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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:
The Netherlands

2. Submission of previous national reports

2.1. 2013-2016 cycle

Yes

No

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

Committee of the Blue Shield Netherlands

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: Permanent Delegation of the Kingdom of the Netherlands	Email: [redacted]
Name: Deputy PD	Tel.: [redacted]
Address: [redacted]	Fax: [redacted]

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.

On 10-10-2010 the Kingdom of the Netherlands changed in such a sense that three islands in the Caribbean (previously making part of the Netherlands Antilles) became public bodies within the Netherlands: Bonaire, St Eustatius and Saba. The Hague Convention and its Protocols are applicable for the public bodies.

In the period 2017-2020 no further implementation activities from the side of the government of the Netherlands took place which are directly linked to Convention and its Protocols in the Caribbean part of the Netherlands. The Convention and its Protocols are not applicable for the other countries within the Kingdom of the Netherlands (Aruba, Curaçao and St. Maarten).

Article 5 of the 1999 Protocol is complementary to this Article. The Dutch report with regard to this Article is therefore combined with the report concerning Article 5 of the 1999 Protocol.

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 Netherlands has used the distinctive emblem since 1964 for a selection of items of cultural property under (general) protection. The cultural property which are listed in relation to the Hague Convention in the Netherlands can be divided into three categories: immovable property (ca. 3000), movable property and collections (together ca. 150-180). All items have been registered by the Cultural Heritage Agency of the Netherlands. In the online register of national monuments immovable property under protection of the Hague Convention has been specifically identified as such. See: www.monumentenregister.nl. The movable property and collections are registered in a spreadsheet. Only the immovable property and the buildings in which collections are kept are marked with the distinctive emblem.

The Netherlands UNESCO Commission published the report 'Een wapen in vreedstijd, De uitvoering van het Unesco Haags Verdrag en het gebruik van het blauw-witte schildje' in June 2020. [A weapon in peace time. The execution of the Hague Convention and the use of the blue-shield].
<https://www.unesco.nl/sites/default/files/2020-06/Unesco%20Adviesrapport%20->

%20Een%20wapen%20in%20vredetijd%20-%20Def.pdf]

In this report, the Commission argues that the implementation and coordination of the Hague Convention and its Protocols does not have enough priority in the Netherlands. Furthermore, the Commission argues that the protection of cultural heritage in crisis situations does not receive sufficient attention in national and regional security policy and heritage policy. The Commission put forward recommendations to update the outdated register of cultural property and to strengthen the overall awareness of the meaning of the blue shield.
The minister will provide a reaction on the report in 2021.

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.

This Article is linked to Articles 5 and 30 of the Second Protocol. The report of the Netherlands with regard to this Article is therefore combined with the report concerning those articles of the Second Protocol.

- *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 the Kingdom of the Netherlands include the Cultural Affairs & Information Section (CAI Section) of the 1 Civil Military Interaction Command of the Royal Netherlands Army. This unit is responsible for the implementation of those regulations which are relevant to the armed forces. The CAI Section provides instruction on cultural heritage and cultural awareness during all military pre-deployment training programs, including on the obligation to prevent damage to, destruction of, or illegal transfer of cultural property during military operations abroad. The CAI Section also provides a Cultural Heritage Liaison Group for military support operations on national territory in case of a large-scale disaster or crisis. Reserve officers connected to this Liaison Group are able to advise military commanders on the importance of cultural heritage at risk and will serve as point of contact for civilian staff of those cultural institutions involved. They can be deployed in every Safety Region where military support in assistance to civilian authorities is contemplated.

Furthermore, during Stability or Peace Support Operations the Dutch armed forces can deploy specialists in cultural heritage protection from the Cultural Heritage Liaison Group (more about this Cultural Heritage Liaison Group can be found in this report concerning Article 30 of the 1999 Protocol).

This unit consists of expert reserve officers who can be attached to any CIMIC team or military staff in the field.

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.

Article 30 of the 1999 Protocol is complementary to this Article. The Dutch report with regard to this Article is therefore combined with the report concerning Article 30 of the 1999 Protocol.

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 Dutch translation of the Convention is already in the possession of the Secretariat of UNESCO.

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 28 of the 1999 Protocol is complementary to this Article. The Dutch report with regard to this Article is therefore combined with the report concerning Chapter IV of the 1999 Protocol.

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.

The Netherlands has not established a National Advisory Committee in accordance with the wish expressed by the Intergovernmental Conference (1954).

