



Four-year cycle 2005-2010

Estonia

National report on the implementation of the Hague Convention of 1954
and its two Protocols (1954 and 1999)

I. The 1954 Hague Convention

Estonia joined the **Hague Convention** of 1954 for the Protection of Cultural Property in the Event of Armed Conflict on February 22, 1995, and the Convention entered into force with regard to Estonia on July 4, 1995.

On the basis of the Government of the Republic Order of December 24, 2004, Estonia joined the **First Protocol and Second Protocol**, which entered into force with regard to Estonia on April 17, 2005.

1. Article 3 – Safeguarding of cultural property

See *Estonian National Report on the Implementation of the Second Protocol: 1. Article 5 – Safeguarding of cultural property*

2. Article 7 – Military measures

- › Conscription service – one academic hour of military law, incl. 1954 Hague Convention.
- › Estonian National Defence Colleges – series of lectures on International Humanitarian Law, incl. 1954 Hague Convention.
- › Baltic Defence College – course on International Humanitarian Law (incl. 1954 Hague Convention), incl. seminars and hands-on exercises (implementing the law on the imaginary situation of armed conflict).

No special services, whose purpose would be to secure respect for cultural property, have been established within armed forces yet, but on 15 January 2008, the **Minister of Culture** and the **Minister of Defence** signed the **Memorandum of Cooperation** (see annex I) in order to ensure the efficient protection of cultural property in the event of armed conflicts and in international peacekeeping missions, suggesting several measures to be implemented already in peacetime. The performance of the actions agreed under the memorandum of cooperation will be coordinated by the Estonian Ministry of Culture.

The first two endeavours, undertaken in the spirit of the Memorandum, were the **military training** and the **international conference**, both taken place in February 2008 in Tallinn. (See 4. Article 25 – Dissemination of the Convention)

3. Chapter V – The distinctive emblem

Estonia does not mark cultural property with the distinctive emblem of the Convention. However, according to the Heritage Conservation Act¹, monuments are marked with appropriate signs: Estonia has a tradition to use an old runic symbol for that, and using the emblem of the Convention has not been under discussion.

4. Article 25 – Dissemination of the Convention

Military training session

Protecting Cultural Heritage in Times of Armed Conflict

February 6, 2008, Tallinn

4 lecturers and 21 participants

Objectives:

- › Expanding the understanding of the 1954 Hague Convention and its Protocols among the military.
- › Giving ideas for formulating training programs in Estonia.

¹ [Heritage Conservation Act](#) – Passed 27 February 2002, entered into force 1 April 2002, amended by the following Acts: 24.03.2004 entered into force 26.04.2004; 19.06.2002 entered into force 01.09.2002; 05.06.2002 entered into force 01.07.2002; 15.05.2002 entered into force 01.01.2003.

- › Strengthening international cooperation (joint trainings in the future, guest lectures etc).

International conference²

Protecting Cultural Heritage in Times of Armed Conflict

Second Protocol To The Hague Convention – How To Make It Work?

February 7-8, 2008, Tallinn

19 speakers and 109 participants

Target group: Military and cultural heritage professionals

Objectives:

- › Exchange of practical experiences for implementing the Second Protocol to the 1954 Hague Convention, sharing best practices.
- › Strengthening international cooperation.
- › Disseminating the principles of the 1954 Hague Convention and the Second Protocol to the Convention to the armed forces and to the personnel engaged in the protection of cultural property.

5. Article 26 (1) – Official translations

See Annex II and Annex III.

6. Article 28 – Sanctions

See *Estonian National Report on the Implementation of the Second Protocol: 3. Article 15 – Serious violations of this Protocol and 4. Article 16 – Jurisdiction*

7. 1954 First Protocol

The return of cultural objects unlawfully removed from the territory of an EU member state is regulated at legislation level: the Act on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the European Union³ was harmonized with European Council Directive 93/7/EEC.

8. Resolution II of the 1954 Hague Conference

The National Joint Commission (NJC) was created on September 21, 2005.

