



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

Slovenia

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

## Contents

|   |    |
|---|----|
| <b>I. Hague Convention of 1954</b> .....  | 3  |
| 1. Article 3 - Safeguarding of cultural property.....   | 3  |
| 2. Article 7 - Military measures .....  | 3  |
| 3. Use of the distinctive emblem to indicate cultural property (Chapter V).....                       | 4  |
| 4. Article 25 – Dissemination of the Convention .....   | 4  |
| 5. Article 26 (1) – Official translations.....  | 5  |
| 6. Article 28 – Sanctions .....   | 5  |
| <b>II. Resolution II of the Conference of 1954</b> .....  | 5  |
| <b>III. 1954 First Protocol</b> .....   | 6  |
| <b>IV. 1999 Second Protocol</b> .....   | 6  |
| 1. General provisions (Chapter 2) .....   | 6  |
| Article 5 - Safeguarding of cultural property .....   | 6  |
| Article 9 - Protection of cultural property in occupied territory .....                               | 7  |
| 2. Enhanced protection (Chapter 3).....   | 7  |
| MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION .....                                       | 8  |
| 3. Criminal responsibility and jurisdiction (Chapter 4).....  | 8  |
| Article 15 – Serious violations of the Second Protocol .....  | 8  |
| Article 16 – Jurisdiction .....   | 9  |
| Article 21 – Measures regarding other violations .....  | 9  |
| 4. Dissemination of information and international assistance .....                                    | 10 |
| Article 30 – Dissemination .....  | 10 |
| Articles 32 – International assistance.....   | 10 |
| 5. Official translation of the 1999 Second Protocol to the Hague Convention of 1954.....              | 10 |
| <b>V. Miscellaneous questions regarding the Hague Convention of 1954 and its two Protocols</b> .....  | 11 |
| 1. National focal point .....   | 11 |
| 2. National practice regarding the implementation of the Hague Convention and its Two Protocols ..... | 11 |
| 3. The Fund for the Protection of Cultural Property in the Event of Armed .....                       | 12 |
| Conflict (Article 29 of the Second Protocol).....   | 12 |
| <b>VI. Self-assessment forms</b> .....  | 13 |
| <b>VII. Granting of enhanced protection – Opinion Survey</b> .....                                    | 14 |

# 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. The institution responsible for planning the protection of cultural heritage in wartime and in a state of emergency in Slovenia is the Ministry of Culture in partnership with the Ministry of Defence. In accordance with Article 3 of the Hague Convention, the envisaged preparatory measures for safeguarding movable and immovable cultural property against the foreseeable effects of an armed conflict are developed, harmonised and appropriately materialised within Defence plans for the Area of protection of cultural heritage. In accordance with the Decision of the Government of the Republic of Slovenia on defining preparations for carrying out preparedness measures, the Ministry of Defense and the Ministry of Culture have agreed on planning and carrying out measures related to evacuation of especially important objects from threatened museums, galleries and archives, as well as closing public cultural institutions to the public in the event of an imminent threat of war.

## 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 convention has been introduced into military practice. • Implementation of the convention and its protocols lies within the responsibility of the Legal Service and the Slovenian Armed Forces Command. Obtaining information about the convention is an integral part of the military education and training of the Slovenian Armed Forces. In carrying out their regular tasks at home and abroad, the Slovenian Armed Forces adhere to the convention. Members of the Slovenian Armed Forces deployed on a mission are familiarized with their tasks at the location. In particular, this applies to the Slovenian Armed Forces members acting within the KFOR mission (Kosovo), who have a duty to safeguard cultural property with specifically defined status. • Members of the Slovenian Armed Forces are acquainted with the distinctive emblem marking cultural property under protection and the emblem marking cultural property under special protection. • They are informed that in the event of military attack, immovable cultural property is under special protection, that no such property may be used for military purposes and that such property must not be destroyed. • A Defense commander must mark such property distinctively, remove any military targets from its vicinity and, of course, not operate from such a property. • If a property of this kind is used as a military point, an attacker must draw the adversary's attention to the misuse of protected property and afford them reasonable time to vacate the property so that the property does not lose protected status.

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

No.

