

## SWITZERLAND

### 1. Accession and entry into force

Switzerland deposited her instrument of accession on 15 May 1962. Pursuant to paragraph 2 of Article 33 of the Convention, it came into force on 15 August 1962. Since accession, four years have elapsed and Switzerland accordingly presents her first quadrennial report.

### 2. Dissemination of the Convention

The Federal Department of the Interior, pursuant to Article 25 of the Convention, issued in 1963 a booklet containing:

a preface by Mr. H.P. Tschudi, Federal Councillor, Head of the Federal Department of the Interior;

The Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict;

the Regulations for execution of The Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict;

the Hague Protocol of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict;

Resolution I and II of the Intergovernmental Conference at The Hague on the Protection of Cultural Property in the Event of Armed Conflict (14 May 1954).

There are three editions of this publication in the three official languages of Switzerland (French, German and Italian).

The Federal Military Department has published, pursuant to paragraph 1 of Article 7 of the Convention, in the form of a Swiss Army Regulation:

the texts of the Convention and Protocol contained in the publication mentioned under no. 21, except the preface and the resolutions (publications in French and German);

the manual of laws and customs of war, containing inter alia, a summary of the main provisions of The Hague Convention of 14 May 1954, reproductions of the distinctive emblem of the Convention, the escutcheon of cultural property, used alone and repeated three times (editions in the three official languages of Switzerland).

Study of the Protection of Cultural Property in the Event of Armed Conflict, within the meaning of Article 25 of the Convention, is incorporated in the programmes of civil and military instruction. The following courses were inter alia conducted in 1965 and 1966:

at the Federal Polytechnic Institute (military science section): "The protection of cultural property in the event of armed conflict, an obligation of international public law and a national duty" (in charge of the course: Lieutenant-Colonel Sam Streiff, Doctor of Political Sciences);

"Introductory course on the law of war" (including The Hague Convention of 14 May 1954), course organized by the Chief of Army Personnel.

The repetition of these courses is contemplated for the ensuing years.

Furthermore, courses on the protection of cultural property in the event of armed conflict will be organized by the Swiss Institute for Administrative Courses at the School for Higher Economic and Social Studies at St. Gallen. These courses are intended for the training of cantonal and communal officials and of staff assigned to the protection of cultural property.

On 14 May 1964, the date of the tenth anniversary of the adoption of the Convention and Protocol by the Intergovernmental Conference of The Hague, the Swiss Association for the Protection of Cultural Property (the "SSPBC") was founded.

The Association encourages efforts to safeguard and enforce respect for cultural property and contributes to the propagation of the principles of The Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict. It concerns itself with the exchange of experiences and with the study of technical questions and affords instruction out of service hours to staff entrusted with the protection of cultural property.

### 3. Information concerning the application in Switzerland of the Convention for the Protection of Cultural Property in the Event of Armed Conflict

The permanent delegate of Switzerland to Unesco has sent the following documents to the Director-General of Unesco who transmitted them to the Contracting Parties to the Commission by his letter MUS/BC/16/49 of 16 April 1965;

a specimen of the identity card established by Switzerland in accordance with the provisions of Article 21, paragraphs 2 and 3, of the Regulations for execution of the Convention for persons entrusted with duties of control in accordance with the said Regulations and for staff concerned with the protection of cultural property;

an illustrated leaflet showing the distinctive emblem for cultural property and the armband worn by persons entrusted with the duties of control in accordance with the Regulations aforementioned and by staff assigned to the protection of cultural property;

a map on the scale of 1:300,000, published in 1964, showing the location of cultural property on the territory of the Swiss Confederation and the Principality of Liechtenstein;

"explanatory notes relating to the escutcheon of cultural property, the armband, the identity

card and the map of cultural property of Switzerland and Liechtenstein".

#### 4. Draft Federal Law on the Protection of Cultural Property in the Event of Armed Conflict

At its meeting of 4 February 1966, the Federal Council approved the draft Federal Law on the Protection of Cultural Property in the Event of Armed Conflict, which it submitted to the Federal Houses of Parliament. The application of The Hague Convention of 14 May 1954 presupposes that executive provisions under Federal Law will be enacted. For constitutional reasons, such provisions must take the form of a Federal Law. Yet other provisions are necessary, independently of the Convention, inter alia to guarantee that measures of a material nature will be taken to protect immovable and movable cultural property in the event of armed conflict.

Within the field of building measures, importance is mainly attached to the establishment of shelters for art treasures, archives, libraries and scientific collections. Photographs of works of art and copies in the form of microfilms of documents, manuscripts, rare books and other objects of the same character must also be prepared. Historical monuments can be protected by buildings only to a restricted extent against the direct and indirect effects of an armed conflict. For that reason, so-called safeguarding documents are of great importance. They involve the collection of building plans, drawings, photographs, background information on the construction of buildings and descriptions of building materials, which would make it possible to rebuild damaged or destroyed monuments, or at least to hand down to posterity this information about them.

The application of measures for the protection of cultural property is, in principle, the responsibility of the Cantons. However, the protective measures which the contracting parties to the Hague Convention have pledged to take will involve considerable expense; hence the draft law provides for the allocation of subsidies by the Confederation. It also deals with personnel for the protection of cultural property, with the identification of property placed under the protection of public international law by means of the international emblem (shield) of cultural property, and with the repression of punishable acts.

The programme of the proposed measures for the protection of cultural property is set forth in greater detail in the "Message from the Federal Council to the Federal Assembly in support of the draft law on the protection of cultural property in the event of armed conflict".

The texts of this message and of the draft law were published in Federal Bulletin No. 7 of 17 February 1966, pages 157 to 186, and are reproduced in the annexes to the present report.

The draft Federal Law will come before the Federal Parliament in the course of 1966.

The Service for the Protection of Cultural Property has been instructed to prepare the Federal Council's ordinance for the execution of the Federal Law.

#### 5. Documents to facilitate the execution of protective measures

In 1955, Unesco (Division of Museums and Monuments) published a handbook "Les techniques de protection des biens culturels en cas de conflit armé"; an enlarged English edition "Protection of Cultural Property in the Event of Armed Conflict", was published in 1956. Although this book contains some very useful explanations and suggestions concerning safeguarding techniques, the Service for the Protection of Cultural Property has met the wishes of persons and bodies responsible for protection of cultural property by drawing up general directives for the protective measures to be taken.

The "Directives for safeguarding Cultural Property by means of Microfilms" were already supplied to the interested parties concerned in the summer of 1962. Groups of experts are engaged in preparing technical directives dealing with the following subjects: the preparation of archives for rational taking of microcopies; the application of photogrammetry in the safeguarding of historical monuments; the establishment of collections of document serving purposes of restoration or reconstruction of damage to immovable cultural property.

A draft form the "Plan and specification for the protection of cultural property in the event of armed conflict", has been prepared. This form is intended for the use of such institutions as museums, libraries, archives, historical monuments, etc., and aims at facilitating the material and personal organization of the whole of an institution of great importance to the country's cultural heritage.

#### 6. Commentary on the Convention

The application of the Convention of 14 May 1954 and of the regulations for its execution makes it possible to gather together all the elements necessary for preparing a commentary on the Convention. The Service for the Protection of Cultural Property is collecting data that may serve to explain the meaning of the provisions of the Convention and its executive regulations. The preparation of such a commentary does not, however, lie within the competence of a single contracting party to the Convention. It is for that reason that by its "Appeal for the Assistance of Unesco" Switzerland has submitted to the Director-General of Unesco the proposal to prepare a draft commentary on the Hague Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict.