

POLAND

Embassy of the Polish  
People's Republic

Paris, 26 October 1960  
No. 453/219

Sir,

In reply to your letter (MUS/BC/7/7/R1) dated 22 May 1959, I have the honour to send you herewith the report on the application in Poland 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,

M. ZULAWSKI  
Permanent Delegate of Poland  
to Unesco

Report on the Application in Poland of the Convention for the Protection of Cultural Property in the Event of Armed Conflict

I. Information for the analysis to be prepared by Unesco

Point 1 - Safeguarding of cultural property (Article 3)

In Poland, the safeguarding of cultural property in time of peace is to a large extent governed by existing legislation on this matter. This includes:

Decree-Law of the President of the Republic, dated 6 March 1928, concerning the protection of artistic monuments ("Official Gazette", 1928, no. 29, item 265; an amendment was published in the "Official Gazette", 1933, no.10, item 62).

Decree of the Minister for Public Worship and Education, dated 12 July 1928, concerning the compilation of a catalogue of artistic monuments ("Official Gazette" 1928, no. 76, item 675).

Decree of 1 March 1946 on the classification and ban on the export of plastic works of art and objects of artistic, historical or cultural value ("Official Gazette" 1946, no. 14, item 99).

Orders and instructions of an internal nature promulgated in virtue of the above-mentioned decrees.

The compilation of a catalogue of immovable cultural property in accordance with the decrees mentioned above is almost completed. The preparation of a catalogue of movable cultural property is in progress, although it is naturally a more difficult task.

Owing to changes that have taken place in the meantime, particularly the entry into force of The Hague Convention of 14 May 1954, a new bill on the protection of cultural property is now being drafted which would replace the above-mentioned legal provisions.

Practical measures for the protection of cultural property in the event of armed conflict are being gradually worked out by the competent authorities. Thus, it is planned:

either to place valuable objects in refuges offering adequate safety, or to remove them to places less exposed to danger.

The competent bodies are also microfilming the most valuable cultural objects. For instance, the Libraries Department has announced that it already possesses about 15,000,000 photocopies of this nature and the Institute of Art of the Polish Academy of Sciences has several sets of a complete series of photographs of the most valuable Polish works of art; this series comprises approximately 30,000 items.

#### Point 2 - Respect for cultural property (Article 4)

The competent authorities are preparing measures to prevent cultural property from being used for purposes which are likely to expose it to destruction or damage in the event of armed conflict.

In general, the competent bodies are seeking places for the safeguarding of cultural property such that neither the places themselves nor their immediate surroundings will risk destruction or damage as the result of military operations.

#### Point 3 - Military measures (Article 7)

Appropriate instructions will be issued to the armed forces. At present, information on the question is disseminated through specialized military periodicals.

#### Points 4 and 5 - Special protection (Articles 8 and 9)

The list of cultural property to be entered in the International Register of Cultural Property under Special Protection is now being prepared.

#### Point 6 - Identification of cultural property (Article 17)

Whatever their state of preservation, objects of exceptional value are classified on index cards, prepared in 1945, which place them under legal protection. When the objects to be entered in the International Register have been listed their identification will be completed by the emblems prescribed by The Hague Convention.

The distinctive emblems are brought to the notice of the public through illustrated periodicals, posters and even panels (see details under point 9 below).

Point 7 - Measures to be taken in the event of an armed conflict not of an international character

No special measures have been taken for this eventuality, but the competent authorities are providing for the protection of cultural property in all circumstances (e.g. in the event of natural disasters).

Point 8 - Special agreements (Article 24)

No special agreements have been concluded.

Point 9 - Dissemination of the text of the Convention (Article 25)

The chief method used to make the text of the Convention known to the population was its publication in the "Official Gazette" in 1957 (see point 12, para. 1, below); but this was not thought sufficient, and the following additional measures have so far been taken:

(I) Dissemination of the text of the Convention, and of the problems it raises, through publications which have already been issued or will be issued in the near future. Those already published include:

(1) A scientific book, "The loot of works of art. Chronology of international crimes", by Mr. Nahlik, Professor of International Law ("Ossolineum Publishing House, Cracow-Wroclaw, 1958, 482 p.). This book studies the history of the problems raised by the international protection of cultural property, and one of its longest chapters (Chapter VIII: "International code for the protection of cultural property", pages 339-383) is devoted to an analysis of the texts signed at The Hague on 14 May 1954. A copy of this book was sent to the Unesco Library immediately after its publication in July 1958.

(2) Articles published in numerous professional journals designed for groups of readers considered to be particularly interested in the problems raised by the Convention. So far, the following articles have been published:

On preservation: Articles in the quarterly "Protection of Monuments", 1955, no.1; and 1957, no.4.

