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Protection of
Cultural Property in
the Event of Armed Conflict

**Four-year cycle
2017-2020**

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

GENERAL INFORMATION

1. Region:

State Party:

Bosnia and Herzegovina

2. Submission of previous national reports

Yes

No

2.1. 2013-2016 cycle

3. Actors involved in the preparation of the national report

3.1. Government institutions responsible for the protection of cultural property

3.2. National Commission for UNESCO

3.3. Military expert

3.4. Independent experts

If other actors have been involved, please indicate them

4. National Focal Point

According to paragraph 120 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 consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

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

I. The Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- *Has your State undertaken such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The state authorities of Bosnia and Herzegovina have recognized the importance of the protection of cultural property in such key documents as the Strategy for Cultural Policy of Bosnia and Herzegovina and its Action Plan.

The legal and institutional framework: In the field of culture Bosnia and Herzegovina has a several levels of Government (state level, entity level, cantonal level and municipalities).

At the state level the Ministry of Civil Affairs (MoCA) of Bosnia and Herzegovina is responsible/competent for performing tasks and carrying out assignments related to establishing the basic principles of coordinating activities, harmonizing the plans of the entity authorities and defining an International strategy in the field of culture.

The National Commission of Bosnia and Herzegovina for cooperation with UNESCO was established as an advisory body of the Council of Ministers of Bosnia and Herzegovina, by the Decision on the Establishment of the National Commission of Bosnia and Herzegovina for cooperation with UNESCO ("Official Gazette of Bosnia and Herzegovina " No: 77/09).

Annex 8 - Agreement on Commission to Preserve National Monuments.

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska have agreed to establish an independent Commission to Preserve National Monuments. The Commission shall receive and decide on petition for the designation of property having cultural, historic, religious or ethnic importance as National Monuments.

The Dayton Peace Agreement (DPA) establish Bosnia and Herzegovina as a State consisting of two entities: Federation of Bosnia and Herzegovina and Republika Srpska, as well as Brcko District of Bosnia and Herzegovina. Under the DPA construction Bosnia and Herzegovina is a sovereign state with a decentralised political and administrative structure. Federation of Bosnia and Herzegovina consists of ten (10) Cantons, each of them with their own administration, constitutions and constitutionally guaranteed competence in the field of culture and cultural heritage. Republika Srpska has full competence in the field of culture and cultural heritage.

In practice, cultural sector is organised in three (3) distinct systems/levels with ten (10) subsystems in Federation of Bosnia and Herzegovina.

In the preparation of this report, information was requested from all relevant institutions. This report was made based on the received responses and information.

At the level of Bosnia and Herzegovina, a task group was created at the Ministry of Bosnia and Herzegovina, responsible for estimating potential threats for Bosnia and Herzegovina from natural and other disasters.

At the level of the entity of the federation of Bosnia and Herzegovina, this issue has not yet been formulated in regulations. Preparations of regulations are in process, through the Civil Protection Office of the Federation of Bosnia and Herzegovina and the representatives of the competent ministries and entity protection services.

In the entity of Republika Srpska this issue is regulated by the law on Cultural Property of Republika Srpska (Official Gazette of Republika Srpska No. 11/95, 103/08), which encompasses the regulations of the Convention in the following articles:

Article 114 – In case of a state of war declaration, the Government of Republika Srpska, upon a proposal from the Director of the Institute or a regional unit of the Institute, decides on measures of protection of cultural properties of exceptional and great importance;

Article 115 – the institutions in charge of protection are obliged to adopt their plans for the protection of the cultural properties they manage and preserve in the event of an immediate danger of war or state of war within 15 days from the date of entry into force of this Law.

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

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- *Has your State **marked cultural property** by using the distinctive emblem of the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The World Heritage Emblem is prominently displayed on cultural properties inscribed on the UNESCO World Heritage List and the properties with National Monument status are marked in both entities in accordance with the regulations. Those properties are not marked with the 1954 Hague Convention emblem.

3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, 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 such property. These are obligations to be implemented in time of peace.

- *Has your State introduced provisions in the **regulations and instructions for your armed forces** to ensure compliance with the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

All relevant conventions, agreement and protocols, as well as international contracts relating to the use of Armed Forces of Bosnia and Herzegovina, are listed in doctrinal publication of the Armed Forces of Bosnia and Herzegovina TP-1 "Doctrine AF BiH".

