

NETHERLANDS

Paris, 24 March 1960  
No. 9022

Netherlands Embassy

Sir,

Referring to your letters of May 22, 1959, nr. MUS/BC/7/27/R1 and January 27 1960, nr. MUS/BC/9/27/R1, I have the honour to forward herewith three copies of a report by the Netherlands Government on the Application of the Convention for the Protection of Cultural Property in the Event of Armed Conflict.

I should like to avail myself of this opportunity to inform you that the Netherlands Government would appreciate the inclusion on the provisional agenda of the forthcoming meeting of the Parties to said Convention of the following item: interpretation of article 8 of the Convention.

As pointed out in the enclosed report the Netherlands Government are of the opinion that the interpretation of article 8 might benefit from a further clarification of some of the expressions used therein, e.g. "at an adequate distance", "centres containing monuments" and "other immovable cultural property of very great importance".

Please accept, Sir, the assurances of my high consideration.

For The Ambassador,

(B.E. Quarles van Ufford)

Report by the Netherlands on the Application of the Convention for the Protection of Cultural Property in the Event of Armed Conflict.

CONVENTION

Chapter I: General provisions regarding protection

1. Safeguarding of cultural property (Article 3).  
Measures taken to prepare in time of peace for the safeguarding of cultural property. There is a Government Commission for the Protection of Cultural Property against the Effects of an Armed Conflict, whose responsibilities conform to what has been recommended in this respect in Resolution II by the Hague Conference.

The Government Service for the Preservation of Cultural Property has been extended to include a Department for the Protection of Cultural Property against the Effects of an Armed Conflict. The Head of the Government Service is assisted by inspectors on general duty and by local and district heads responsible for the protection of cultural property.

(a) Measures for the safeguarding of immovable cultural property.

A list has been drawn up containing major items of cultural property, including those that are irreplaceable. Lists of monumental tombs, tombstones and epitaphs that are eligible for protection have also been drawn up as well as lists of the detachable parts of immovable cultural property as, for instance, stained-glass windows and chimes.

The Government has installed sprinklers in the most important buildings. The number of buildings with sprinklers will be increased in the years to come by a few dozen.

Fire teams will be formed for certain buildings. These teams will be under the technical supervision of the local chief fire officer.

Non-detachable parts of historic buildings such as monumental tombs, pulpits, etc. will be protected in a manner especially developed for this purpose.

(b) Measures for the safeguarding of movable cultural property.

Special refuges have been constructed for the sheltering of movable cultural property. Since the view is gaining ground that refuges should preferably be constructed under or in the immediate vicinity of museums, the construction of a number of such refuges is being contemplated.

Directives have been laid down for the evacuation of museums, libraries and archives.

The contents of the museums have been divided into three priority categories. The art treasures are eligible for storage in the refuges in order of their importance.

The Government Inspector for Movable Cultural Property is, within the framework of the art protection organization, responsible for the protection of movable cultural property forming part of private collections. The Inspector consults with the owners on the measures to be taken.

2. Respect for cultural property (Article 4)

Article 4 of the "Billeting Decree" lays down that immovable property mentioned in the "Provisional List of Netherlands Buildings of Historic and Artistic Interest" shall not be requisitioned. This also applies to a number of buildings which, because of their contents or because of the purpose for which they are used, are scientifically or culturally important.

3. Military measures (paragraph 2 of Article 7)

By Royal Decree of May 16, 1953 twelve officers of the reserve personnel of the Royal Netherlands Army were appointed as "art protection officers". They have to take measures to prevent the buildings and refuges enjoying protection under the Convention from being used for billeting and other military purposes.

Chapter II: Special protection

4. Granting of special protection (Article 8).

No requests have been made yet for entry in the "International Register of Cultural Property under Special Protection" of refuges intended to shelter movable cultural property, centres containing monuments and other immovable cultural property of very great importance.

The Netherlands Government's hesitation is explained by the fact that they are of the opinion that there is still too much uncertainty as to the interpretation of the expression "at an adequate distance" used in subparagraph (a) of paragraph 1 of Article 8.

For the sake of completeness, however, a list has been annexed containing movable and immovable cultural property which in the provisional opinion of the Government Commission for the Protection of Cultural Property against the Effects of an Armed Conflict might be eligible for entry in the Register.

