



United Nations
Educational, Scientific and
Cultural Organization



Convention for the Protection of
Cultural Property in the Event
of Armed Conflict

Four-year cycle 2013-2016

Estonia

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

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I. Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This article sets out the obligation for High Contracting Parties to adopt in time of peace the appropriate safeguarding measures against the foreseeable effects of an armed conflict.

Have you adopted such measures?

Yes. See previous report (2009-2013). The measures have been described under the reply concerning the implementation of the 1999 Second Protocol: 1. General provisions (i) Article 5 – Safeguarding of cultural property. However, these safeguarding measures are of a more general nature i.e they are relevant not only in time of an armed conflict, but also in time of peace.

2. Article 7 - Military measures

This article sets out the obligations of High Contracting Parties to introduce into their military regulations or instructions such provisions as may ensure observance of the Convention. As well as the preparation or establishment, within their armed forces, of services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it. These obligations must be implemented in time of peace.

*Have you introduced into your **military regulations or instructions** such provisions as may ensure observance of the Convention?*

If this information is available in a previously submitted report, you may refer to it.

See previous report (2009-2013). In Estonian legal order international law is considered as part of the national legal order (monistic approach), therefore there is no need to transfer international law norms into internal legal acts and regulations. In the training of military personnel of all levels international humanitarian law including the provisions related to protection of cultural property are covered. On February 11 2015 the Estonian Parliament passed the National Defence Act which entered into force on January 1 2016. Paragraph 83 of the act defines the term “national defence object”. Subsection (1) of § 83 specifies that a national defence object may be land, building or device the attacking, seizure, damage or destruction of which may cause the destruction of national cultural heritage. Subsection (2) 3) goes on to further specify that national defence objects are divided on the basis of the type of the object and one of the divisions is a national defence object essential for ensuring public order, including an object the damaging or destruction of which shall cause damage to national cultural heritage. (National Defence Act: <https://www.riigiteataja.ee/en/eli/ee/517112015001/consolide/current>)

Have you established within your armed forces, services whose purpose will be to secure respect for cultural property?

No.

3. Use of the distinctive emblem to indicate cultural property (Chapter V)

The Hague Convention of 1954 created a distinctive emblem for the exclusive marking of cultural property with the aim of ensuring its recognition, particularly in the event of armed conflict. The marking of cultural property constitutes one of the preparatory measures that may be taken in time of peace.

*Have you **indicated cultural property** through the use of the distinctive emblem of the Convention?*

No. See previous report (2009-2013). Estonia does not mark cultural property with the distinctive emblem of the Convention. However, according to the Heritage Conservation Act, 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

The regulations relating to the protection of cultural property in time of war must be incorporated into programmes for military, and where possible, civil training. The aim is to ensure that the principles of the Convention are made known to the whole population, and especially the armed forces and personnel engaged in the protection of cultural property.

*Have you **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

Yes. See also previous report (2009-2013). Basic IHL training is offered for the conscripts of the Estonian Defence Forces during their time of service and also for the defence personnel in active duty. Additionally, the members of the Estonian Defence League obtain basic IHL training during their service. The Estonian Defence League is a voluntary militarily organised national defence organisation operating in the area of government of the Ministry of Defence. The Estonian Ministry of the Interior has issued an act that obliges all culturally valuable buildings and all buildings that house culturally valuable items to follow a strict security protocol, especially regarding to fire safety. All such buildings have to fill a special fire safety sheet that will be collected by Estonian Rescue Board. The sheet contains basic information about the building that is essentially needed in rescue works. The purpose of the sheet is to make sure that in case of an emergency the rescuers have right away the accurate information regarding for instance local water supplies, electrical systems, height of the building etc. Estonian National Heritage Board has prepared a guide to the owners on how to fill the safety sheet and where to obtain the information required. The act and the guide materials are available online and only in Estonian. (<https://www.riigiteataja.ee/akt/104042017014>, <http://muinas.ee/sinule/vormid>)

*Within this framework, what **awareness-raising activities** have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.*

The Estonian National Heritage Board in cooperation with the Estonian Ministry of the Interior has organized several trainings to help the owners of culturally valuable buildings and culturally valuable objects to safeguard their property more efficiently. Active risk analysis and risk management plays an important role in these trainings.

5. Article 26 (1) – Official translations

The Secretariat has received a certain number of official translations of the Convention and of the Regulations for its execution. For reference, please consult:

Language versions of the Hague Convention and its 1954 Protocol

Does your country have its national translation(s) there?

No answer.

6. Article 28 – Sanctions

This article sets out the obligations of High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the Convention.

Have you established as criminal offences under your domestic law conduct contrary to the obligations set out by the Convention?

Yes. Please see the reply below on the implementation of articles 15 and 21 of the Second Protocol (1999).

II. Resolution II of the Conference of 1954

*Have you established a **National Advisory Committee** in accordance with the hope expressed by the Conference in its Resolution II?*

Yes. The information has been provided in the previous report (2009-2013). National Joint Commission (NJC) that brings together 11 representatives of different ministries and organizations was created in 2005. Its task is the national implementation of the 1954 Hague Convention and its Protocols and coordinating different development activities related to this subject. The membership of the commission is renewed and it had its first meeting in May 2017. The renewed commission agreed on the following areas of focus for the future:

- To facilitate co-operation between institutions with a view to draft operational guidelines on how to activate the system of cultural property protection in case of military conflict.
- To strengthen military training on cultural property issues, to organize seminars and conferences, to publish training materials.
- To develop more detailed guidelines for Estonian Defence Forces on cultural property protection in international military operations.
- To develop cooperation with Estonian Defence Forces and Estonian Defence League in order to prepare them for participation in rescue and emergency operations involving cultural property.
- To develop a plan for evacuation of cultural property in case of natural disasters.
- To encourage co-operation of memory institutions and the Rescue Board in order to raise awareness of the need to have clear and updated disaster plans. Estonia has not established a National Commission on the Implementation of International Humanitarian Law, therefore the National Joint Commission is a separate unit.

III. 1954 First Protocol

[To be completed by the High Contracting Parties to the 1954 Protocol only]

The main objective of the 1954 Protocol is the protection of cultural property in occupied territory. As such, it organizes, among others, a system of:

- taking into custody;
- return of illegally exported cultural property; and
- finally indemnity to the holders in good faith.

*Have you adopted **measures to implement** the 1954 First Protocol? In particular, have you adopted national legislation providing for the custody of cultural property imported either directly or indirectly from any occupied territory?*

No. See also previous report (2009-2013). The likelihood of Estonian Defence Forces participating in military occupation is very low, therefore no specific measures in that respect have been taken. However, if such an occasion should arise Estonia is bound to fulfil the relevant obligations under the Convention. The more general issue of return of cultural objects that have been unlawfully removed or exported illegally from another state has been regulated in national legislation. The National Heritage Board implements the necessary measures described in the Act. The Police and Border Guard Board and the Estonian Tax and Customs Board are to assist within their jurisdiction in finding cultural objects unlawfully removed from the territory of EU member states to Estonian territory. Section 5 of the Museums Act states the principles for replenishing museum collections. According to 5 part 4(1), upon replenishment of a museum collection, the museum shall, within available means, ascertain the origin of a thing of cultural value such that the museum collection would not contain things which have been acquired illegally in Estonia or in another state or have been exported illegally from another state. According to 11 part 1(4) of the Museums Act, a museum object shall be excluded from a museum collection if the museum object has been acquired in good faith in violation of the provisions of subsection of the Museums Act and is transferred to the owner or another state. (Museums Act <https://www.riigiteataja.ee/en/eli/ee/508112013005/consolide/current>)

*Have you **taken into custody** cultural property imported into your territory from an occupied territory?*

No answer.

IV. 1999 Second Protocol

[To be completed by the High Contracting Parties to the 1999 Protocol only]

The 1999 Second Protocol complements the Hague Convention of 1954 in many aspects. If this information has already been presented within the framework of the questions regarding the Hague Convention of 1954, you may refer to it directly.

1. General provisions (Chapter 2)

Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing concrete examples of peacetime preparatory measures, such as the preparations of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

Have you adopted such measures?

Yes. Much of the information provided in the previous report (2009-2013) is still relevant, but due to some changes please find below the updated version in its entirety. - preparation of inventories MONUMENTS Information relating to monuments is entered in the National Register of Cultural Monuments (accessible for the public from the internet <http://register.muinas.ee/public.php>). It includes both designated cultural monuments and inventories. Additionally, the location of immovable monuments and their protected zones is entered in the land cadastre. . 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 museums. By now, 59 museums are using "MuIS" and data for ca 3 million museum objects (out of ca 8,3 million objects) has been computerized, incl. ca 1 million digital images. - planning of emergency measures for protection against fire or structural collapse In the framework of the state programme Conservation and development of places of worship" all confessions may apply, inter alia, for funding for the protection against fire (alarm systems etc). - 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: - New building (incl. storages ca 8000 m2) for the Estonian National Museum was completed in 2016. - New storage facilities for the Estonian History Museum (will be completed 2018) - 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.

Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements the provisions in Article 5 of the Hague Convention by imposing a number of prohibitive measures on the Occupying Power. Paragraph 102 of the Guidelines for the Implementation of the Second Protocol requests Parties that are an Occupying Power to provide information in their national reports on the way in which the provisions regarding the protection of cultural property in occupied territory are observed.

*Do you ensure compliance with the provisions regarding the **protection of cultural heritage under military occupation**?*

Not applicable.

2. Enhanced protection (Chapter 3)

The Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict (composed of 12 Parties). Paragraph 102 of the Guidelines for the Implementation of the Second Protocol requests that Parties express their intention to request the inscription of cultural property on the List of Cultural Property under Enhanced Protection.

Do you **intend to request** the granting of enhanced protection for cultural property in the next four years or, where applicable, do you have a **national tentative list** within the framework of Article 11 (1) of the Second Protocol?

No. At present Estonia does not see a need to apply for enhanced protection for a cultural property.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If certain cultural property(ies) in your State benefit from enhanced protection, please also complete this section of the questionnaire].

The benefit of enhanced protection implies continued compliance with the conditions set out in Article 10 of the Second Protocol.

*Is there a **specific mechanism in place to monitor cultural property under enhanced protection**? As an example, are the measures adopted to ensure the highest level of protection periodically reviewed so as to ensure they are fully effective in all circumstances?*

No.

Pursuant to paragraph 102 of the Guidelines, the Parties must inform on the use of the distinctive emblem for cultural property under enhanced protection.

*Have you used the new **distinctive emblem adopted by the 2015 Meeting of Parties to mark** cultural property under enhanced protection?*

No.

Pursuant to paragraph 65 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties must notify the Committee of any change affecting the cultural property concerned to meet the criteria set out in Article 10 of the Second Protocol.

*Does the Committee need to be **notified of a change** regarding cultural property in your territory benefiting from enhanced protection?*

No.

3. Criminal responsibility and jurisdiction (Chapter 4)

Article 15 – Serious violations of the Second Protocol

Article 15 requires the Parties to establish as criminal offences under its domestic law a series of behaviours constituting serious violations of the Second Protocol, by punishing them by appropriate penalties.

*What measures have been taken to ensure the **implementation of this obligation**?*

The information provided in the previous report (2004-2008) concerning Penal Code and Heritage Conservation Act is still relevant. Subsection 7 (2) of the Penal Code (Applicability of penal law by reason of person concerned) states the following: “(2) The penal law of Estonia applies: 1) 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;”. Paragraph 8 of the Penal Code specifies the applicability of penal law to acts against internationally protected legal rights, stating the following: “Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to any acts committed outside the territory of Estonia if punishability of the act arises from an international obligations binding on Estonia.” (<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/519012017002/consolide>)

Article 16 – Jurisdiction

Article 16 requires the Parties to establish the jurisdiction of their courts over serious violations of the 1999 Second Protocol.

*What measures have been taken to **confer jurisdiction on your courts** over serious violations of the Second Protocol?*

Jurisdiction of the Estonian courts concerning the aforementioned violations is stated in the following paragraphs of the 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; or 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: 1) 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; 2) to grant, acceptance or arranging receipt of gratuities or bribes or influence peddling committed outside the territory of Estonia if such act was committed by an Estonian citizen, Estonian official or a legal person registered in Estonia, or an alien who has been detained in Estonia and who is not extradited, or such person participated therein.”. § 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 any acts committed outside the territory of Estonia if punishability of the act arises from an international obligations binding on Estonia.

Article 21 – Measures regarding other violations

The Second Protocol also requires the Parties to adopt legislative, administrative or disciplinary measures to prevent the occurrence of behaviours that adversely affect the integrity of cultural heritage.