### 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?*

Yes. At the moment marking of the cultural monuments in Slovenia is in process. We have special Handbook – manual with detailed instructions for marking the declared cultural monuments. In accordance with Rules on Marking Cultural Monuments (Official Gazette of the Republic of Slovenia, no. 57/11), marking of the cultural monuments is the responsibility of local communes (monuments of local importance) and the state (monuments of state importance). We anticipate process of marking will last several years due to a huge number of monuments.

### 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. Within the Headquarters of the Slovenian Armed Forces, the bodies for civil-military co-operation are responsible for ensuring the protection of cultural property. These bodies are established at all levels of the Slovenian Armed Forces (tactical, operational, strategic) and, in accordance with documents defining staff procedures, are responsible, together with the operational body, for coordinating operations in the vicinity of targets protected under international military law.

*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.*

Slovenian Armed Forces haven't organized any additional awareness-raising activities regarding the protection of cultural property.

## 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?

No. Pursuant to Article 102 of the Penal Code of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 50/12, 6/16, 54/15 and 38/16), anyone who, in contravention of the rules of international law, orders or commits war crimes during armed conflicts or when carrying out or supporting the policy of the state as part of a large systematic attack, is subject to a penalty. Such acts include - the misuse of distinctive emblems of cultural property under the Hague Convention and the Second Protocol resulting in the death or serious injury of a person, -intentional attacks on buildings intended for art, cultural or historic monuments, cultural property marked with the distinctive emblem if such facilities are not military targets - use of cultural property under extended protection or their immediate surroundings to support military actions; A war crime is punishable by a minimum of fifteen years imprisonment.

Article 104 of the Penal Code specifies the responsibility of military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalizes association with or incitement to commit war crimes. A copy of the relevant provisions of the Penal Code in English has been sent to the Secretariat in a 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?*

Yes. In the implementation of the convention and its protocols, a Working Group for harmonised co-operation of line ministries is active within the Permanent Coordination Group for International Humanitarian Law the national group for international humanitarian law, appointed by the Government of the Republic of Slovenia. The group functions as an Advisory Committee as envisaged in Resolution II of the Hague Convention.

### 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 an EU Member State, Slovenia has its export and/or exit from the EU as well as import arrangements laid down in accordance with EU regulations. Slovenia has also adopted the Return of Unlawfully Removed Cultural- Heritage Objects Act (Official Gazette of the Republic of Slovenia, no. 126/03 and 8/16). Unlawful export and import of objects of special cultural-heritage importance are criminal acts. Slovenia is also party to the UNESCO 1970 Convention related to illicit importation and exportation of cultural property and has adopted measures from the Convention. In the case of cultural property, imported from occupied territory, the import control and following procedures, including seizure and custody, are subject to general provisions on police and museums' professional work.

*Have you **taken into custody** cultural property imported into your territory from an occupied territory?*

Yes. Slovenian Police has found and seized three statuettes in a refugee centre. The possessor is yet unknown. The expertise has declared the statuettes are of Mesopotamian origin. After the procedure before the public prosecutor, the return procedure had been started. The possible countries of origin are Syria and Iraq. Syria has refused the possibility of origin, while Iraq is still in the phase of submitting the expertise.

### 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. Slovenia has set up a register of immovable cultural heritage within the Ministry of Culture; it is accessible through the Internet (<http://rkd.situla.org>). The register is based on Geographic Information System (GIS) principles and, besides the main descriptive data for each unit, also includes data of geolocation (a centroid and unit area). Almost 30,000 units are entered in the register. • Museums and galleries already have systems for setting up an inventory of their materials. • The Ministry of Culture has defined in its acts the tasks of public institutions in case of an imminent threat of war. The mentioned tasks are the following:

- checking inventory and documentation of cultural monuments
- marking with the Hague Convention emblem
- protecting museums, art galleries and archival material
- moving especially important material from threatened locations.

Tasks of public institutions (museums, galleries and archives) in wartime are the following:

- assessment of damage – evidencing damage
- preparation of reports on damage suffered
- carrying out emergency salvage measures and prevention of secondary damage to affected cultural heritage
- carrying out urgent restoration interventions
- international activities, etc.

## 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**?*

Slovenia has never occupied territory of another Party of the 1999 Second Protocol or any other territory. Slovenia supports peace policy. If Slovenia would be in a situation to occupy a territory, we would be obliged to comply with the provisions of international law, including the protection of cultural heritage.