The task of the NJC is the national implementation of the 1954 Hague Convention and its Protocols and coordinating different development activities related to this subject.

The chairman of the NJC is Undersecretary of the Estonian Ministry of Culture. Other ministries and organisations that are represented: Ministry of Defence, Ministry of Foreign Affairs, Ministry of the Environment, Ministry of the Interior, Estonian Rescue Board, General Staff of the Defence Forces, Estonian Red Cross, National Heritage Board, Estonian National Archive, Estonian National Museum, Estonian Heritage Society, Estonian National Commission for UNESCO.

² <http://hague2008tallinn.kul.ee/eng/>

³ [Act on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the European Union](#) – Passed

II. 1999 Second Protocol

On the basis of the Government of the Republic Order No 894-k of 24 December 2004, Estonia approved the **Second Protocol** to the Hague Convention. Second Protocol entered into force with regard to Estonia on 17 April 2005.

1. Article 5 – Safeguarding of cultural property

- preparation of inventories

MONUMENTS

Information relating to monuments is entered in the National Register of Cultural Monuments (hereinafter register: <http://register.muinas.ee/>). The register was established and the statutes for its maintenance was approved by the Government of the Republic pursuant to the procedure provided in the Databases Act. The location of immovable monuments and their protected zones is entered in the land cadastre.

The register is accessible for the public from the internet. In addition to usual browsing capabilities of the alphanumeric information, the user can see and browse the objects in the map window. By clicking the button “*Ava kaardil*” (“show on map”), mapping application based on Estonian Land Board Web Map Server is started. The application shows monuments with selected map layers (base maps, cadastral units, administrative boundaries, etc.) on background. The user has standard web map application zooming and panning functions as well as options to query more monuments or change background map layers. The same web map application is also available directly from Estonian Land Board’s homepages.

Museum Objects

The procedure for the registration and preservation of museum objects is established by the regulation of the Minister of Culture.

In 2005, the development of the Information System for Estonian Museums “MuIS” started, in order to create a system meeting the needs of Estonian museums, to provide a comprehensive overview of museum collections and to allow tracking down collection items in and outside museum(s). As a final outcome of the project, the creation of a data bank of Estonian cultural heritage has been envisaged, providing internet access to all those interested. The present system (KVIS – Information System of Cultural Heritage) is currently restructured and the data migration is a work in process.

- planning of emergency measures for protection against fire or structural collapse

In 2006, “Benchmarks in Collection Care for Museums, Archives and Libraries. A Self-assessment Checklist” that includes Emergency Preparedness was translated into Estonian.

In 2007-2008, Estonian Ministry of Culture drafted an example of the crisis management plan for its institutions, First Reaction Teams and Crisis Management Teams were formed in state and county museums, 3 flood pumps were bought for 3 biggest state museums (covering Northern and Southern part of the country) and protection and work equipment was stored up for First Reaction Teams.

- preparation for the removal of museum objects or the provision for adequate in situ protection
Building new **storage facilities** and/or renovating the old ones:

- › Estonian History Museum at Maarjamäe (compl. 2005)
- › Estonian National Museum at Raadi (compl. 2005) + new building (in the planning phase)
- › Art Museum of Estonia (compl. 2006)
- › Lääne County Museum (compl. 2008)
- › Mahtra Peasantry Museum (in the planning phase)
- › Pärnu County Museum (in the planning phase)

- Joint storage facilities for museum objects of the Tallinn museums (construction work is planned to start in 2011):
 - i. reduces the risks of damaging several museum collections located in the Tallinn Old Town (difficult access for fire trucks).
 - ii. possible evacuation location for museum objects from other areas of Estonia.

- designation of competent authorities responsible for the safeguarding of cultural property

The Heritage Conservation Act (HCA) regulates the rights and obligations of state and local government authorities and owners and possessors of cultural monuments in organising the protection of monuments and heritage conservation areas and in ensuring the preservation of monuments and heritage conservation areas.

