



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

Japan

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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. 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. This information is also available in the previously submitted report.

## 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 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. This information is also available in the previously submitted report.

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

Yes. 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. This information is also available in the previously submitted report.

## 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?

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. This information is also available in the previously submitted report.

#### 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 Agency for Cultural Affairs disseminates the provisions of the Convention by distributing documents on them to interested parties, mainly relevant divisions in local governments. The SDF is conducting internal education programs on the provisions of the Convention. This information is also available in the previously submitted report.

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 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.

#### 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. In addition to the Penal Code, the SDF Law and the Cultural Properties Law, Japan adopted the Law for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter referred to as “the Law”) in 2007, thereby took all necessary steps to implement the Convention. This information is also available in the previously submitted report.

## 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.

## 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. 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. This information is also available in the previously submitted report.

*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. 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. This information is also available in the previously submitted report.

### 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**?*

It is not supposed under the Japanese Constitution that Japan occupies the territories of other countries. This information is also available in the previously submitted report.

## 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?*

Japan is considering which cultural properties should be put under enhanced protection, while following the progress of consideration of requests for enhanced protection by the Committee.

### 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 answer.

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 answer.

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 answer.

### 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 Law, which was adopted to implement the Second Protocol in 2007, 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. This information is also available in the previously submitted report.

#### 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?*

Japan 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 those offences. This information is also available in the previously submitted report.

#### 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. 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. This information is also available in the previously submitted report.

#### 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 Agency for Cultural Affairs disseminates the provisions of the Convention by distributing documents on them to interested parties, mainly relevant divisions in local governments. The SDF is conducting internal education programs on the Second Protocol.

*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 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. This information is the same as the one for I.4.

##### 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**?

Yes. Japan has provided assistance to strengthen Iraq's capacity to protect cultural properties through UNESCO, including activities in relation to the 1999 Second Protocol such as preparatory action to safeguard cultural property and compilation of national inventories of cultural property.

## 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.

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## 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**?

No.

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

Japan will consider which factors should be taken into consideration to determine the cultural properties that have to be designated under enhanced protection, based on the progress of the deliberations concerning the requests for enhanced protection by the Committee.

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

Japan will consider the national authorities that should be consulted and the necessary measures that should be adopted to ensure the highest level of protection, based on the progress of the deliberations concerning the requests for enhanced protection by the Committee.

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.

Japan will consider the national authorities that should be consulted on this matter, based on the progress of the deliberations concerning the requests for enhanced protection by the Committee.