swiss inventory of cultural property of national and regional importance', approved by the Federal Council in 1988, is currently being revised. The new edition of the inventory containing approximately 300 new cultural items will be published at the end of 1994. The question of registering cultural property of international importance with UNESCO is discussed in Section 5 of the present report.

The cantons and communes are currently drawing up inventories of cultural property of local importance.

### 4.3 Back-up documentation

Each year, the Confederation and the cantons spend roughly 2.5 million Swiss Francs in order to produce back-up documentation (description, plans, photographs, photogrammetric surveys, mouldings, etc.) which make it possible to restore, or even reconstruct, damaged or destroyed cultural property. Such documentation has made it possible to reconstruct sections of the famous

wooden bridge in Lucerne, which was completely destroyed by fire in August 1993.

The oldest collections in archives and libraries are systematically copied on to microfilm. A copy of each back-up microfilm is stored in ideal climatic conditions in a deposit run by the Confederation. Today, it holds 30,000 silver-holide (long conservation) microfilms.

This protective measure is already proving to be very useful as it enabled students and researchers to be provided with working copies of microfilms instead of the precious original that should not be exposed to numerous risks.

#### **4.4 PCP staff**

PCP staff is primarily selected from persons doing their military service in the civil defence sector, who normally work in museums, archives, libraries or restoration workshops. As of January 1994, 810 individuals had taken an eight-day specialist training course and were therefore theoretically ready to plan or carry out, at their level, the protective measures prescribed by the Confederation. So as to enable the PCP staff in all Swiss communes to receive the same training, the Confederation has prepared complete instruction materials well as a manual which should allow all those concerned with PCP to carry out their work correctly.

The main task of PCP staff consists of drawing up an action plan for each commune. This is a list of all protective measures to be taken (stall and equipment needed to disassemble and evacuate the most valuable movable property as well as to protect *in situ* parts of immovable cultural property). For each protective measure, practical advice is also provided on the most appropriate way in which it should be carried out, taking into account the particular characteristics of the type of object to be evacuated, its location, time limitations, etc.

Once these action plans have been drawn up, even partially, they are systematically circulated to the fire brigade, police and other emergency services. In the event of fire, it is essential that the firemen should have a list of the property to be evacuated as a matter of priority and most importantly, that they should be able to recognize and very quickly locate these items in the burning building.

#### **4.5 Refuges for cultural property**

For about ten years, approximately 20 refuges for cultural property have been built each year in the vicinity of the movable cultural property to be evacuated (most often in the basements of museums, archives or libraries). In January 1994, Switzerland had 205 such refuges representing a total protected volume of 142,870 cubic metres.

Virtually all these refuges, which are equipped with rolling storage units, special shelves and dehumidifiers, are used on a permanent basis as stores for cultural property. A large number of cultural items are thus stored all the year round in optimal conditions.

### **5. Cultural property of international importance**

Switzerland is now preparing a list of cultural property in particular need of protection for inclusion on the 'International Register of Cultural Property under Special Protection'. There are several reasons why Switzerland has not yet requested the Director-General of UNESCO to inscribe such property on the list.

Firstly, the strict application of Article 8, paragraph 1, of the Hague Convention makes it difficult to select this type of property in a small country where all the built-up areas are extremely close together.

Secondly, it is very difficult for art historians to select those few items which truly deserve to appear on the International Register.

Thirdly, to date UNESCO has not yet issued any precise instructions and recommendations regarding the procedure for declaring and registering cultural property of international importance?.

### **SYRIAN ARAB REPUBLIC**

The Syrian Arab Republic abides by the provisions of that Convention, and obliges all public and private bodies to respect such cultural property and to refrain from inflicting any damage thereon. A number of ancient cities, such as Damascus, Aleppo, Palmyra and Bosra have been inscribed on the World Heritage List, and a further 67 towns and archaeological sites have been proposed for inscription.

It should be noted that Syrian Arab cultural property situated in the territory which has been under Israeli occupation since 1967 is subject to destruction, such as occurred in the town of Quneitra. Furthermore, the Israeli occupation forces have vandalized numerous archaeological sites and have changed their original Arab names.

For this reason, we propose that such Israeli attacks against Syrian Arab cultural property should be the subject of discussion and condemnation or that the sanctions provided for by the 1954 Hague Convention should be strengthened in such a way that any authorities, individuals or groups which inflict damage or destruction on cultural property should be considered as war criminals and should be prosecuted by the competent international court.

### **THAILAND**

1. The report of Thailand on the Convention for the Protection of Cultural Property in the Event of Armed Conflict is prepared by the Directorate of Joint Operations, Supreme Command Headquarters and Ministry of Defence. This report is prepared with reference to Article 26, paragraph 2, of the Convention under the terms of which the High Contracting Parties

including Thailand have to forward periodically a report to the Director-General of UNESCO.

2. In view of the implementation of the Convention, the Ministry of Defence of Thailand has given information on the convention to commissioned officers and other ranks as well as some of the government officials by means of instruction and training.

3. In order to disseminate the text of the Convention and inform military personnel about the Convention, the special course concerning the Convention has been taken

in the Supreme Command Headquarters, the Royal Thai Army, the Royal Thai Navy and the Royal Thai Air Force.