5. Immunity of cultural property under special protection (Article 9).

(See point 4 above).

Chapter V: Identification of cultural property

6. Use of the distinctive emblem (paragraphs 1 and 2 of Article 17).

Measures have been taken for the implementation of the provisions of this Article concerning the use, both repeated and alone, of the distinctive emblem of the Convention

Chapter VI: Scope of application of the Convention

7. Conflicts not of an international character (Article 19).

No measures are contemplated.

Chapter VII: Execution of the Convention

8. Special agreements concluded (Article 24).

For the present the conclusion of special agreements is not being considered.

9. Dissemination of the text of the Convention (Article 25).

The Convention is included in the national service training programme.

Experts give more detailed information to officers during the special courses held for officers.

The Convention has been published in the Netherlands Treaty Series so that the public can take note of its contents. As a result of this publication the press has devoted a number of articles to the Convention.

Information on the Convention will be disseminated through other channels as well if the Government deems this to be desirable.

10. Translations and reports (Article 26).

A sufficient number of copies of the official Dutch translation of the Convention has been sent to the Director-General of Unesco for transmission to the High Contracting Parties.

11. Sanctions (Article 28).

Netherlands criminal jurisdiction need not be amplified since Article 8 of the Wartime Criminal Jurisdiction Act of July 10 1952 (Bulletin of Acts, Orders and Decrees No. 408) renders any person committing war crimes, including breaches of the present Convention, liable to prosecution.

Final provisions

12. Effective application (Article 34).

The Convention and Protocol were approved for the European territory of the Kingdom of the Netherlands by the Act of July 16 1958, Bulletin of Acts, Orders and Decrees No. 356.

The instrument of ratification was deposited on October 14, 1958.

REGULATIONS FOR THE EXECUTION OF THE CONVENTION

Chapter I: Control

13. International list of persons (Article 1).

The Netherlands Government has designated Mr. H.J. Reinink, Director-General for the Arts and for Foreign Cultural Relations of the Ministry of Education, Arts and Sciences, to be included in the international list of persons nominated by the High Contracting Parties as qualified to carry out the function of Commissioner-General for Cultural Property.

RESOLUTION II

14. Measures taken for the establishment of a national advisory committee.

For the sake of brevity reference is made to what has been said concerning this matter under 1 (Safeguarding of cultural property).

The Hague, March 1960.

Annex

List of centres containing monuments, Government refuges intended to shelter movable cultural property, and immovable cultural property of very great importance which in the provisional opinion of the Government Commission for the Protection of Cultural Property against the Effects of an Armed Conflict might be eligible for entry in the "International Register of Cultural Property under Special Protection".

CENTRES CONTAINING MONUMENTS (ANCIENT BUILDINGS)

Amsterdam  
(province of  
North Holland)

Ancient centre: the surroundings of the Old Church, Zuider Church, the bend of the Heerengracht (famous canal), the bend of the Keizersgracht (do.) as far as the river Amstel.

Historic buildings: the Royal Palace in the Dam Square, the New Church, Old Church with tower, "O.L. Heer op Solder" (formerly a clandestine Catholic Church, now a museum), Wester Church with tower, Beguinage, the Synagogue of the Portuguese Jews.

Haarlem  
(province of  
North Holland)

District enclosed by the Nieuwe Gracht, the river Spaarne and city moats.

Historic buildings: Town Hall, St. Bavo's Church, covered meat-market, Bakenesser Church with tower; outside this centre: "Welgelegen" Pavilion.

Enkhuizen  
(province of  
North Holland)

Ancient centre.

Historic Buildings: Town Hall, Wester Church.

Hoorn  
(province of  
North Holland)

Ancient Centre: Noorder Church, Ooster Church and neighbourhood as far as "Roode Steen".

Delft  
(province of  
South Holland)

Ancient centre: Oude Delft (canal), market place and its surroundings.

Historic Buildings: Town Hall, Old Church with tower, New Church with tower, Prince's Court Museum, "Gemeenlandshuis", Old Catholic Church.

Leyden  
(province of  
South Holland)

Ancient centre: Rapenburg, the surroundings of Pieter's Church. Historic Buildings: Pieter's Church, Mare Church, Bastion, Weigh-House, St. Anna Almshouse, Meermansburg Almshouse, Cloth-Hall, University Building, Bibliotheca Thijssiana (library).