Have you adopted such measures?

Yes. The information provided in the previous report (2009-2013). See also Article 15.

4. Dissemination of information and international assistance

Article 30 – Dissemination

Article 30 complements Articles 7 and 25 of the Hague Convention of 1954. In this regard, it requests the Parties to, among other things, strengthen appreciation and respect for cultural property by their entire population, ensure the dissemination of the Protocol, and incorporate guidelines and instructions on the protection of cultural property in their military regulations.

*Have you **disseminated the provisions of the 1999 Second Protocol** within the armed forces as well as among target groups and the general public?*

Yes. The situation is the same as described in the answer above concerning article 25 of the Convention. Basic IHL training is offered for the conscripts of the Estonian Defence Forces during their time of service and also for the defence personnel in active duty. Additionally, the members of the Estonian Defence League obtain basic IHL training during their service. The Estonian Defence League is a voluntary militarily organised national defence organisation operating in the area of government of the Ministry of Defence. The Estonian Ministry of the Interior has issued an act that obliges all culturally valuable buildings and all buildings that house culturally valuable items to follow a strict security protocol, especially regarding to fire safety. All such buildings have to fill a special fire safety sheet that will be collected by Estonian Rescue Board. The sheet contains basic information about the building that is essentially needed in rescue works. The purpose of the sheet is to make sure that in case of an emergency the rescuers have right away the accurate information regarding for instance local water supplies, electrical systems, height of the building etc. Estonian National Heritage Board has prepared a guide to the owners on how to fill the safety sheet and where to obtain the information required. The act and the guide materials are available online and only in Estonian. (<https://www.riigiteataja.ee/akt/104042017014>, <http://muinas.ee/sinule/vormid>)

*Within this framework, what **awareness-raising activities** have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.*

Strengthening the appreciation and the respect for cultural property at state level is the duty and mission of the Estonian Ministry of Culture and the National Heritage Board. There are several relevant state programmes: thematic (conservation and development of places of worship, public schools in manors, rural architecture and landscapes etc. Digitisation of cultural heritage is described in more detail under safeguarding measures. The envisaged programmes include, for instance, an inventory of military architecture. Special promotional activities are organised. The policy document „Cultural Policy 2020“ was adopted by Riigikogu (Estonian Parliament). The document states, inter alia, that international conventions and European legal acts and initiatives will be taken into account when designing Estonian cultural policy. National authorities (National Heritage Board, Ministry of Culture, Tax and Customs Board, Police and Border Guard Board) have been informed about the recent UN Security Council resolutions (2199, 2347) in order to be vigilant and to sensitize the professionals of the current situation. Estonia has also made efforts to sensitize general public through media of the situation regarding cultural heritage targeted in armed conflicts. We are also grateful for the Director-General of UNESCO, Madame Irina Bokova, who gave a public lecture in the Estonian Academy of Art on this issue and an interview for the weekly foreign policy TV-programme “Välisilm” (Foreign World) during her official visit to Estonia in May 2015.

Articles 32 – International assistance

Pursuant to paragraph 102 of the Guidelines for the Implementation of the Second Protocol, the Parties are invited to present their activities at bi- or multilateral level, within the framework of technical assistance in order to share their experiences or best practices.

*Have you shared, particularly via the Secretariat of UNESCO, your **experiences in the implementation and best practices**?*