In doctrinal publication of the Armed Forces of Bosnia and Herzegovina OTP 1-04 "Legal Support to Operations", Annex 2 listed the Hague Convention of 1954 and its two (1954 and 1999) Protocols in regard to international agreements related to the use of Armed Forces of Bosnia and Herzegovina in military operations.

- *Has your State established **services** or designated specialist personnel within your armed forces to ensure respect for cultural property?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Armed Forces of Bosnia and Herzegovina do not have established special services or units whose main task would be the protection of cultural properties, instead it is the task of all command elements, from tactical to operational and strategic levels.

4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Ministry of Civil Affairs (MoCA) of Bosnia and Herzegovina has translated the 1954 Hague Convention. We also published a publication with translations of all UNESCO Conventions in the field of culture and the publication has been distributed to all relevant institutions.

Translations of the Convention in all three official languages of Bosnia and Herzegovina were attached to the previous national report (cycle 2013-2016) and submitted to the Secretariat.

The principles of the Convention are in accordance with the adopted acts and laws on cultural heritage, museums, archives, and libraries at the cantonal and federal levels.

Cultural and museum staff and the Institute for the Protection of Monuments are familiar with and act in accordance with the Convention.

5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat”

Please annex an *electronic copy of your translation(s) to this report:*

Attach the document

The official translation in all three languages of Bosnia and Herzegovina were attached to the previous National Report on the implementation of the 1954 Hague Convention (cycle 2016-2019) and submitted to the Secretariat.

6. Article 28 - Sanctions

This Article provides for the obligations of the 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, regardless of their nationality, who commit or order a breach of the Convention.

- *Has your State **introduced in your domestic legislation** all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 180 of the Criminal Code of Bosnia and Herzegovina prescribes provisions on individual criminal responsibility as one of the fundamental principles of international Criminal Code for the commission of the most serious criminal offences against humanity and values protected by international law.

Article 183 (Destruction of Cultural, Historical, and Religious Monuments) of the Criminal Code of Bosnia and Herzegovina prescribes sanctions for a criminal offence – destructions of Cultural Monuments. The bases of the incrimination of a criminal offence “Destruction of Cultural, Historical, and Religious Monuments” is the Convention for Protection of Cultural Property in the Event of Armed Conflict of 1954 – Hague Convention.

Criminal offence in Article 183 has two forms, or levels; The basic form of the offence consists that by violating the rules of international law during the war or armed conflict, cultural or historical monuments and buildings as well as institutions intended for science, art, education and humanitarian or religious purposes are destroyed. The objects of

protection are cultural or historic monuments, buildings or institutions intended for science, art, education and humanitarian or religious purposes.

This criminal offence foresees for a more stringent, qualified form of criminal offence of destruction of cultural and historical monuments in which the qualifying circumstance makes the circumstance that it is a case of specially protected objects of cultural and spiritual heritage.

At the level of Bosnia and Herzegovina, this issue is regulated by the Criminal code of Bosnia and Herzegovina. Articles 8 and 9 apply to anyone who, on the territory of Bosnia and Herzegovina, at the time of validity of that legislation, commits a criminal offence, and, under certain circumstances, when criminal offence is committed outside its territory as well.

At the level of the entity of the Federation of Bosnia and Herzegovina, the 1985 Law on the Protection of Cultural-Historical and Natural heritage is in force, through which it is not possible to adequately determine the appropriate penalty.

The Criminal Code of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina" No. 36/2003, 21/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 I 75/2017)

Article 321 (Damage, Destruction and Illicit Export of Cultural Monuments and Protected Natural Objects)

- (1) Whoever damages or destroys a cultural monument or a protected natural object, shall be punished by a fine or imprisonment for a term not exceeding three years.
- (2) If the criminal offence referred to in paragraph 1 of the Article is perpetrated in regard of a cultural monument or a protected natural object of a special value, or a considerable damage is caused, the perpetrator shall be punished by imprisonment for a term between 6 months and five years.
- (3) Whoever exports or takes abroad a cultural monument or a protected natural object without a permit issued by the competent body shall be punished by imprisonment for a term not exceeding three years.
- (4) The punishment referred to in paragraph 3 of the Article shall be imposed on a perpetrator, who fails to return the cultural monument or protected object upon expiration of the time frame for taking it abroad defined in the permit.