4. As for the Supreme Command Headquarters, the details of the Convention are mentioned in the History and Museums Course to the student officers of the Directorate of Education and Research. The above-mentioned training has also been instructed in the Armed Force Staff College. The number of trainees per hours from 1991-1994 are as follows:

## SUPREME COMMAND HEADQUARTERS

### Courses on the Protection of Cultural Property in the Event of Armed Conflict

UNIT	COURSE	1991		1992		1993		1994	
		HRS.	PRS.	HRS.	PRS.	HRS.	PRS.	HRS.	PRS.
Joint Staff College		3	120	3	120	3	120	3	120
Education Department Supreme Command	Military history	2	45	2	45	2	45	2	45

## ROYAL THAI ARMY

### Courses on the Protection of Cultural Property in the Event of Armed Conflict

UNIT	1991		1992		1993		1994	
	HRS.	PRS.	HRS.	PRS.	HRS.	PRS.	HRS.	PRS.
Education Division Chulachomkiao Royal Military Academy	2	800	2	800	2	800	2	800
Territorial Defence	1	1,500	1	1,500	1	1,500	1	1,500
Provost Marshal General Department	1	300	1	300	1	300	1	300
Directorate of Logistics	1	200	1	200	1	200	1	200
Combat Unit (Infantry, Cavalry, Artillery)	1	50,000	1	50,000	1	50,000	1	50,000



### ROYAL THAI NAVY

#### Courses on the Protection of Cultural Property in the Event of Armed Conflict

UNIT	COURSE	1991		1992		1993		1994	
		HRS.	PRS.	HRS.	PRS.	HRS.	PRS.	HRS.	PRS.
Recruit Training Centre Naval Education Department	New Recruit Training 1/93	-	-	-	-	1	4,339	-	-
	" 2/93	-	-	-	-	1	4,176	-	-
	" 3/93	-	-	-	-	1	4,098	-	-
	" 1/94	-	-	-	-	-	-	1	3,940
Naval Medical Department Institute of Naval Advanced Studies	Elementary Nurse Course	1	37	1	69	1	106	1	107
	Naval Command and General Staff College (International Law)	3	106	3	125	3	132	3	223
Naval Transportation Department	Promote NCO.	4	58	4	86	4	58	4	83
	" NCO.	4	51	4	54	4	73	4	131
	" NCO.	4	43	4	87	4	101	4	118
	Driving Course Steersman	4	344	4	375	4	375	4	381
		4	74	4	65	4	69	4	61
	Elementary Transportation Course	-	-	-	-	-	-	4	80

### ROYAL THAI AIR FORCE

#### Courses on the Protection of Cultural Property in the Event of Armed Conflict

UNIT	COURSE	1991		1992		1993		1994	
		HRS.	PRS.	HRS.	PRS.	HRS.	PRS.	HRS.	PRS.
Air War College		3	120	3	120	3	120	3	120
Air Command and Staff College		3	120	3	120	3	120	3	120

## UKRAINE

The Convention for the Protection of Cultural Property in the Event of Armed Conflict was ratified by the Decree of the Presidium of the Supreme Rada of (the then) Ukrainian SSR of 9 January 1957. The text of the Convention was published in a set of standard-setting instruments 'Law on Historical and Cultural Property' (1970) and in a set of documents 'International Safeguarding and Protection of Cultural Property and its Return' (1993). These sets are addressed to research workers, to those who work in the field of culture, professors of higher education institutions and to the general public.

In accordance with laws and instructions in force, military personnel (commissioned officers and other ranks) study international instruments relating to the peaceful settlement of armed conflicts, organization and humanization of the technique of warfare, protection of the victims of war and of cultural property. Military regulations and instructions of the Armed Forces of Ukraine (which have recently been formed) will contain the provisions of all international instruments relating to the conduct of warfare, including the 1954 Hague Convention.

Movable cultural property as defined in Article 1 of the Convention is kept in State and public museums and forms the State Museum Collection of Ukraine. Its specific marking is done in accordance with the system of registration of museum property adopted in Ukraine.

The distinctive emblem of the Convention is not used for this purpose.

In accordance with the recent Decree of the Government of Ukraine, the work on the compilation of the Register of National Cultural Heritage has been

initiated- This Register will include movable and immovable property of great importance for national consciousness which shows the contribution of the Ukrainian people to the world's cultural heritage. The Register will coincide with the identification of cultural property defined in the Convention,

In time of peace the cultural property in Ukraine is being safeguarded and protected in accordance with the law in force: the Law on the Protection of the Cultural Property of Ukraine and the Fundamental Laws on Culture. The Supreme Rada has started readings of a draft of the Law on Museums of Ukraine.

Every museum of Ukraine has developed a system of urgent evacuation of cultural property. It includes: measures for stage-by-stage evacuation of exhibits in accordance with their value, training of personnel responsible for evacuation and instructions setting out their duties in case of emergency situations.

In accordance with Chapter II of the Convention, the Ukrainian authorities prepare refuges intended to shelter movable cultural property. However, this property is not marked with the distinctive emblem of the Convention.

Plans of evacuation of cultural property envisage the necessary number of means of transport for the transport of the cultural property to refuges,

Immovable cultural property and centres containing monuments mentioned in Article 8 of the Convention are not yet defined. No attempts have been made to include them on the International Register of Cultural Property under Special Protection. The Ministry of Culture of Ukraine is of the opinion that in order to make the inscription on the Register, an interdepartmental commission consisting of representatives of the Ministry of Defence, the military-industrial complex, the Ministry of Foreign Affairs, the Ministry of General Construction and Architecture and the Ministry of Culture should be created.