In 2020, the Netherlands has created a national platform on international humanitarian law. Issues related to the implementation of the Convention can be discussed within this platform. Moreover, the platform will arrange for liaison and cooperation with other similar national IHL committees. Members of the Platform are the Ministry of Foreign Affairs, the Ministry of Defence and the Netherlands Red Cross. The Ministry of Culture can take part, should a subject related to the 1954 Convention and its Protocols be on the agenda.

The National Heritage Agency of the Netherlands has organised annually one or two *Heritage Protection meetings*. Various organisations participate in this meeting: the Netherlands UNESCO Commission, Blue Shield NL, Ministry of Defence, the Mondriaan Fund, the Museum Association of the Netherlands, the Information and Heritage Inspectorate, some Safety Regions, the Museum Consultancy Association, the Prins Claus Fund, the Reinwardt Academy for heritage studies as well as a few museums. The purpose of these meetings is to keep each other informed about projects and developments in the field of heritage protection.

Since some years the Ministry of Culture, the Ministry of Foreign Affairs, together with the Netherlands UNESCO Commission and the Culture Emergency Response Program of the Prince Claus Fund meet four times a year to exchange on different subjects in relation to heritage and crisis abroad. The meeting is meant to inform each other on relevant activities, and to help to connect to the different networks the organisations are related to.

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.

In 2007 the Netherlands adopted the Cultural Property Originating from Occupied Territory (Return) Act. [Official full title in English: 'Act of 8 March 2007 containing rules on the taking into custody of cultural property from an occupied territory during an armed conflict and for the initiation of proceedings for the return of such property'; and the title in Dutch: 'Wet tot teruggave cultuurgoederen afkomstig uit bezet gebied'.]

With this Act the (First) Protocol of the Hague Convention has been implemented in Dutch Law. The Protocol includes obligations which necessitated the drawing up of statutory rules for the return of cultural objects taken from occupied territory.

In 2016 this Act was incorporated in the 2016 Heritage Act. Chapter 6 is dedicated to international return of cultural property. In this chapter both the UNESCO 1970 Convention and the First Protocol to the Hague Convention are implemented. The sections under paragraph 6.2 *Return of cultural property from occupied territory*, section 6.9-6.15, is similar to that of the 2007 Act.

The 2016 Act can be found in the UNESCO Database of National Cultural Heritage Laws as well as through the website of the Netherlands Heritage Agency [<https://english.cultureelerfgoed.nl/publications/publications/2016/01/01/heritage-act-2016>].

In a brochure 'Import and Export of Cultural Property', published in 2016, information has been included on the prohibition to import or to have in one's possession cultural property that was taken after 1959, the year the Netherlands became a Party to the Protocol, from a territory occupied during an armed conflict. Also information on other EU, UNESCO and sanction rules regarding the important export of cultural goods are included in this brochure. See: <https://english.inspectie-oe.nl/publications/publication/2016/11/16/brochure-import-and-export-of-cultural-objects>.

The bodies responsible for supervision of the Act are Customs and the Information and Heritage Inspectorate. The Inspectorate will investigate requests on the return of a cultural property from a territory occupied during armed conflict. Therefore it can take custody of the object(s) during the investigation. Further information is available via: <https://english.inspectie-oe.nl/cultural-goods>

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 Cultural Heritage Agency of the Netherlands (RCE) is the central office that works on the subject of 'Veilig Erfgoed' [Safe Heritage]. The RCE undertakes many activities to raise the awareness of heritage managers or owners of the risks their heritage is facing, and to point out the measures to take to be prepared for incidents and calamities.

The RCE organises for example (online) meetings on risks as fire, water, theft and cyber crime. It prepares information on buildings, technical installations and organizational measures. With regard to the latter for example information on how to set up a crisis organisation within heritage institutions and the organisation of first aid to collections. The RCE is cooperating with several partners among which the Netherlands UNESCO Commission and Blue Shield Netherlands. They organized together, on the initiative of the UNESCO Commission, a knowledge sharing day on heritage and terrorism, also with the Rijksmuseum and the Museumvereniging [Museum Association of the Netherlands] in 2016.

The Prince Claus Fund has been working together with the Netherlands UNESCO Commission and ICCROM on the organisation of the 'First Aid to Cultural Heritage in Times of Crisis'- training in 2018. Also a meeting for partners in the Netherlands was organized on that occasion.

The Cultural Heritage Agency of the Netherlands, together with the Netherlands UNESCO Commission and Blue Shield Netherlands prepared a method in the form of a poster 'Crisisbewust in 5 stappen' [Crisis aware in 5 steps]. The poster helps to be prepared for a crisis, be it small, be it large, in order to prevent or to reduce the impact on heritage, see: <https://www.cultureelerfgoed.nl/onderwerpen/veilig-erfgoed/calamiteit-voor-tijdens-na/crisisbewust-in-5-stappen>.