Article 322 (Illicit Research and Appropriation of Cultural Monuments)

- (1) Whoever, without a permit of the competent body, conducts conservation, restoration, or research work on a cultural monument or, despite a prohibition or without a permit of the competent body, carries out archaeological excavations or research as a result of which the monument is destroyed, seriously damaged or loses its character as a monument, shall be punished by a fine or imprisonment for a term not exceeding one year.
- (2) If the criminal offence referred to in paragraph 1 of this Article is perpetrated in regard of a cultural monument of special value or significance, or if a considerable damage is caused, the perpetrator shall be punished by imprisonment for a term between six months and five years.

In the territory of Republika Srpska Entity this area is also regulated by the Law - Based on the Criminal Code of Republika Srpska (Official gazette of Republika Srpska, 64/17 and 104/18). Article 244 defines as a criminal offence the appropriation, destruction or damage of cultural monuments, protected natural objects or other objects that are of special cultural or historical significance" and prescribes the punishment and criminal sanction for the commission of the aforementioned criminal offence.

II. Resolution II of the 1954 Conference

- *Has your State established a **National Advisory Committee** in accordance with the wish expressed by the Intergovernmental Conference (1954) in [Resolution II](#)?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

- *In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

At the moment of sending this Report the body is not established.

III. 1954 (First) Protocol

[To be completed only by the High Contracting Parties to the 1954 Protocol]

The main purpose of the 1954 Protocol is the protection of cultural property in **or stemming from** occupied territory.

- *Has your State undertaken **measures to implement** these international obligations, including the adoption of relevant legislation?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

At the Entity level of Republika Srpska this issue is somewhat resolved by the Law on Cultural property of Republika Srpska (Official Gazette of Republika Srpska, No. 11/95, 103/08) which includes the provisions of the Convention in the following Articles:

Article 67: the Institute and its and regional unit, in addition to the activities referred to it in article 59 of this Law:

10. Takes care of the uniform application of international conventions and other international regulations on cultural properties.

IV. The 1999 Second Protocol

[To be filled in only by the Parties to the 1999 Second Protocol]

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

1. Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- *Has your State undertaken such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

At the level of Bosnia and Herzegovina, the register of cultural properties is kept of cultural properties that have been proclaimed the National monuments of culture of Bosnia and Herzegovina by the commission to Preserve National Monuments of Bosnia and Herzegovina.

Competent services for protection of heritage at Entity and cantonal levels are working on the preparation of individual plans for the protection of cultural properties.

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

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- *Do you ensure compliance with the provisions relating to the **protection of cultural property in the context of military occupation**?*

YES: NO: Not applicable:

You can complete your answer below, taking into account the guidelines in the model report.

3. Article 10 - Enhanced protection

The 1999 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).

- Do you **intend to request the granting** of enhanced protection for cultural property within the next four years or, if appropriate, to submit a **national tentative list** under Article 11 (1) of the 1999 Second Protocol?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Mehmed pasha Sokolovic Bridge in Visegrad and Old Bridge Area of the Old City of Mostar are two properties from Bosnia and Herzegovina inscribed on the World heritage List.

In addition, eleven properties from Bosnia and Herzegovina are inscribed on the Tentative list of the properties which will be considered for nomination during the following years. Tentative or provisional list is an inventory of properties on the territory of Bosnia and Herzegovina which are considered suitable for inscription on the UNESCO World Heritage List.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- Is a **specific mechanism for monitoring cultural property under enhanced protection** in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- Has your State **marked with the distinctive emblem** cultural property under enhanced protection?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

4. Article 15 - Serious violations of the 1999 Second Protocol

“Article 15 obliges Parties to **establish as criminal** offences in their domestic law offences constituting serious breaches of the Second Protocol, **and to make such offences punishable by** appropriate penalties”.

- *Has your State implemented this obligation?* If yes, what measures have been undertaken?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 180 of the Criminal Code of Bosnia and Herzegovina prescribes provisions on individual criminal liability as one of the fundamental principles of international Criminal Code for the commission of the most serious criminal offences against humanity and values protected by international law.

