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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:

Estonia

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.

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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 measures have been described under the reply concerning the implementation of the 1999 Second Protocol: 1. General provisions (i) Article 5 – Safeguarding of cultural property. However, these safeguarding measures are of a more general nature, i.e they are relevant not only in time of an armed conflict, but also in time of peace. The Heritage Conservation Act was amended in 2019 to update the principles and enhance the protection of cultural heritage.

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.

Estonia does not mark cultural property with the distinctive emblem of the 1954 Hague Convention. However, according to the Heritage Conservation Act, monuments are marked with appropriate signs: Estonia has a tradition to use an old runic symbol for that, and using the emblem of the Convention has not been under discussion.

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.

Please see previous report (2013-2016). In Estonian legal order international law is considered as part of the national legal order (monistic approach), therefore there is no need to transfer international law norms into internal legal acts and regulations. In the training of military personnel of all levels international humanitarian law including the provisions related to protection of cultural property are covered. The groundpoint of practical activities for the implementation of the Hague convention in the Estonian Defence Forces (EDF) was the cooperation memorandum signed between the Ministry of Culture and Ministry of Defence on 15.01.2008. A representative from the Ministry of Defence, as well as from the EDF have been appointed to the Joint Commission on the Implementation of the Hague Convention. Since the year 2014, the EDF is implementing NATO STANAG 7141 (Joint NATO Doctrine for Environmental Protection during NATO-led Military Activities - AJEPP-4 Edition B) which, inter alia, covers archeological heritage. Since 2019, the EDF is implementing NATO STANAG 2449 (Training in the Law of Armed Conflict - ATrainP-2 Edition B). The structural units of the EDF implement this STANAG when renewing their training plans and accordingly when conducting the training. Master students at the Estonian Military Academy are taught international law (2 ECTS) and law of armed conflict (2 ECTS). During lectures of law of armed conflict, the topic of objects and military targets are covered (incl. cultural property, hospitals etc.). The students taking part in the main course at the Estonian Military Academy similarly receive lectures on law of armed conflict where, inter alia, the topic of objects is covered. The armed forces' units deployed to international military operations are additionally taught law of armed conflict and rules of engagement where, inter alia, the topic of cultural property is covered.

- *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 person responsible for ensuring respect for cultural property is LEGAD. During peacetime, LEGADs in the armed forces are ensuring respect for cultural property during military operations. Due to limited resources, there is currently no intention in the Estonian Armed Forces to establish a separate service or designate a separate specialist personnel for ensuring respect for cultural property.

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.

Please see the previous report (2013-2016) and also the reply to question 3 above regarding the implementation of Article 7. During this period (2017-2020), we have disseminated the provisions of the Convention to various heritage crisis training courses for museum officials and students. We also keep Estonian National Heritage Board officials informed of current developments in the Committee for the Protection of Cultural Property in the Event of Armed Conflict. More emphasis has been placed on peacetime activities and in line with Article 5 of the II Protocol the National Heritage Board has organized a number of courses and trainings for museum professionals and heritage conservation students to raise their awareness of cultural heritage protection during a crisis. To strengthen cooperation and raise awareness about cultural property, annual multi-actor inter-agency table-top exercises are organized by the Estonian National Heritage Board that include the Estonian Rescue Board, the Estonian Police and Border Guard Board, and one museum selected by the National Heritage Board. At the same time, a cultural heritage first aid course has been added to the curriculum of the Estonian Academy of Arts. In 2020 the annual Baltic Museology School was organized by the Estonian National Heritage Board for 30 officials of the Baltic museums, the topic of which was cultural heritage in times of crises. Awareness-raising and improvement of safety level among churches and other owners of cultural monuments are ongoing.

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

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.