According to the HCA, heritage conservation in Estonia is organised by the **Ministry of Culture**, the **National Heritage Board** and **rural municipality** and **city governments**.

The Emergency Preparedness Act⁴ establishes the duties of the ministries: protection of cultural property is one of the Vitally Important Sectors and it is administered by the **Ministry of Culture**.

2. Chapter 3 – Enhanced protection

Estonia has not started discussing the option of placing cultural property under the enhanced protection.

3. Article 15 – Serious violations of this Protocol

Penal Code⁵

/.../

*Division 4
War Crimes*

/.../

§ 105. Exploitative abuse of emblems and marks designating international protection

Exploitative abuse of an emblem or name of the red cross, red crescent or red lion and Sun, or of a distinctive mark of a structure containing a camp of prisoners of war, a cultural monument, civil defence object or dangerous forces, or of the flag of truce, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

/.../

§ 107. Attacks against cultural property

Destruction, damaging or illegal appropriation of a cultural monument, church or other structure or object of religious significance, a work of art or science, an archive of cultural value, a library, museum or scientific collection not used for military purposes is punishable by a pecuniary punishment or 1 to 5 years' imprisonment.

⁴ [Emergency Preparedness Act](#) – Passed 22 November 2000, entered into force 1 January 2001, amended by the following Acts: 19.06.2002 entered into force 01.09.2002; 19.06.2002 entered into force 01.08.2002.

⁵ [Penal Code](#) – Passed 6 June 2001, entered into force 1 September 2002, amended by several Acts.

/.../

4. Article 16 – Jurisdiction

Penal Code

/.../

§ 6. Territorial applicability of penal law

(1) The penal law of Estonia applies to acts committed within the territory of Estonia.

(2) The penal law of Estonia applies to acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of the country where the offence is committed.

§ 7. Applicability of penal law by reason of person concerned

(1) The penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if:

- 1) the act is committed against a citizen of Estonia or a legal person registered in Estonia;*
- 2) the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been detained in Estonia and is not extradited.*

(2) The penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and the offender is a member of the Defence Forces performing his or her duties.

§ 8. Applicability of penal law to acts against internationally protected legal rights

Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to an act committed outside the territory of Estonia if the punishability of the act arises from an international agreement binding on Estonia.

/.../

5. Article 21 – Measures regarding other violations

Heritage Conservation Act

Chapter 7

Liability

/.../

§ 46. Damage to findings of cultural value

(1) Knowingly removing a finding of cultural value from the place it is found and for damage thereto is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.

/.../

§ 48. Damage to or destruction of monuments

(1) Damage to or destruction of a monument is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

/.../

6. Article 30 – Dissemination

There are several national programmes managed by the Estonian Ministry of Culture that are strengthening appreciation and respect for cultural property by our entire population: the national programmes for schools in old manor houses and for the preservation and development of churches, support programmes for regional ethnographic cultures, development plans for the digitisation of cultural heritage, rural architecture and landscapes, traditional sacrificial sites etc.

Currently, the Ministry of Culture is working on the Development Plan until 2030 for sustaining and valuing Estonian cultural heritage. It will cover all areas connected with preserving memory: archives, heritage conservation, museums, libraries and folk culture. These areas are in turn divided into three horizontal aspects: 1) collection, 2) research, documentation and preservation, 3) access and valuation.

The first two endeavours, undertaken in the spirit of the Memorandum of Cooperation between the Ministry of Culture and the Ministry of Defence, were the **military training** and the **international conference**, both taken place in February 2008 in Tallinn. (See *Estonian National Report on the Implementation of the Hague Convention: 4. Article 25 – Dissemination of the Convention*)

7. Article 37 – Translations and reports

See Annex IV.

July 21, 2008, Tallinn

Marju Reismaa
Adviser, Cultural Heritage Department
Ministry of Culture of the Republic of Estonia
Suur-Karja 23, Tallinn 15076, Estonia
phone: +372 628 2335
fax: +372 628 2200
email: marju.reismaa@kul.ee