



Model report on the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols ⁽¹⁾

GUIDELINES ON THE PREPARATION OF THE NATIONAL REPORT

The national report questionnaire is composed of open-ended and closed-ended questions.

The purpose of the open-ended questions is to obtain detailed information on the actions undertaken at national level to implement the 1954 Hague Convention and its two (1954 and 1999) Protocols.

The purpose of the closed-ended questions is to allow the collection and compilation of statistical data by the Secretariat.

The following guidelines should be taken into consideration when collecting information and drafting the national report:

- i. The report must be completed in English or in French;
- ii. When answering questions, long narratives should be avoided. Any statement must be supported by facts and examples and, where applicable, annexes may be attached;
- iii. To support the preparation of national reports, under each question, the Secretariat has indicated the information expected from the State Party.

The present document aim to guide States on the required and relevant information expected in relation to open-ended questions.

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¹ The purpose of this document is to assist States Parties in completing the questionnaire concerning the national report on the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols. The document should therefore be used in parallel with the questionnaire, as it indicates the required and relevant information expected.

I. The 1954 Hague Convention

1. Article 3 - Safeguarding of cultural property

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It may be useful to structure your answer as follows:

- Start by explaining the steps undertaken to carry out inventories of cultural heritage, as well as the steps undertaken to ensure that they are kept up to date, while specifying the authority responsible for ensuring coordination between the various stakeholders and for ensuring the dissemination;
- Then explain the emergency measures that have been envisaged to ensure the safeguarding of the cultural heritage, as well as the action plans drawn up for this purpose (measures against the risks of fire and collapse of buildings - measures to remove movable cultural property - in situ protection measures);
- Finally, explain any difficulties that may have been encountered or are being encountered to adopt safeguard measures.

If the information is available in a previously submitted report, you can refer to it.

2. Article 6 - Use of the distinctive emblem for the marking of cultural property

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

In your response, you can provide information on the methods recommended by your authorities to ensure the marking of cultural property and the visibility of the distinctive emblem, while preserving the aesthetics of the cultural property.

You can indicate whether the marking of property is carried out systematically, taking into account cultural property included in national inventories, or on an *ad hoc* basis.

In order to enable the production of statistical data, you may specify in your response the number of cultural property that has been marked with the distinctive emblem.

If the information is available in a previously submitted report, you can refer to it.

3. Article 7 - Military measures

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It may be useful to structure your answer as follows:

- Start by presenting the materials available to the military to ensure adequate training in the protection of cultural property in the event of armed conflict;
- Then, you can explain the structures in place to ensure adequate training of the military in the regulations relating to the protection of cultural property, the authorities responsible for this training, as well as the practical exercises that are being conducted, if any;
- Finally, you can explain the structures in place to ensure adequate training of the military in the regulations relating to the protection of cultural property, the authorities responsible for this training, as well as the practical exercises that are being conducted, if any.

In your response, it may be useful to identify precisely the services competent in this field, the contact details of the focal points, as well as to list the tasks entrusted to them at national level.

In the event that your State participates in one or more peacekeeping operations, describe the measures undertaken to ensure the training of your military contingent in the regulations relating to the protection of cultural property in the event of armed conflict.

If the information is available in a previously submitted report, you can refer to it.

4. Article 25 - Dissemination of the Convention

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It may be useful to structure your answer as follows:

- Start by explaining the policy implemented at the national level to ensure the dissemination of the principles relating to the protection of cultural property in the event of armed conflict among armed forces, target groups and the general public;
- Then, present the activities that have been conducted during the years covered by the national report;
- Finally, explain the objectives that have been defined prior to the training and awareness-raising activities conducted and, where applicable, the materials used (videos, brochures, memento, etc.).

In order to allow the production of statistical data, you can specify the number of activities that were conducted, as well as the number of participants who were able to benefit from them, while making sure to indicate the nature of the participants (military or civilians).

If the information is available in a previously submitted report, you can refer to it.

5. Article 26(1) - Official translations

If you have not provided official translations, it is useful to provide the Secretariat with an electronic copy of your translation(s).

6. Article 28 - Sanctions

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

In your response, it may be useful to refer expressly to the applicable criminal provisions and to specify the court decisions, if any, that have been delivered at the national level, applying those criminal provisions.

If the information is available in a previously submitted report, you can refer to it.

II. Resolution II of the 1954 Conference

Under this resolution, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

You are invited to specify whether this Committee has been integrated into the National Commission for the Implementation of International Humanitarian Law (CNDIH).

You may attach as an annex the documents outlining the composition and responsibilities of the National Advisory Committee.

If the information is available in a previously submitted report, you can refer to it.

III. 1954 (First) Protocol

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if applicable, in the implementation process. Also describe the solutions to the difficulties encountered.

It may be useful to structure your answer as follows:

- Have you undertaken any measures to take into custody cultural property;
- Have you undertaken measures to return illegally exported cultural property; and
- Have you undertaken measures to pay indemnity to the holders in good faith.

IV. The 1999 Second Protocol

1. Article 5 - Safeguarding of cultural property

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It may be useful to structure your answer as follows:

- Start by explaining the steps undertaken to carry out inventories of cultural heritage, while specifying the authority responsible for ensuring coordination between the various stakeholders and for ensuring the dissemination;
- Then explain the emergency measures that have been envisaged to ensure the safeguarding of the cultural heritage, as well as the action plans drawn up for this purpose (measures against the risks of fire and collapse of buildings - measures to remove movable cultural property - in situ protection measures);
- Finally, explain any difficulties that may have been encountered or are being encountered to adopt safeguard measures.

