

ITALY

Italian Embassy

Paris, 12 January 1960
00408

Sir,

I have the honour to send you herewith the report of the Italian Government on the application in Italy of the Convention for the Protection of Cultural Property in the Event of Armed Conflict

I have the honour to be,

Sir,

Your obedient Servant,

G.F. Pompei
Permanent Delegate of Italy

CONVENTION AND PROTOCOL FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT

Report of the Italian Government

Italy took part, with its own delegation, in the Intergovernmental Conference on the Protection of Cultural Property in the Event of Armed Conflict, held at The Hague in 1954 under Unesco's auspices, and on the conclusion of the Conference's work, signed - subject to ratification - the Convention and Protocol which had been adopted.

Italy's instrument of ratification was deposited with the Director-General of Unesco on 9 May 1958.

In accordance with Article 29 of the Convention, the official translation of the Convention and Protocol into Italian falls directly within Unesco's competence. To facilitate Unesco's task, the Italian Government, even before depositing its instrument of ratification, supplied a text in Italian prepared by the Directorate-General for Antiquities and Fine Arts of the Ministry of Education and revised by the Treaties Bureau of the Ministry of Foreign Affairs.

With a view to the application of the Convention in Italy and in conformity with resolution II adopted at The Hague in 1954, it has been decided to set up a Permanent National Advisory Board comprising representatives of the administrative services concerned, the Chairman of the Board to be appointed by the Minister of Education.

Further, the preparation has already begun of an inventory of the most valuable property to be protected, and, in the case of certain kinds of property, such as documents in the State Archives, it has been decided to have them microfilmed and to keep the microfilm copies at various collecting points remote from the originals.

The Ministry for Defence, for its part, has arranged for the text of the Convention to be included in the regulations and syllabuses of all military schools and institutes. In accordance with Article 7, paragraph 2, of the Convention, relating to the establishment in peace-time of specialist personnel within the armed forces for the purpose of securing respect for cultural property and co-operating with the civilian authorities responsible for its protection, the Ministry for Defence has also decided that a certain proportion of superannuated staff competent to perform such tasks, thanks to the duties previously exercised by them in civil life, will be attached to the war services of the top military commands (Regional Command, Army Command, Corps Command).

With regard to property to be placed under "special protection", the Italian Government has not yet submitted a request for its entry in the International Register concerned: this particular question will be examined by the above-mentioned Advisory Board later. On the other hand, in connexion with the request for "special protection" made by the Holy See, the Italian Government has sent the Director-General of Unesco a formal declaration in which it undertakes to abstain, in the event of armed conflict, from using the section of the thoroughfare known as the "Via Aurelia" in the vicinity of the Vatican City for military purposes.

The Convention and the documents annexed thereto will be studied in Italy not only in military circles but also in the various civil circles concerned. Their study will be included, for example, in the syllabuses of schools for paleographers, diplomats and archivists, while circulars commenting on the Convention will be sent to non-governmental public organizations.

As regards the adoption of adequate measures in the field of criminal jurisdiction for the prosecution and punishment of persons infringing the provisions of the Convention, it should be noted that the protection of property situated in Italian territory is guaranteed by the application of the ordinary criminal laws. For the protection of cultural property situated in the territory of the other contracting States, the provisions of the Military Criminal War Code ("Codice penale militare di guerra") are applicable in the event of armed conflict.

This Code contains provisions specifically covering the protection of property - including cultural property - which have to be respected in accordance with certain international conventions; e.g. the provisions of Article 179 concerning failure on the part of the commander of the invading forces to take the necessary steps to ensure the protection of buildings, sites and objects which should be respected; the provisions of Article 180 concerning the improper use of the distinguishing marks used for the purposes of protection; the provisions of Article 181 relating to the disregarding of such distinctive signs; the provisions of Article 184 concerning the violation of measures of protection in general; and the provisions of Article 187 relating to the burning and destruction of or serious damage to property, including cultural property, in the territory of an enemy State.