§ 7(2) of the Penal Code (available in English at Penal Code – Riigi Teataja) states the following: “(2) The penal law of Estonia applies: 1) to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and the offender is a member of the Defence Forces performing his or her duties;”. § 8 of the Penal Code specifies the applicability of penal law to acts against internationally protected legal rights, stating the following: “Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to any acts committed outside the territory of Estonia if punishability of the act arises from an international obligations binding on Estonia.” The Penal Code also foresees that different intentional attacks against cultural property are prohibited and punishable. § 107 of the Penal Code provides that destruction, damaging or illegal appropriation of a cultural monument, church or other structure or object of religious significance, a work of art or science, an archive of cultural value, a library, museum or scientific collection not used for military purposes is punishable. Pursuant to § 204 injuring or destroying a cultural monument, archival record, museum object or museum collection in a manner which causes significant damage is punishable. Also, damaging or destroying of a cultural monument, museum inventory or museum collection through negligence in a manner which is dangerous to the public or causes major damage, is punishable (§ 205 of the Penal Code). Larceny and robbery of cultural heritage is also punishable under § 199, § 200 and § 218 of the Penal Code. In addition, according to § 105 of the Penal Code exploitative abuse of a distinctive mark of a cultural monument is punishable. Certain acts against cultural heritage that constitute misdemeanours are also provided for in the Heritage Conservation Act (Heritage Conservation Act – Riigi Teataja).

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.

National Joint Commission (NJC) that brings together 13 representatives of different ministries and organizations was created in 2005. Its task is the national implementation of the 1954 Hague Convention and its Protocols and coordinating different development activities related to this subject. In recent years the commission has not been very active and its membership is renewed. The meeting with renewed composition will be held in the autumn of 2021.

- *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.

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.

The likelihood of Estonian Defence Forces participating in military occupation is very low, therefore no specific measures in that respect have been taken. However, if such an occasion should arise Estonia is bound to fulfil the relevant obligations under the Convention.

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.

The information provided in the previous report (2013-2016) is still relevant. New developments in current reporting period: Preparations for building the joint storage facilities for museum collections owned by the state started in 2017 with an analysis of the current situation. There is a plan now to build 2 modern and low-energy climate storage buildings shared by 22 museums in total - one in the northern part of Estonia and the other in the southern part of Estonia. The funding of the construction is not approved yet.

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.

At present Estonia does not see a need to apply for enhanced protection for a cultural property.

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.

Please see the previous report (2013-2016) and the reply above to question No. 6 regarding implementation of Article 28 of the Hague Convention of 1954.

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.

Estonian courts have jurisdiction over crimes committed in Estonia, unless jurisdiction has been transferred to another State under an international convention (e.g. NATO SOFA) or bilateral or multilateral agreements. Jurisdiction of the Estonian courts concerning violations committed outside Estonia is stated in the Penal Code. The Penal Code (Penal Code – Riigi Teataja) regulates matters of jurisdiction as follows: “§ 6. Territorial applicability of penal law (1) The penal law of Estonia applies to acts committed within the territory of Estonia. (2) The penal law of Estonia applies to acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of the country where the offence is committed. § 7. Applicability of penal law by reason of person concerned (1) The penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if: 1) the act is committed against a citizen of Estonia or a legal person registered in Estonia; or 2) the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been

detained in Estonia and is not extradited. (2) The penal law of Estonia applies: 1) to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and the offender is a member of the Defence Forces performing his or her duties; 2) to grant, acceptance or arranging receipt of gratuities or bribes or influence peddling committed outside the territory of Estonia if such act was committed by an Estonian citizen, Estonian official or a legal person registered in Estonia, or an alien who has been detained in Estonia and who is not extradited, or such person participated therein. § 8. Applicability of penal law to acts against internationally protected legal rights Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to any acts committed outside the territory of Estonia if punishability of the act arises from an international obligations binding on Estonia.”

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.