No. Estonia would like to share a recent conservation and restoration project after a fire that devastated valuable cultural heritage. Such sudden events test the risk preparedness of cultural heritage repositories and demand prompt cooperation of different national institutions and experts. In the early hours of May 16, 2016, a devastating fire hit Piiressaar, a small island in Lake Peipus near the Estonian-Russian border. Piiressaar has traditionally been inhabited by an Old Believers community whose traditions, lifestyle, and heritage are especially interesting. The fire destroyed several houses, including the local prayer house. It contained numerous icons and crosses (both wooden and metal) and books dating from the 17th to 20th centuries, as well as different interior elements: candle holders, incense burners, oil lamps, icon cases etc. Forty items from the prayer house were listed as national monuments under Estonian law. Thirty-four of them were icons and crosses painted on wood, five were metal icons and crosses, and there was one book. What precisely happened during the fire and how the evacuation of the objects from the prayer house was organized is still unclear. Thanks to the Estonian Police and Border Guard, two officials from the Estonian National Heritage Board were flown from Tallinn to Piiressaar, arriving at the location by noon, roughly 12 hours after the fire started. By then everything that could possibly be salvaged from the burning prayer house or from the ruins was taken to a clean and dry room at the local waste collecting station. The icons and books had serious heat, smoke, fire, and water damage. The first task was to do an inventory of the evacuated material, in order to determine and document the scope of the damages. The next step was to try to dry the books as much as possible with the tools at hand, and to store everything in a way least damaging to the icons and books. It was clear that a large amount of the material needed to be evacuated from the island for conservation. Two days later conservators from the National Archives of Estonia and Tartu Art Museum, along with officials from the National Heritage Board, were again on Piiressaar. The aim was to adjust the provisional storage space and instruct the local community on ventilating the space and conducting daily drying of the books to avoid mould. A little more than two weeks after the fire, on June 1, 24 damaged wooden icons and crosses and two destroyed icons were evacuated from the island (some books had already been taken to the mainland prior to that). The evacuation was financed by the state funded programme “Preservation and development of places of worship” and organized by the National Heritage Board in cooperation with the Estonian Open Air Museum’s Conservation and Digitation Centre Kanut. Most objects were extremely fragile; in addition to damages caused by the fire and the extinguishing of the fire, there was also serious wood vermin damage from earlier.

Therefore, the safe transportation of the objects was a challenge. All panels were covered in situ with facing paper to avoid the loss of paint layers, and transported in special cases and racks built for the occasion. After arriving in Tallinn, the objects received wood vermin treatment and were then stored in the isolation chamber of the Art Museum of Estonia. It was clear that after the panels had dried they urgently needed emergency conservation. Since the number of the objects in danger was large and the schedule was tight, a large number of conservators were needed for the job. Following the Italian example, where conservators from across the state come to the rescue after catastrophes, the decision was made to organize something similar. The National Heritage Board contacted all museums and universities that employ conservators, asking them to join the workshop organized for the emergency conservation of the icons from the Piiressaar Old Believers’ prayer house. The organizations were eager to participate. The workshop featured over 40 conservators from the Estonian Open Air Museum, the Art Museum of Estonia, the Estonian National Museum, Tartu Art Museum, the Estonian Academy of Arts, and Tartu Art College; the latter two provided both professional conservators and students. In order to set up a framework and methodology for conservation and documentation, a working group of experts from the

National Heritage Board, the Estonian Open Air Museum's Conservation and Digitation Centre Kanut, and the Art Museum of Estonia was formed. The group arranged everything, from finding proper space and organizing logistics to preparing detailed conservation methodology and acquiring the tools, chemicals, equipment etc. needed for the work. An important aspect was making sure that everything done during the workshop was documented adequately and in a consistent manner. Therefore, all participants used a digital graphic documenting system developed at the Art Museum of Estonia. The basic funding for the workshop came from the budget of the National Heritage Board. The organizations who sent their conservators to participate at the workshop did so free of charge.

The workshop took place October 24–28, 2016 in the Estonian Open Air Museum. During the workshop, facing paper was removed from all panels, the paint layers were consolidated and fixed to the ground, and basic surface cleaning was conducted. In general, the workshop was even more successful than hoped, but since the icons had been rapidly covered with facing paper during evacuation, the conservators discovered that the damages to many icons were more severe than suspected at the beginning. As a result, of the 24 damaged icons 12 can likely be aesthetically restored so that they can be used in their original function in a new prayer house in the future. The scope of the damages to the rest of the icons varies, yet none of them has completely lost their artistic and cultural value and they will maintain their national monument status. The Estonian National Heritage Board is now organizing follow-up conservation and restoration work so that the icons can once again be exhibited.

5. Official translation of the 1999 Second Protocol to the Hague Convention of 1954

Pursuant to Article 37 of the Second Protocol, the Parties shall translate this standard-setting instrument into their official languages and shall communicate these official translations to the Director-General. To date, the Secretariat has received a certain number of official translations of the Second Protocol. For reference, please consult:

Language versions of the 1999 Second Protocol

Does your country have its national translation(s) there?

No.

V. Miscellaneous questions regarding the Hague Convention of 1954 and its two Protocols

1. National focal point

According to paragraph 103 of the Guidelines for the Implementation of the Second Protocol: "*Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO*". If you do not wish to consider the Permanent Delegation as the focal point, please provide the Secretariat with the name and address of a national focal point that will receive all official documents and correspondence relating to the implementation of the Second Protocol.

Institution: Ministry of Culture

Name: Marju Niinemaa

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Fax:

2. National practice regarding the implementation of the Hague Convention and its Two Protocols

The Secretariat would be grateful if you would provide it with a copy of the following documents in French and/or English:

- the relevant **administrative civil and military regulations**:

PDF Document  Website 

- the **national laws** on the protection of cultural property, as well as the criminal provisions made within the framework of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and any case-law on the protection of cultural property in the event of armed conflict.

PDF Document  Website 

- Documents regarding **awareness-raising activities** (seminar schedule, brochures, etc.), as well as **any other relevant documents** (legislative, legal, or administrative) within the framework of the implementation of the Hague Convention of 1954 and its 1999 Second Protocol.

PDF Document  Website 

3. The Fund for the Protection of Cultural Property in the Event of Armed Conflict (Article 29 of the Second Protocol)

Have you **contributed to the Fund**?

Yes.

If no, do you plan to contribute to the Fund in the Future?

No.

VI. Self-assessment forms

In order to reflect the status of implementation of the Hague Convention of 1954 and its 1999 Second Protocol in key areas within the summary document of national reports, please complete the two tables below.

1. Assessment of the level of implementation

[Please use the following assessment scale]

- 1: not implemented;
- 2: partially implemented, the process has come to a standstill;
- 3: partially implemented, the process is ongoing; and,
- 4: fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	3
Training of military personnel on the regulations relating to the protection of cultural heritage	2
Use of the distinctive emblem to mark cultural property	1
Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences	3
Adoption of relevant criminal legislation	4
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a system to monitor cultural property under enhanced protection at national level	

2. Assessment of difficulties encountered

[Please use the following assessment scale]

- 1: difficulties have been encountered, but there are no plans to request technical assistance from the Secretariat of UNESCO;
- 2: difficulties have been encountered, however there are plans to request technical assistance from the Secretariat of UNESCO;
- 3: difficulties had been encountered, but thanks to the technical assistance of the Secretariat they have been resolved;
- 4: difficulties had initially been encountered, but they turned into challenges that we have overcome; and,
- 5: No difficulties have been encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	
Training of military personnel on the regulations relating to the protection of cultural heritage	
Use of the distinctive emblem to mark cultural property	
Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences	
Adoption of relevant criminal legislation	
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a system to monitor cultural property under enhanced protection at national level	

VII. Granting of enhanced protection – Opinion Survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three conditions are cumulatively met:

- The cultural property is of the greatest importance for humanity;
- The cultural property is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; and,
- The cultural property is not used for military purposes or to shield military sites, and the Party which has control over it has made a declaration that it will not be used for such purposes.

As these conditions are set out within the framework of an international treaty, their full understanding cannot be separated from state practice, which is of fundamental importance with regard to the International Law of treaties. As such, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into account the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

Article 10, paragraph (a) – "Greatest importance for humanity"

So far the current practice seems to suggest that the most easily understandable criterion is World Heritage listing (in case of immovable heritage) or inscription to the Memory of the World Register (in case of documentary heritage). It is difficult to assess the specific differences between the notions of the OUV (in case of WH), World Significance (in case of MoW) and the notion of being greatest importance for humanity. However, it seems clear that the OUV and the notion of being greatest importance for humanity cannot be considered synonyms. In principle, any cultural property that the state considers to be unique and with exceptional cultural significance should be worthy of international attention and appropriate protection.

Article 10, paragraph (b) – "Highest level of protection"

In principle, it is not possible to determine a specific level of protection because the different national realities need to be taken into account. To put it simply, the highest level of protection means that all the possibilities provided under domestic laws and regulations have been used and implemented to the fullest.

Article 10, paragraph (c) – "Non-use for military purposes"

Please indicate the national authorities to be consulted with a view to taking the decision not to use the cultural property submitted for the granting of enhanced protection for military purposes or to shield military sites.

In case of Estonia such authorities would include Ministry of Defence and National Defense Forces.