If the answers fully overlap with those relating to the implementation of Article 3 of the 1954 Hague Convention, you may refer to them.

Similarly, if the information is available in a previously submitted report, you can refer it.

2. Article 9 - Protection of cultural property in occupied territory

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if applicable, in the implementation process. Also describe the solutions to the difficulties encountered.

If applicable, it may be useful to specify whether you ensure compliance with the provisions relating to the protection of cultural heritage in the context of a military occupation?

3. Article 10 - Enhanced protection

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

To start, it may be useful to specify the following:

- Do you intend to request the granting of enhanced protection for a cultural property within the next four years or, if appropriate, to submit a national tentative list under Article 11 (1) of the Second Protocol?
- Have you set up a specific mechanism for monitoring cultural property under enhanced protection? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?

With regard to an existing mechanism, if any, for monitoring cultural property under enhanced protection, it may be useful to structure your response as follows:

- Start by briefly recapitulating the measures in force to ensure the highest level of protection, in accordance with Article 10 of the Second Protocol;
- Then, for each of the measures taken, describe the changes that have, if necessary, justified their adaptation;
- Finally, identify the authority, at the national level, in charge of monitoring cultural property under enhanced protection, highlighting, inter alia, the activities carried out by this authority in the field.

It may be useful to specify whether you have marked cultural property under enhanced protection with the distinctive emblem?

In your response, you can also provide information on the methods recommended by your authorities to ensure the marking of cultural property and the visibility of the distinctive emblem, while preserving the aesthetics of the cultural property.

In order to allow the production of statistical data, you may specify whether the marking of cultural property under enhanced protection is carried out systematically or on an *ad hoc* basis.

Under paragraph 65 of the Guidelines for the Implementation of the 1999 Second Protocol, Parties shall notify the Committee of any change in the situation of the cultural property with regard to the criteria provided for in Article 10 of the Second Protocol.

It may be useful to specify whether a change should be notified to the Committee with regard to cultural property benefiting from enhanced protection on your territory.

Similarly, if the information is available in a previously submitted report, you can refer it.

4. Article 15 - Serious violations of the Second Protocol

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It is worth mentioning in your response what measures have been undertaken to ensure the implementation of this obligation?

In this regard, it may be useful to refer expressly to the applicable criminal provisions and to specify the court decisions, if any, that have been delivered at the national level, applying those criminal provisions.

If the answers fully overlap with those relating to the implementation of Article 28 of the 1954 Hague Convention, you may refer to them.

Similarly, if the information is available in a previously submitted report, you can refer it.

5. Article 16 - Jurisdiction

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It is worth mentioning, in your response, what measures have been undertaken to grant jurisdiction to your courts over serious offences under the Second Protocol?

In this regard, it may be useful to refer expressly to the applicable criminal provisions and to specify the court decisions that have been delivered at the national level, applying those criminal provisions.

If the answers fully overlap with those relating to the implementation of Article 28 of the 1954 Hague Convention, you may refer to them.

Similarly, if the information is available in a previously submitted report, you can refer it.

6. Article 21 - Measures regarding other violations

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It is worth mentioning in your response whether your State has implemented such measures.

In your response, it may be useful to refer expressly to the applicable legal provisions and to clarify the decisions delivered by the administrative or judicial authorities at the national level, applying those provisions.

If the information is available in a previously submitted report, you can refer to it.

7. Article 30 - Dissemination

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It is worth mentioning in your response, if your State has disseminated the provisions of the Convention and the Second Protocol within the armed forces as well as to target groups and the general public.

It may be useful to structure your answer as follows:

- Start by explaining the policy implemented at the national level to ensure the dissemination of the principles relating to the protection of cultural property in the event of armed conflict among armed forces, target groups and the general public;

- Then, present the activities that have been conducted during the years covered by the national report;
- Finally, explain the objectives that have been defined prior to the training and awareness-raising activities conducted and, where applicable, the materials used (videos, brochures, memento, etc.).

In order to allow the production of statistical data, you can specify the number of activities that were conducted, as well as the number of participants who were able to benefit from them, while making sure to indicate the nature of the participants (military or civilians).

If the answers fully overlap with those relating to the implementation of Articles 7 and 25 of the 1954 Hague Convention, you may refer to them.

Similarly, if the information is available in a previously submitted report, you can refer to it.

8. Article 33 – UNESCO assistance

Under this provision, you are invited to explain your response and provide, if possible, detailed information.

In particular, explain the measures undertaken, as well as the difficulties and challenges encountered, if any, in the implementation process. Also describe the solutions to the difficulties encountered.

It is worth mentioning in your response, if your State has shared, in particular through the UNESCO Secretariat, its experiences in implementation and best practices.

It may be useful to structure your answer as follows:

- Start by presenting the field in which your experiences and best practices have been shared;
- Then, specify whether international assistance has been provided on a bilateral, regional or other framework;
- Finally, describe the methods used by the international assistance (financial support, logistical support, secondment of experts, etc.).

In order to produce statistical data, it may be useful to specify during the period covered by the national report the number of times your State has been called upon to offer assistance.

If the information is available in a previously submitted report, you can refer to it.

9. Articles 37 - Official translation of the 1999 Second Protocol to the Hague Convention of 1954

If you have not provided official translations, it is useful to provide the Secretariat with an electronic copy of your translation(s).