Heritage Conservation Act, Museum Act, Penal Code and Intra-Community Transport, Export and Import of Cultural Objects Act are adopted and relevant. Heritage Conservation Act (Chapter 7; Liability) <https://www.riigiteataja.ee/en/eli/504062019001/consolide> Penal Code (§ 107. Attacks against cultural property) <https://www.riigiteataja.ee/en/eli/522012015002/consolide> Intra-Community Transport, Export and Import of Cultural Objects Act (Chapter 5;Liability) <https://www.riigiteataja.ee/en/eli/514032019003/consolide> Museum Act (Chapter 2; Organisation of museum collection § 5 part 4 (1) Principles of replenishment of museum collection) <https://www.riigiteataja.ee/en/eli/510012014002/consolide>

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.

Strengthening the appreciation and the respect for cultural property at state level is the duty and mission of the Estonian Ministry of Culture and the Estonian National Heritage Board. Ministry of Culture is preparing a new policy document „Cultural Policy 2030“ (to be adopted by the Estonian Parliament. The document states, inter alia, that international conventions and European legal acts and initiatives will be taken into account when designing Estonian cultural policy. During this report period (2017- 2020) the Estonian National Heritage Board has organized a number of courses and trainings for museums and heritage conservation students to raise their awareness of cultural heritage protection during the crisis. Please see the reply above to question No. 4.

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.

Estonia would like to share a recent successful initiative at national level that we believe could be useful for developing such guidance also globally. A joint online scenario-based simulation was organized to test how different institutions are prepared for cultural heritage emergencies and what can be done to enhance both prevention and preparedness. The National Heritage Board conducted the first of its kind inter-agency multi-actor national simulation together with museums, Police and Border Guard Board and Rescue Board in May 2020. Later, the method was also tested successfully at international level during Baltic Museology School 2020 and organised for the third time in May 2021 in Estonian Open Air Museum. The participants found that this kind of exercise, when planned and executed carefully and with precision, is a real eye opener. It truly gives a good idea about actual capacities, vulnerabilities, division of roles and coordination mechanisms in the organization in case of an emergency. This is a great input for reviewing emergency plans but it also helps to understand the cost and benefit of certain preventive or preparedness measures. The exercise can be implemented in different contexts as it involves real situations, locations, actors and stakeholders. Therefore, also the takeaways are tailor-made for every institution and/or location that has participated in such a scenario-based exercise. Following the successful simulation, Estonian National Heritage Board in cooperation with ICCROM is now developing a guideline – a tool for cultural heritage institutions and owners and guardians of cultural heritage that would help heritage professionals to conduct a multi-actor scenario-based table-top exercises (in person or online) for cultural heritage emergencies.

The draft is expected to be ready by the end of October and Estonia would be glad to share this work also with UNESCO.

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* .

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	Ratification
	Ratification

1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	Ratification
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	Ratification
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	Ratification
Additional Protocol (I) to the Geneva Conventions, 1977	Ratification
Additional Protocol (II) to the Geneva Conventions, 1977	Ratification
Additional Protocol (III) to the Geneva Conventions, 2005	Ratification

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)

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	3
Military training on regulations for the protection of cultural property	2
Use of the distinctive emblem to mark cultural property	1
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	3
Adoption of relevant criminal legislation	4
<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	1
Military training on regulations for the protection of cultural property	1
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	5
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?

So far the current practice seems to suggest that the most easily understandable criterion is World Heritage listing (in case of immovable heritage) or inscription to the Memory of the World Register (in case of documentary heritage). It is difficult to assess the specific differences between the notions of the OUV (in case of WH), World Significance (in case of MoW) and the notion of being greatest importance for humanity. However, it seems clear that the OUV and the notion of being greatest importance for humanity cannot be considered synonyms. In principle, any cultural property that the state considers to be unique and with exceptional cultural significance should be worthy of international attention and appropriate protection.

- 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?

In determining the choice of measures to be adopted to ensure the highest level of protection on national level the National Heritage Board or the Ministry of Culture should be consulted. In principle, it is not possible to determine a specific level of protection because the different national realities need to be taken into account. To put it simply, the highest level of protection means that all the possibilities provided under domestic laws and regulations have been used and implemented to the fullest.

- 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?

The National Defence Forces or the Ministry of Defense should be consulted in order to take the decision not to use cultural property for military purposes.

