

CZECHOSLOVAKIA

Embassy of the Socialist Republic
of Czechoslovakia

Paris, 30 August 1961
8405/61

Sir,

With reference to your letter (MUS/BC/11/18/R1) of 14 April 1961, I have the honour to send you herewith the "Report on the Execution, by the Socialist Republic of Czechoslovakia, of the Convention for the Protection of Cultural Property in the Event of Armed Conflict".

At the same time, I am sending you a list of the persons considered by the Socialist Republic of Czechoslovakia to be qualified to carry out the functions of the Commissioner-General for Cultural Property.

I have the honour to be,

Sir,

Your obedient Servant,

Acting Chargé d'Affaires

Report on the Execution, by the Socialist Republic of Czechoslovakia,
of the Convention for the Protection of Cultural Property in the Event
of Armed Conflict

A. PREAMBLE

The Socialist Republic of Czechoslovakia is a country on whose territory a large amount of valuable cultural property has been preserved; this property reflects the evolution of our peoples during the thousand years of their history; it testifies to the creative gifts and skills of our peoples; their works have been preserved for us and enrich the cultural heritage not of Czechoslovakia alone but of the whole world. All this cultural property now belongs to the Czechoslovak nation as a whole. Not only does it promote the general intellectual development of the population and contribute to the creation of contemporary culture, but numerous monuments, particularly those which constitute the historical framework of ancient towns, often help to improve the material standard of life of our citizens. The State spares no effort to ensure that cultural monuments shall also be preserved as a means of furthering international understanding and friendship, that they shall be effectively merged in the daily life of the people, that they shall fulfil as efficiently as possible their cultural, educational and scientific purposes and that any practical use they are put to shall conform to their nature and technical condition.

Consequently, Czechoslovakia welcomed Unesco's suggestion to convene an international conference on the protection of cultural property in the event of

armed conflict. It was represented at that conference, which was held at The Hague in 1954, signed the Convention submitted to the conference as well as the Protocol to that Convention and the resolutions relating thereto and ratified the Convention in 1957. It has adopted the legislative, legal and administrative measures necessary to ensure practical application of the Convention.

It must be emphasized at the outset, however, that the application of The Hague Convention in the Socialist Republic of Czechoslovakia is only one of the many tasks relating to the creation, social exploitation and protection of cultural property, that the care lavished on cultural property in this country far exceeds that envisaged by the Convention and that, from the legal and social standpoints, the preservation of monuments by the State is ensured on a more effective basis than is provided by the Convention. Moreover, in our opinion, the practical value of the Convention is directly jeopardized by the provisions of Article 4, paragraph 2 of the Convention; these provisions, which were included in the text against the wish of our delegates, make it possible to nullify the binding nature of the protection on grounds which are considered imperative from the military standpoint but which themselves lie outside all control. In applying the Convention, the Socialist Republic of Czechoslovakia feels obliged to point out, as it did during the negotiations for its adoption, that general and complete disarmament, particularly the prohibition of weapons causing wholesale destruction, is the only effective method of safeguarding cultural property.

Although the Socialist Republic of Czechoslovakia has not yet sent the Director-General of Unesco a special report on the application of the Convention (Article 26, paragraph 2 of the Convention provides for the sending of such a report every four years and the Convention did not enter into force for Czechoslovakia until 6 March 1958), the general reports presented by our country in 1958 and 1960, in accordance with Article IV, paragraph 4 of the Constitution of Unesco, contained passages relating to the Convention. On the other hand, Czechoslovakia, as a High Contracting Party, has received from the Director-General only the following documents:

1. A. Noblecourt's publication: Protection of Cultural Property in the Event of Armed Conflict (22 February 1958).
2. The international list of persons qualified to carry out the functions of the Commissioner-General for Cultural Property, in accordance with Article 1 of the Regulations for the Execution of the Convention (9 May 1958).
3. The instructions relating to the making and notification of entries in the International Register of Cultural Property under Special Protection in accordance with Article 8 of the Convention and Article 12 of the Regulations for the Execution of the Convention (9 May 1958).
4. The communication of 22 May 1959, notifying the Director-General's intention to convene in August 1960 a meeting of the High Contracting Parties to the Convention. It was announced later, through the Czechoslovak Embassy in Paris, that this meeting had been postponed to the following year owing to the work being done to save the monuments of Nubia.

5. The communication concerning the meeting of the High Contracting Parties in December 1961 (14 April 1961).

Hence the Socialist Republic of Czechoslovakia welcomes the proposal to convene, in December 1961, a meeting of representatives of all the High Contracting Parties and hopes that this meeting will study more effective measures for the protection of all irreplaceable property belonging to the cultural heritage of the various nations and of the world as a whole, and will exchange experience and information in this field.

B. APPLICATION OF THE CONVENTION

The Convention and the Protocol to the Convention having been ratified, on 30 September 1957, by the President of the Republic, the Convention, under its Article 33, paragraph 2 and the Protocol, under paragraph 10(b) of the latter, came into force for Czechoslovakia three months after the deposit of the instruments of ratification, i.e. on 6 March 1958. This fact was given legal and legislative form by the publication in the Collected Laws of the Socialist Republic of Czechoslovakia (Part 40, No. 94), issued on 31 December 1958, of the Decree (dated 5 November 1958) of the Minister of Foreign Affairs concerning the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Protocol to that Convention. The full texts of the Convention, of the Regulations for the Execution of the Convention and of the Protocol to the Convention were published in Czech as an annex to the above-mentioned decree.

The protection of cultural property in accordance with the Convention, the Regulations for its execution and the Protocol to the Convention, have been placed under the direction and control of the Minister of Education and Culture.

With regard to practical application of the different provisions of the Convention, the following measures have been or are being taken:

1. In accordance with Article 3 of the Convention, the safeguarding of cultural property and the adoption of measures to ensure its preservation, use and administration as well as its renovation are ensured primarily by the State. Every year, the State allocates considerable sums for the repair of historical monuments as well as for the improved sanitation and the restoration of historically important quarters of towns in what are called "historical reserves". The results of all this effort by the Socialist Republic of Czechoslovakia to preserve historical monuments can also be observed by the hundreds of thousands of foreign tourists and others who visit Czechoslovakia. These activities of the State have a legal basis: Law No. 22 on historical monuments in the Collected Laws, dated 17 April 1958 is in force for Bohemia, while Law No. 7 in the Collected Laws of the National Slovak Council, dated 29 August 1958 is in force for Slovakia. These laws place all historical monuments under State protection, irrespective of their owners and whether or not they are mentioned in the State list of historical monuments. These laws provide that all owners of property in the "historical monuments" category must, at their own expense, ensure the maintenance and good repair of such property in accordance with the principles governing the preservation of monuments.

The same laws provide that the appropriate national committees are responsible for the preservation of national monuments and that it is the duty of every citizen to contribute to the preservation of such monuments. With a view to the execution of the above-mentioned laws, all the necessary regulations have been published in various decrees: the decree on national cultural monuments, the decree on historical reserves, the decree on protective zones for monuments, the decree on the registration of cultural monuments, the decree on the payment of the cost of maintaining and repairing cultural monuments (in the case of national monuments, the organization which is responsible for their administration or which uses them on a permanent basis), the decree on the export of cultural monuments and other objects of museographic value, the decree defining the work and organization of regional, district and communal commissions for the protection of national property and the decree on local curators and rapporteurs (volunteers working as public officials). An official national list has been published of restorers qualified to restore paintings, sculpture and other works of art. With a view to further improvement in the restoration and renovation of monuments, steps are being taken to set up organizations specialized in building and architectural projects. The Socialist Republic of Czechoslovakia is of the opinion that, owing to modern methods of war, the protection of national monuments (immovable property) under Article 1 of the Convention could be better ensured by devoting financial and material resources and skilled work to the normal preservation and repair of an increasing number of monuments than by taking exceptional technical measures which would hinder or completely prevent these monuments from being used in time of peace for educational or other social purposes and which would be of very little value in the event of an international war involving the use of nuclear weapons.

With respect to movable cultural property, all the necessary measures have been taken for its protection; such property comprises objects to be found in buildings classified as national monuments (e.g. castles) as well as museum specimens and other objects of cultural value in museums, galleries and libraries, whose activities and development are also governed by special laws (Law of 1959 on museums and galleries; Law of 1959 on uniformity in libraries) in the manner described in the above-mentioned book by Mr. A. Noblecourt.

In addition to the preparation of registers and catalogues of this movable cultural property, it has been classified in order to facilitate its protection. Plans for immediate action in the event of an air raid have been drawn up in close collaboration with the competent bodies and with the national committees (departmental, district and local) responsible for the administration of the various monuments and their culturally valuable movable parts and for the administration of museums and their collections. Preparations have been made for taking all valuable objects to pieces if necessary, for packing them and removing them to a place of safety, and for the designation or building of refuges, etc. All the technical devices to be employed in the event of armed conflict have already been prepared, and the necessary documentation, including microfilm copies of cultural objects, is now being prepared.

Similar measures are being taken for the protection of archival documents; organization in this field had already been made uniform in 1954 by a governmental decision on archives. The same protective measures have been taken for other types of movable cultural property, e.g. record libraries, archives of national

music and film archives; the technical equipment of cultural or scientific institutions, of schools of higher studies, etc.

2. None of the special measures mentioned in Article 4 of the Convention is necessary in the Socialist Republic of Czechoslovakia. Although many fortresses and less important castles, as well as most dwellings of historical importance are also put to practical uses (converted into flats, offices, boarding schools, day schools, youth centres, welfare institutions, etc.) none of these monuments is used for military purposes. The Czechoslovak armed forces do not use cultural property for purposes likely to expose it to destruction or damage in the event of war. On the contrary, every effort is made to utilize them as far and as effectively as possible for the cultural and educational purposes for which they were intended. Evidence of this is to be found in the increasing number of persons who visit monuments open to the public, particularly fortified and other national castles. In Bohemia and Moravia alone, the number of these visitors reached 1,195,467 in 1953, 1,984,360 in 1955, 3,798,200 in 1958, 5,494,300 in 1959 and 5,756,300 in 1960. For the whole country, these visitors, including young people and foreigners, totalled 4,500,500 in 1958, 5,980,000 in 1959 and 6,168,400 in 1960.

3. In accordance with Article 7, paragraphs 1 and 2, of the Convention, members of the Czechoslovak armed forces are adequately informed about the provisions of the Convention and steps have been taken to ensure the application of the Convention. Training courses for members of the armed forces include the teaching of respect for the culture and cultural property of all peoples. Within the Czechoslovak armed forces, specialist personnel is instructed to deal with problems raised by the protection of monuments and other cultural property.

4. The competent Czechoslovak authorities are studying the question of the special protection which can be given to certain refuges, centres containing monuments or other immovable cultural property and their entry in the "International Register of Cultural Property under Special Protection" in accordance with Article 8 of the Convention.

5. In observing the provisions of Article 4, the Czechoslovak authorities ensure respect for the immunity prescribed by Article 9 of the Convention and the protection of all cultural property in the Socialist Republic of Czechoslovakia. With regard to cultural property placed under special protection on the territory of other countries Parties to the Convention, Czechoslovakia has not yet received from the Director-General of Unesco any communication concerning the entry, in the International Register, of refuges, centres containing monuments or other immovable property of importance.

6. The competent Czechoslovak authorities are studying the use of the distinctive emblem for the identification of cultural property under special protection, in accordance with Article 17, paragraphs 1 and 2, of the Convention, as well as the appropriate measures to be taken in this matter.

7. The Socialist Republic of Czechoslovakia has not concluded and has not so far considered it necessary to conclude any special agreement under Article 24 of the Convention.

8. The dissemination of the texts of the Convention, of the Regulations for its execution and of the Protocol to the Convention was ensured by their publication in 1958, as mentioned in the preamble to the present document. The members of the armed forces are made familiar with the provisions of the Convention, as indicated in paragraph 3 above. The public is informed about them thanks to propaganda concerning the significance, principles and aims of the work done, by the National Service for the Preservation of Monuments. Much is done in Czechoslovakia to disseminate such information among the adult population and among young people who are at school or have completed their studies.

9. In 1959, in accordance with Article 26, paragraph 1 of the Convention, the Socialist Republic of Czechoslovakia sent the Director-General of Unesco 50 copies of the official translation of the Convention, of the Regulations for its execution and of the Protocol to the Convention. It has, however, received from the Director-General of Unesco no official translations other than those in English, French, Russian and Spanish.

10. With respect to Article 28 of the Convention, it has not been necessary to take any special measures, as the penal sanctions to be imposed upon persons damaging or destroying cultural property are prescribed by the relevant provisions of the Criminal Code and can also be applied to infringements of the Convention.

11. The practical measures to be taken under Article 34 of the Convention to ensure the effective application of the latter were taken within the prescribed time-limits, as indicated above.

12. The persons qualified to carry out the functions of the Commissioner-General for Cultural Property, in accordance with Article 1 of the Regulations for the Execution of the Convention, have been nominated and a list of them, together with particulars concerning them, has been sent to the Director-General of Unesco.

13. In accordance with Resolution II relating to the Convention, a national committee was set up to offer advice and initiate action in connexion with questions relating to the Convention.

C. CONCLUSION

The Socialist Republic of Czechoslovakia again draws attention to the fact that the Convention in its present form and with its present aims would not be very effective in the event of armed conflict, as the world is threatened with a new war which would entail the use of weapons causing wholesale destruction. Consequently, the object of the proposed meeting should be to insist that effect be given to the decision of the United Nations General Assembly concerning general and complete disarmament, the realization of which would not only be the

best guarantee of the protection of mankind and of all the cultural values created throughout the ages, but would also make enormous resources available for an unprecedented development of creative cultural work as well as for the preservation and general utilization of existing cultural values for the welfare of humanity.

(Translated from the French)