Lastly, in order to ensure the most scrupulous observance of the obligations contracted under this Convention, the whole question of criminal sanctions is to be re-examined with a view to the adoption of any legislative measures that may appear advisable.

(Translated from Italian)

ITALIAN EMBASSY

Paris, 8 March 1962
03529

Sir,

In reply to your letter CA/12/25/2920, dated 13 November 1961, I have the honour to send you herewith the supplementary Report of the Italian Government on the application in Italy of the Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict.

I have the honour to be,

Sir,

Your obedient Servant,

(G.F. Pompei)
Permanent delegate of Italy

Supplementary Report of the Italian Government on the application of the
Convention and Protocol for the Protection of Cultural Property in the
Event of Armed Conflict

Since the submission of the first report (January 1960), the Italian Government has continued to apply the measures laid down in The Hague Convention of 14 May 1954.

It first set up a National Advisory Board to propose the most suitable arrangements and co-ordinate the activity of the various departments concerned with the application of the Convention.

This Board has drawn its membership from representatives of the following Ministries: Foreign Affairs, Education (responsible for the protection of works of art, monuments, excavations and libraries), Interior (administering the State archives), Defence, Finance, Justice.

So far as specific measures are concerned, it should be pointed out that:

The Ministry of Defence has continued to disseminate the provisions of the Convention among the Armed Forces by including them in the regulations and syllabuses of military personnel.

The Army has also begun to include among the staff of the Army Commands (Civil Affairs Service) an education officer (with military rank as Lieutenant Colonel or Major) with the task of collaborating, in the event of war, with civilian authorities responsible for the surveillance of cultural property.

A similar measure is being considered in connexion with the Regional Territorial Military Commands and the Army Corps Commands.

The Navy has brought its publications up to date and, in particular, the "Instructions Concerning the Law of War for Naval Commands", due account being taken of the provisions of the aforesaid Convention.

With regard to property under special protection, the Advisory Board has already drawn up a list of centres which Italy will ask to have included in the International Register concerned.

The official applications will be sent in as soon as the conditions stipulated in Article 8 of the Convention are fulfilled with regard to the monuments in question. Furthermore, the town-planning statute is now under revision, and action has been initiated to ensure that the new provisions shall take into account the plan for the protection of cultural property and, above all, the need to keep such property, more particularly when it is under special protection, at a distance from various industrial installations or important military objectives.

The Advisory Board has also proposed that localities which have been granted special protection should set up reception centres for the sick. If the health authorities feel it possible to carry out this proposal, the fact that monuments, health zones and shelters for works of art were all situated in the same locality would provide an added incentive for protection and increase the probability of respect by belligerent powers.

The Advisory Board has also drawn up a plan for the protection of the emblems and identity cards provided for in Articles 16 and 17 of the Convention and has proposed that they be distributed as soon as possible to the staff of monuments, museums, excavation sites, libraries, archives, etc. for immediate use in case of need. Plastic materials have been suggested for use as emblems affixed to buildings, and each of them might bear a stamp testifying to their authenticity as a safeguard against forgeries.

The Board, on the proposal of the departments concerned, has likewise drawn up a list of Italian citizens qualified to perform the duties of Commissioner-General for Cultural Property. The list will be transmitted to Unesco in accordance with Article 1 of the Regulations for the Execution of the Convention.

A study has also been made of the construction of shelters either in centres under special protection or in other localities. However, the erection of such shelters will call for lengthy and careful preparation, not only because of the complexity of the work but also because of its high cost. In the meantime, the experts of the Fine Arts Administration have been asked to prepare certain general projects, in collaboration with the military authorities. Lastly, as regards criminal sanctions it was pointed out in the preceding report that penal laws and the Military Criminal War Code contain official rules covering the violation of the Convention.

However, the Board once again brought up the question of standardizing these rules in order to ensure the widest possible protection.