Article 183 (Destruction of Cultural, Historical, and Religious Monuments) of the Criminal Code of Bosnia and Herzegovina prescribes sanctions for a criminal offence – destructions of Cultural Monuments. The bases of the incrimination of a criminal offence “Destruction of Cultural, Historical, and Religious Monuments” is the Convention for Protection of Cultural Property in the Event of Armed Conflict of 1954 – Hague Convention as well as the additional Protocol of Geneva Convention of 1977.

Criminal offence in the Article 183 has two forms, or levels; The basic form of the offence consists that by violating the rules of international law during the war or armed conflict, cultural or historical monuments and buildings as well as institutions intended for science, art, education and humanitarian or religious purposes are destroyed. The objects of protection are cultural or historic monuments, buildings or institutions intended for science, art, education and humanitarian or religious purposes.

This criminal offence foresees for a more stringent, qualified form of criminal offence of destruction of cultural and historical monuments in which the qualifying circumstance makes the circumstance that it is a case of specially protected objects of cultural and spiritual heritage.

The 1907 Hague Convention iv with respect to the laws and customs of war on land (with annexed regulations) (18 October 1907) as well as the 1954 Hague Convention and other international documents were bases of the incrimination of a criminal offence “War Crime against Civilians” (Article 173 of the Criminal Code of Bosnia and Herzegovina).

In the territory of Republika Srpska Entity this area is also regulated by the Law - Based on the Criminal Code of Republika Srpska (Official gazette of Republika Srpska, 64/17 and 104/18). Article 244 defines as a criminal offence the appropriation, destruction or damage of cultural monuments, protected natural objects or other objects that are of special cultural or historical significance” and prescribes the punishment and criminal sanction for the commission of the aforementioned criminal offence.

5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- *Has your State implemented this obligation?* If yes, what measures have been undertaken **to grant jurisdiction to your courts** over serious offences under the 1999 Second Protocol?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

At the State level it is regulated by Article 183 ((Destruction of Cultural, Historical, and Religious Monuments) of the Criminal Code of Bosnia and Herzegovina.

The Law on Court of Bosnia and Herzegovina (Article 1) - In order to ensure the effective exercise of the competencies of the State of Bosnia and Herzegovina and the respect of human rights and the rule of law in the territory of this State, a Court of Bosnia and Herzegovina (hereinafter the "Court") is established ("Official Gazette of Bosnia and Herzegovina, 49/09).

Article 7 of the Law on Court of Bosnia and Herzegovina is listed: "The Court has further jurisdiction over criminal offences prescribed in the Laws of the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brcko District of Bosnia and Herzegovina when such criminal offences:

- a) Endanger the sovereignty, territorial integrity, political independence, national security or international personality of Bosnia and Herzegovina;
- b) May have serious repercussions or detrimental consequences to the economy of Bosnia and Herzegovina or may have other detrimental consequences to Bosnia and Herzegovina or may cause serious economic damage or other detrimental consequences beyond the territory of an Entity or the Brcko District of Bosnia and Herzegovina.

Through the criminal and misdemeanour laws of all levels of government in Bosnia and Herzegovina, from state, entity, cantonal to municipal.

6. Article 21 - Measures regarding other violations

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to **suppress certain other violations of the Second Protocol**:

- a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;
- b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- *Has your State* implemented such measures?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Article 161. Of the Law on Service in the Armed Forces of Bosnia and Herzegovina.

Through the individual protection of every cultural asset with the status of a National Monument, through the protection measures prescribed for the purpose of the permanent protection of the monument. It is regulated by laws on the protection of properties designated as National Monuments of Bosnia and Herzegovina by the decision of the Commission for Protection of National Monuments. These laws are made in identical text in the Entities of Republika Srpska, Federation of Bosnia and Herzegovina and Brcko District.

7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations' guidelines and instructions for the protection of cultural property.

- ***Has your State disseminated the provisions of the Convention and the Second Protocol within the armed forces as well as to target groups and the general public?***

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

In Doctrinal publication of the Armed Forces of Bosnia and Herzegovina (OTP 1-04 "Legal support to Operations", Annex No. 2). It is listed the Hague Convention of 1954 and its two (1954 and 1999) protocols in regard to international agreements related to the use of armed Forces of Bosnia and Herzegovina in military operations.