Oudewater  
(province of  
South Holland)

Ancient centre.

Amersfoort  
(province of  
Utrecht)

Ancient centre: "Muurhuizen" (street with houses originally built into the ancient city ramparts). Historic Buildings: "Koppelpoort" (gateway), "O.L. Vrouwetoren" (tower), "Muurhuizen", St. Joris' Church.

Utrecht  
(province of  
Utrecht)

Ancient centre: area within the city moats. Historic Buildings: Dom Church with tower, Jan's Church, Pieter's Church, St. Nicolaas' Church with towers, Buur Church, Jacobi Church, "Agnieten" Convent (museum), Renswoude Foundation, "Beierskameren", "Paushuize".

Veere  
(province of  
Zeeland)

Ancient centre.  
Historic Buildings: Town Hall, Great Church, "Scottish Houses".

Zierikzee  
(province of  
Zeeland)

Ancient centre.  
Historic Building: Monster Tower.

Maastricht  
(province of  
Limburg)

Ancient centre.  
Historic Buildings: Town Hall, "Spaans Gouvernement", St. Servaas Church, St. Jan's Church, "O.L. Vrouwekerk" (Church), St. Mathias' Church, Augustine Church, Franciscan Monastery (Government Archives), Dominican Monastery, Crosier Father's Monastery (Government Agricultural Experimental Station), Van Meersen Refuge (in the Wijk district of the city), "Dinghuis".

Thorn  
(province of  
Limburg)

Ancient centre.  
Historic Buildings: Michael's Church.

Elburg  
(province of  
Gelderland)

Ancient centre.

Deventer  
(province of  
Overijssel)

The central district containing the Town Hall, the "Landshuis" (now police station), Lebuinus Church with tower, Berg Church with towers, Weigh-House (museum), "The Three Herrings" (historic house on 60, Brink).

<u>Kampen</u> (province of Overijssel)	Ancient centre.  Historic Buildings: "Koorndijkpoort" (gateway), "Broederpoort" (gateway), "Cellebroederspoort" (gateway), Town Hall with "new" tower, Boven Church.
<u>Dokkum</u> (province of Friesland)	Ancient centre.
<u>Harlingen</u> (province of Friesland)	Ancient centre; buildings and houses round the Noorderhaven; Old Church.
<u>Sloten</u> (province of Friesland)	Ancient centre.

GOVERNMENT REFUGES FOR SHELTERING MOVABLE CULTURAL PROPERTY

Refuge at Paaslo, municipality of Steenwijkerwold, province of Overijssel.

Refuge in the St. Pietersberg (caves) at Maastricht, province of Limburg.

Refuge at Zandvoort (two vaults), province of North Holland.

Refuge at Heemskerk (two vaults), province of North Holland.

Refuge at the Hoge Veluwe National Park, municipality of Otterlo, province of  
Gelderland.

Refuge at Noordwijk (two bunkers), province of South Holland.

Refuge at Utrecht (one bunker), province of Utrecht.

Refuge near the Mauritshuis Gallery, The Hague, province of South Holland.

INDIVIDUAL IMMOVABLE PROPERTY OF VERY GREAT IMPORTANCE

<u>Dordrecht</u> (province of South Holland)	"O.L. Vrouwekerk" (Church) with tower.
<u>Gouda</u> (province of South Holland)	St. Jan's Church with tower.
<u>Aardenburg</u> (province of Zeeland)	Netherlands Reformed Church (St. Bavo's Church)

Middelburg  
(province of  
Zeeland)

"Koorkerk" (Church).  
Abbey.  
Town Hall with covered meat-market.

Breda  
(province of  
North Brabant)

"O.L. Vrouwekerk" (Church) with tower.

Bois-le-Duc  
(province of  
North Brabant)

St. Jan's Basilica.

Roermond  
(province of  
Limburg)

Minster with towers.

Rolduc  
(province of  
Limburg)

Abbey Church with Seminary tower.

Oldenzaal  
(province of  
Overijssel)

Plechelmus Church.

Zwolle  
(province of  
Overijssel)

St. Michael's Church.

Groningen  
(province of  
Groningen)

Martini Church with tower.

(Original English)