On the military aspect: Articles in "Local Aspects of Anti-Aircraft Defence", 1957 and 1960, no. 1.

On the legal aspect: Articles in the fortnightly "Law and Life", 8 August 1957.

(II) Dissemination of problems raised by the Convention through education and public lectures. The following activities have so far been carried out in this field:

(1) The inclusion, in the curriculum "Museography and Knowledge of Artistic Monuments" at the Nicholas Copernicus University of Torun, of a permanent course (from 10 to 15 hours per year) on the international protection of cultural property.

(2) The institution, by the Association of Polish Art Historians, of courses designed to make known the problems raised by the Convention. Such courses have already been organized at the Association's branches in Warsaw, Cracow, Lodz and Torun.

(3) The inclusion, in the programme of courses periodically arranged by the National Museum of Warsaw for representatives of all Polish museums, of a course on the international protection of cultural property.

(4) The introduction, into training courses for the armed forces, of a study of the problems raised by the Convention; so far particular attention has been given to certain special sectors (Judicature, Judge-Advocate's department, Quartermaster-General's department, etc.).

Inclusion, in the training courses for members of the local anti-aircraft forces, of a study of the problems raised by the Convention.

(III) Dissemination of problems raised by the Convention by means of radio and television.

(IV) Other methods of dissemination:

Since 1957, a "Protection of Artistic Monuments Week" has been held every year for the purpose of interesting the public in the protection of cultural property, special emphasis being placed on the international aspects of the question. At the same time, special exhibitions are organized, and posters as well as emblems published.

Point 10 - Official translations into languages other than English  
French, Russian and Spanish (Article 26)

The official translation into Polish - in addition to the four original texts - was published in the "Official Gazette" (see point 12, para. 1, below; text annexed hereto).

Point 11 - Sanctions provided for within the framework of the ordinary  
criminal jurisdiction (Article 28)

The Codification Commission of the Ministry of Justice is at present drafting a new penal code. The Advisory Committee (see point 14 below), whose members include a representative of the Ministry of Justice, has recommended that the Commission should make provision in the new code for penal sanctions for infringements of The Hague Convention. This recommendation has been approved in principle and an appropriate sub-commission has already prepared the preliminary text of two special articles for inclusion in the chapter of the code concerning "breaches of international law". The final text of these provisions will be brought to the notice of the Director-General of Unesco.

Point 12 - Effective application: laws, decrees, ordinances,  
instructions, etc. (Article 34)

In principle, the promulgation of special laws is unnecessary in Poland, as international conventions signed by Poland become legally binding inside the country as soon as they are published in the "Official Gazette", and all the texts signed

at The Hague on 14 May 1954 (Convention, Regulations for the Execution of the Convention, Protocol, Resolutions I, II and III) were published, after their ratification, in the "Official Gazette" (annex to no. 46, para. 212) on 30 September 1957.

Moreover, the general obligations incumbent on the signatories to the Convention will be inserted in the text of the new law on the protection of cultural property, now almost completed (see point 1, above).

The sanctions prescribed by Article 28 of the Convention will be included in the new penal code (see point 11 above).

Other obligations incumbent on the signatories to the Convention will be gradually embodied in the ordinances and instructions promulgated by the various authorities concerned within the limits of their respective competencies. They are periodically studied and co-ordinated in collaboration with the national Advisory Committee (see point 14 below).

Point 13 - Persons nominated for inclusion in the international list of those qualified to carry out the functions of Commissioner-General for Cultural Property (Article 1 of the Regulations for the Execution of the Convention)

A list containing the names of numerous well known specialists, chosen partly from museographers and specialists in the preservation of cultural property, and partly from jurists interested in the protection of artistic monuments, was drawn up shortly after Poland's ratification of the Convention and transmitted to the Director-General of Unesco.

Point 14 - Measures taken for the establishment of a national Advisory Committee; membership and activities of this Committee (Resolution II)

This Committee was established under the title "Polish Advisory Committee for the Protection of Cultural Property in the Event of Armed Conflict" by Decree No. 230 (dated 23 October 1957) of the President of the Council of Ministers. Paragraph 2 states that the Committee will be entrusted with the following among other tasks:

- to prepare or consider appropriate regulations;
- to give advice or submit recommendations to the national authorities as well as to the principal cultural institutions and social organizations;
- to take the necessary steps to make known to the public the problems raised by the Convention;
- to ensure liaison with similar committees established in other countries and with Unesco.

The Committee's members include, in addition to representatives of the authorities concerned, specialists appointed for their personal qualifications and chosen among museographers and experts in the preservation of monuments and among jurists interested in the protection of cultural property. The Minister for Culture and Arts is ex officio Chairman of the Committee.

II. Agenda of the meeting to be held

There is no particular question which the Polish delegation would like to have included in the agenda of the proposed meeting.