## 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?*

No.

## 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**?*



Article 102 of the Slovenian Penal Code mentioned before covers the acts committed in violation of the Second protocol. Pursuant to Article 102 of the Penal Code of the Republic of Slovenia, anyone who, in contravention of the rules of international law, orders or commits war crimes during armed conflicts or when carrying out or supporting the policy of the state as part of a large systematic attack, is subject to a penalty. Such acts include - the misuse of distinctive emblems of cultural property under the Hague Convention and the Second Protocol resulting in the death or serious injury of a person, - intentional attacks on buildings intended for art, cultural or historic monuments, cultural property marked with the distinctive emblem if such facilities are not military targets - use of cultural property under extended protection or their immediate surroundings to support military actions; Article 104 specifies the responsibility of the military commanders and other superiors for the criminal offence of a war crime, while Article 105 penalizes association with or incitement to commit war crimes. As an EU Member State, Slovenia has its export and/or exit from the EU as well as import arrangements laid down in accordance with EU regulations. Slovenia has also adopted the Return of Unlawfully Removed Cultural- Heritage Objects Act. Unlawful export and import of objects of special cultural-heritage importance are criminal acts. Article 218 of the Slovenian Penal Code covers illegal Export and Import of Goods of Special Cultural Significance. Pursuant to Article 218 of the Penal Code of the Republic of Slovenia, anyone who, without the permission of the agency responsible, exports goods of special cultural significance to a foreign country or imports the same, contrary to the principles of international law, shall be sentenced to imprisonment for not more than three years. If the goods under the preceding paragraph are of extreme cultural importance, the perpetrator shall be sentenced to imprisonment for not more than five years. Article 219 covers damaging or destroying goods of special cultural significance. Pursuant to Article 219 of the Penal Code of the Republic of Slovenia, anyone who unlawfully damages or destroys goods of special cultural significance, shall be sentenced to imprisonment for not more than five years. If the damaged or destroyed goods represent a cultural monument of extreme importance to the Republic of Slovenia, or if the damage caused is of high value, the perpetrator shall be sentenced to imprisonment for not more than eight years.

### 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?*

No answer.

### 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. We have adopted special measures in our regulations. We have special Inspection for Culture (it includes inspection for cultural heritage). The inspectors can order different measures from returning the state of the object to previous condition or to repair the damage or to order several grades of penalties.

## 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. Within the Slovenian Armed Forces, a body for civil-military co-operation together with the Headquarters of the Slovenian Armed Forces and the Force Command of the Slovenian Armed Forces are responsible for dissemination of information on safeguarding cultural property in the event of armed conflict. Obtaining information about the convention is an integral part of the military education and training of the Slovenian Armed Forces. In carrying out their regular tasks at home and abroad, the Slovenian Armed Forces adhere to the convention. Knowledge of the Second Protocol is tested at the professional examination for curators and restorers by the professional service for protection of cultural heritage within the Ministry of Culture.

*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.*

Slovenian Armed Forces haven't organized any additional awareness-raising activities regarding the protection of cultural property.

### 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**?*

No.

## 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.

|              |        |
|--------------|--------|
| Institution: | Email: |
| Name:        | Tel.:  |
| Address:     | Fax:   |

### 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.

## 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   | 3 |
| Use of the distinctive emblem to mark cultural property   | 3 |
| Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences  | 3 |
| Adoption of relevant criminal legislation   | 3 |
| <i>For Parties with cultural property under enhanced protection only.</i><br>Establishment of a system to monitor cultural property under enhanced protection at national level | 4 |

### 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><br>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"

All heritage is in process of evaluation. Special, important heritage is protected by acts from local communes (8000 objects and sites), selected and very important units of heritage get special protection with acts of government (319 objects and sites) for immovable heritage. In special cases even special law can be adopted (Stud farm Lipica).

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

Highest level of protection can be given just to the monuments of state importance and to collections of state museums, galleries and national library. All these object are protected by special Acts, adopted by Government after procedure of selection by experts from each scientific field.

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.

Main institution for objects and sites is State institute for the protection of Cultural Heritage. For

the movable heritage National Museum is the main consultant. For immovable heritage the main institution is Institute for Protection of Cultural Heritage.