



Four-year cycle 2005-2010

Japan

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

I. The 1954 Hague Convention

Introduction

Japan became a High Contracting Party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “the Convention”) and its two Protocols on 10 December 2007, after the completion of domestic legislative preparations to implement them, including adopting the Law for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “the Law”). Having received the letter of Oct. 2007 from the Director-General of UNESCO requesting the High Contracting Parties to forward a national report to the Secretariat in accordance with Article 26.2 of the Convention and Article 37.2 of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “the Second Protocol”), Japan submits its national report on the implementation of the Convention and its two Protocols, following the items listed in the Annex of the letter;

I . National Report on the implementation of the Convention

1. Safeguarding of cultural property

Important cultural properties in Japan are given special status such as National Treasures in accordance with the Law for the Protection of Cultural Properties (hereinafter referred to as “the Cultural Properties Law”) to regulate physical alterations to them and to provide assistance for their repair and maintenance.

2. Measures taken by Defense forces

The Self-Defense Forces Law stipulates that the Ministry of Defense (hereinafter referred to as “the MOD”) and the Self-Defense Forces (hereinafter referred to as “the SDF”) shall make appropriate efforts to ensure compliance with international law and custom. In the MOD and the SDF, the sections responsible for the affairs related to International Humanitarian Laws are in charge of the implementation of the Convention in close cooperation with other governmental agencies (e.g. the Agency for Cultural Affairs) which are responsible for the protection of cultural property.

3. The distinctive emblem

In time of peace, Japan leaves it up to the owners of the cultural properties to decide whether or not to use the distinctive emblem.

4. Dissemination of the Convention

The Agency for Cultural Affairs disseminates the provisions of the Convention and the Law by distributing documents on them to interested parties, mainly relevant divisions in local governments. The SDF has begun its internal education programs on the provisions of the Convention.

5. Official translations

Japan provided the official translations of the Convention and the Regulations for its execution to the Secretariat in December, 2007.

6. Sanctions

The Law, which was newly adopted to implement the Convention, makes abuse of the distinctive emblem stipulated in Article 17.3 punishable by imprisonment or a fine so that the Japanese law criminalizes all the offences in violation of the Convention.

7. First Protocol

As for the prevention of the export of cultural properties from an occupied territory stipulated in the First Protocol, it is not supposed under the Japanese Constitution that Japan occupies the territories of other countries, and the Law prohibits import of such cultural properties without approval and makes any person who destroys, delivers or receives such cultural properties punishable by imprisonment or a fine.

8. Resolution II of the Convention

Japan has not established any kind of national advisory committee as referred to in the Resolution II.

II . National Report on the implementation of the Second Protocol

Japan as a current member of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “the Committee”) has cooperated to draft the Guidelines for the implementation of the Second Protocol (hereinafter referred to as “the Guidelines”).

1. Safeguarding of cultural property

Important cultural properties in Japan are given special status such as National Treasures in accordance with the Cultural Properties Law. Japan has made inventories of those cultural properties and has taken measures for safeguarding them even in time of peace. The competent authorities responsible for safeguarding cultural properties are the Agency for Cultural Affairs at the national level and Boards of Education at the local level.

2. Enhanced protection

Meanwhile, Japan is considering which cultural properties should be put under enhanced protection, while following the progress of the drafting process of the Guidelines by the Committee.

3. Serious violations of the Second Protocol

The Law, which was newly adopted to implement the Second Protocol, makes the offences stipulated in Article 15.1(a) to (d) punishable by imprisonment, while those stipulated in Article 15.1(e) have been punishable by the existing laws such as the Penal Code.

4. Jurisdiction

Japan newly established its jurisdiction over offences committed outside the territory of Japan stipulated in Article 16.1(b) and (c) of the Second Protocol by the Law, which makes the relevant provisions of the Penal Code applicable to the offences.

5. Measures regarding other violations

Japan has adopted necessary measures to suppress the activities stipulated in Article 21 (a) of the Second Protocol by the relevant laws, such as the Self-Defense Forces Law, but that is not the case with the activities stipulated in Article 21 (b), since it is not supposed under the Japanese Constitution that Japan occupies the territories of other countries.

6. Dissemination

The Agency for Cultural Affairs has made appropriate efforts to increase public awareness of protection of cultural properties through public relations activities concerning the system and situation of cultural properties protection, such as “Protection of Cultural Properties Week” and use of the Protection of Cultural Properties Logo. The SDF has begun its internal education programs on the Second Protocol.

7. Official translations

Japan provided the official translations of the Convention and its two Protocols to the Secretariat in December, 2007.