8. Article 33 – Assistance of UNESCO

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- ***Has your State shared, in particular through the Secretariat of UNESCO, your experiences and good practices in implementation of the 1954 Hague Convention and / or its Protocols?***

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

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

Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.

Please annex an electronic copy of your translation(s) to this report.

The copies of official translation of the 1999 Second Protocol to the 1954 Hague Convention submitted to the Secretariat in our previous Report on the implementation of the 1954 Hague Convention (cycle 2013-2016).

V. Other questions relating to the 1954 Hague Convention and its two Protocols

1. Ratification of / accession to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

International instruments	Ratification/Accession
1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	yes
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	yes
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	yes
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	yes
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	yes
Additional Protocol (I) to the Geneva Conventions, 1977	Yes
Additional Protocol (II) to the Geneva Conventions, 1977	Yes
Additional Protocol (III) to the Geneva Conventions, 2005	No (it had signed but not ratified)

2. National practice relating to the implementation of the Hague Convention and its two Protocols

The Secretariat would be grateful if you could annex a copy of the following documents in French and/or English:

- Relevant **civil and military administrative regulations**:

PDF Document Website

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

PDF Document Website

- Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

PDF Document

Website

3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

There is no cooperation between the different authorities

There is limited cooperation between the different authorities

There is cooperation between the various authorities, but there are still improvements to be made

There is a perfectly functional cooperation between the different authorities

Other (specify) **NOT COMPETENT/HAVE NO KNOWLEDGE**

VI. Self-assessment forms

In order to reflect in the synthesis document of the national reports the status of implementation of the 1954 Hague Convention and its 1999 Second Protocol in key areas, please fill in the two tables below.

1. Assessment of the degree of implementation

[To do this, please use the following rating scale]

1. Not at all implemented;
2. Partially implemented and the process is at standstill;
3. Partially implemented, the process following its course; and
4. Fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	.....
Military training on regulations for the protection of cultural property	.....
Use of the distinctive emblem to mark cultural property	.....
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	.....
Adoption of relevant criminal legislation	.....
<i>For Parties with cultural property under enhanced protection only.</i>	.....
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
5. No difficulties were encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	.....
Military training on regulations for the protection of cultural property	5
Use of the distinctive emblem to mark cultural property	.....
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	.....
Adoption of relevant criminal legislation	5
<i>For Parties with cultural property under enhanced protection only.</i>	.....
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

VII. Enhanced protection mechanism – 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 criteria are cumulatively met:

- ✓ Cultural property is of the greatest importance to humanity;
- ✓ Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
- ✓ Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, 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 consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

- Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

If the cultural property meets one or more criteria as defined in the Operational Guidelines for implementation of the World Heritage Convention.

If the cultural property meets the criteria of the Commission to Preserve National Monuments of Bosnia and Herzegovina to designate properties as national monuments.

- Article 10, paragraph (b) - "The highest level of protection"

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?

1. Ministry of Civil Affairs (MoCA) of Bosnia and Herzegovina;
2. Commission to Preserve National Monuments of Bosnia and Herzegovina;
3. National Commission of Bosnia and Herzegovina for cooperation with UNESCO;
4. Ministry of Defence of Bosnia and Herzegovina;
5. Ministry for Education and Culture of the Republika Srpska;
6. Republic Institute for Protection of Cultural, Historical and Natural Heritage of the Republika Srpska;
7. Federal Ministry of Culture and Sports of the Federation of Bosnia and Herzegovina;
8. Institute for Protection of Monument of the Federation of Bosnia and Herzegovina;
9. Cantonal Ministries of Culture;
10. Cantonal Institutes for protection and preservation of cultural heritage.

- Article 10, paragraph (c) - "Not-used for military purposes"

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?

1. Presidency of Bosnia and Herzegovina
2. Ministry of Defence of Bosnia and Herzegovina
3. Ministry of Civil Affairs of Bosnia and Herzegovina
4. Federal Ministry of Culture and Sports
5. Institute for Protection of Monument of the Federation of Bosnia and Herzegovina
6. Ministry for Education and Culture of the Republika Srpska;
7. Institute for Protection of Cultural, Historical and Natural Heritage of the Republika Srpska