



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

Finland

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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. Finland has actively structured its readiness during the years for the implementation of the Hague 1954 Convention and its two protocols. We refer also to our reply in 2012.

## 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.*

Yes. The Convention is mentioned in the instruction manual given to conscripts. It is made clear in the manual that Finland has ratified the Convention, that it is part of Finnish legislation and that action contrary to the provisions of the Convention is punishable by law. In addition, instructions concerning the personnel of the Finnish defence forces require that international humanitarian law, including the Convention, is observed.

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

No. No service has been created or specialists appointed in the Finnish defence forces to secure respect for cultural property. The observance of international humanitarian law is compulsory for the personnel of the Finnish defence forces, and in particular for the leaders.

## 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. The work of compiling the national inventory on potential sites is still under preparation. The question on possible marking the sites with emblem will be decided after the completion of the inventory.

We refer also to our reply in 2012.

#### 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. The Finnish Defence Forces give training on international humanitarian law including the Convention to conscripts, reservists and its personnel through lessons and exercises.

There are also several other educational activities for various target groups. The Emergency Services College (Pelastusopisto) provides education and training in its special field under the supervision of the Ministry of the Interior. The College plans and arranges basic and advanced education and training in fire and rescue work, civil defence training and other training in emergence operations. As part of its work, the College has also arranged special education on the protection of cultural heritage.

Protecting cultural property is part of preparedness training in the education and cultural sector also at the municipal level. In recent years, a number of regional training courses have been organised for the representatives of education and cultural services, including museums, archives and libraries.

Protecting cultural property is also an established part of humanitarian law training provided by the Finnish Red Cross for the Defence Forces.

Preparedness concerning cultural property is not governed by specific legislation in Finland, and practical action to safeguard such property would be taken under the Emergency Powers Act and the Rescue Act. The Emergency Powers Act guides the actions of the authorities in emergency conditions and includes the duty to secure the performance of vital activities in all circumstances.

Self-preparedness under the Rescue Act, on the other hand, in practice concerns everyone, obliging the owners and occupants of buildings to prevent and prepare for accidents and hazardous situations as far as their resources allow.

Within the administrative branch of the Ministry of Education and Culture, the National Archives Services is the organisation that has the authority to issue regulations and to direct preparedness activities concerning archives. As regards museums, libraries and buildings of cultural history value, there are no similar means of control. Key regulative measures include various types of guidelines and recommendations as well as training, and possibly also grants for the owners. In other words, safeguarding cultural property in practical terms to a great extent depends on self-preparedness and cooperation between the authorities.

In the Rescue Act, the impacts of accidents on cultural property are highlighted as one complex issue. For sites where a fire or other accident would put property of cultural history value at risk, an emergency plan must be drawn up. In addition, sites of cultural history value are accounted for in regional risk analyses drawn up by the rescue services in the future. Cultural history sites have similarly also been taken into consideration as a special group in the national implementation of the EU Floods Directive. The Floods Directive contains the requirement of taking national cultural heritage into account in regional risk assessments.

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.

No answer.

## 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?*

Yes.

## 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. The Penal Code of Finland provides for the war crimes in its chapter 11, section 5:  
<http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

“ Section 5 - War crime

(1) A person who in connection with a war or other international or domestic armed conflict or occupation in violation of the Geneva conventions on the amelioration of the condition of the wounded and sick in armed forces in the field, the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, the treatment of prisoners of war or the protection of civilian persons in time of war (Treaties of Finland 8/1955, Geneva conventions) or the additional amendment protocols done in 1949 to the Geneva Conventions, on the protection of victims of international armed conflicts and the protection of victims of non-international armed conflicts (Treaties of Finland 82/1980, I and II protocols) or other rules and customs of international law on war, armed conflict of occupation,

...

10) attacks undefended civilian targets or bombs them, attacks places used for religious worship, science, art, medical treatment or charity or historical monuments or attacks persons who are using the symbols referred to in the Geneva conventions or the I or III protocol to the Geneva conventions,

(2) Also a person who commits another act defined under article 8 of the Rome Statute of the International Criminal Court (Treaties of Finland 56/2002) or in another manner violates the provisions of an international agreement on war, armed conflict or occupation that is binding on Finland or the generally recognized and established laws and customs of war in accordance with international law shall be sentenced for a war crime.”

The 1954 Hague Convention is mentioned explicitly in the Penal Code of Finland in its chapter 1, section 11, concerning dual criminality:

“ Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6, subsection 3(1), and the penalty for it has been laid down in (1) sections 5 or 6 of chapter 11, if the act is a war crime or aggravated war crime referred to in article 15 of the second protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or an act of participation into said acts (212/2008).”

## 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?*

No. There was an advisory working group in 2010-2012. Since then the work related to the 1954 Convention has been coordinated by the National Board of Antiquities in cooperation with other relevant stakeholders.

## 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?*

Yes. Yes, in terms of confiscating and returning objects imported illegally to Finland, taking also into account the provisions of the Hague Convention.

“ The Act on the implementation of certain provisions of the Protocol for the Protection of Cultural Property in the Event of Armed Conflict and on the application of the Protocol” 1135/1994:

<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Finland/1135of1994.pdf>

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

No.

## 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. The preparatory work for the inventory is going on.

#### 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**?*

No answer.

### 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. No, we don't intend to request enhanced protection within near future.  
We are finalizing the national inventory first.

## 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. The preparatory work for the national inventory of the sites is still going on.

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**?

See the reply 6 on the Article 28 of the Convention (above) and the provision on the war crime in the Penal Code of Finland.

#### 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?

The jurisdiction according to Article 16 is regulated in the Criminal Code, Chapter 1, Sections 1 (territoriality principle), 2 (flag principle), 6 (personality principle), 8 (principle of proxy administration of criminal law) and 11 (principle of double criminality). The provision on exceptions to the principle of double criminality, Section 11(2), was amended when Finland ratified the Protocol, see answer 6.

#### 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. As to the jurisdiction, closely related Finnish laws (protection of cultural heritage) can be found at the websites of UNESCO and European University Institute:

<http://www.unesco.org/culture/natlaws/>

<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Finland.aspx>

#### 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. See the answer in question 4 on the Article 25 of the Convention (above).

*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.*

See the answer in question 4 on the Article 25 of the Convention (above)

##### 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.

## 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?

Yes.

## 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: -	Email:
Name:	Tel.:
Address:	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

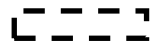


Website

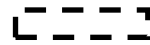


□ the **national laws** on the protection of cultural property, as well as the criminal provisions made within the framework of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and any case-law on the protection of cultural property in the event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

PDF Document



Website



We refer to previous questions and answers.

The Penal Code of Finland provides for the war crimes in its chapter 11, section 5:

<http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

The Act on the implementation of certain provisions of the Protocol for the Protection of Cultural Property in the Event of Armed Conflict and on the application of the Protocol, 1135/1994:

<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Finland/1135of1994.pdf>

As to the jurisdiction, closely related Finnish laws (protection of cultural heritage) can be found at the websites of UNESCO and European University Institute:

<http://www.unesco.org/culture/natlaws/>

<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Finland.aspx>

□ 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, in 2011.

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

No answer.

## 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	3
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	4
Training of military personnel on the regulations relating to the protection of cultural heritage	5
Use of the distinctive emblem to mark cultural property	-
Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences	4
Adoption of relevant criminal legislation	5
<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"

The criteria in the "Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict" give already a good starting point to determine the greatest importance for humanity.

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

No answer.

- 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.

No answer.