The Cultural Heritage Agency of the Netherlands used the same methodology to raise awareness of fire safety for churches, by also developing a poster.

In the Netherlands the preparatory measures in peacetime for the safeguarding of cultural property are covered by the policy for disaster risk reduction, crisis and disaster response, through the Safety Regions Act (1 October 2010). This Act stipulates that the Mayors of the municipalities form together the board of the 25 'Safety Regions'. The Safety Regions can take heritage concerns into account in their so-called Regional Risk profiles (RRP's). The RRP's include an inventory and analysis of the security risks present in the different Safety Regions, including relevant risks for the neighbouring regions. In drawing up a RRP, regions look at the possible impact of identified risks based on five vital aspects: territorial security, economic security, ecological security, physical security and social and political stability.

A few Safety Regions have included a sixth vital aspect: the safety of cultural heritage. Some municipalities and local fire services for instance cooperate with individual museums, libraries and so forth for better preparedness in regard to fire and safety risks and specific risk reduction measures, based upon the regionally selected strategic safety policies. This includes fire compartments, safety procedures and evacuation plans for both people and museum collections. The ministry of Education, Culture and Science encourages all safety regions to take the safety of cultural heritage into account in their RRP's in the future.

The ministry of Defense is one of the "crisis partners" of the local and regional authorities which have responsibilities in a Safety Region. In all the 25 Safety Regions the Netherlands Armed Forces maintains liaison officers. They serve as advisors on military matters to civilian authorities.

The Dutch method for regional risk inventory and assessment is described in a national guideline in which a specific chapter is dedicated to cultural heritage.

Risk preparedness through disaster plans is mandatory for government subsidized museums and heritage institutions. State subsidized museums have drawn up integral safety plans and have made up the backlog in regard to safety issues, with the financial support of specific government subsidies.

Through the Archives Act and Decrees of Public Records and the Archive Arrangement archives have the obligation to take measures to secure archival depots against fire and water intrusion. The Information and Heritage Inspectorate supervises the management and care of the museum collections and archives, including the risk preparedness.

Lastly, the ministry of Education, Culture and Science has a responsibility for policies regarding crisis management and cultural heritage. The ministry can introduce matters of heritage safety in case of crises via the national crisis structure and ask for protective measures. Next to that, if necessary, it could ask for military support. The Cultural Heritage Agency of the Netherlands (Rijksdienst voor het Cultureel Erfgoed/RCE) has the task to share knowledge with heritage owners and heritage managers and provide instruments to support the safety of heritage. In the Netherlands heritage owners and managers also have their own responsibility regarding the safety of the heritage.

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.

Regarding the possibility of nominating cultural property for enhanced protection and, in particular, those cultural sites inscribed in the World Heritage List complying with criteria of Article 10, the Netherlands has in the period covered by this report not considered this possibility. In the international context the Netherlands is of the opinion that priority should be given to applications of States Parties where the threat of an armed conflict is existent.

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.

The acts defined as offences in Article 15 of the 1999 Protocol were criminalized in the International Crimes Act. [Wet Internationale Misdrifven. The Act also served as the implementation legislation for the Rome Statute of the International Criminal Court.]

Paragraph 1 of Article 15 of the 1999 Protocol describes a number of acts contrary to the Protocol as serious violations and obliges the Parties to make such acts criminal offences. As far as Dutch law is concerned, these obligations in relation to offences committed in an international armed conflict have been implemented by the inclusion in section 5, subsection 4 (a), (b), (c), (d) and (e) of the International Crimes Act.

Although the International Crimes Act does not explicitly state that these acts are criminal offences when committed in a non-international armed conflict, they will still be criminal under the catch-all provision of section 7 of the International Crimes Act.

The text of the relevant provisions is in the possession of the Secretariat of UNESCO.

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.

Under paragraph 1, States which are party to the Protocol are required to establish jurisdiction over the offences listed in Article 15, in so far as they are committed in their territory, by one of their nationals and, in the case of the offences set out article 15, sub-paragraphs a), b) or c), when the alleged offender is present in its territory.

Section 2 of the International Crimes Act provides for jurisdiction over these offences in keeping with the requirement in Article 16 (1) of the present Protocol.

Application of this Act was extended to the public bodies of Bonaire, St. Eustatius and Saba in 2010. In 2012 the possibilities for criminal investigation and prosecution of the crimes covered, as well as the rights of the victims were broadened.

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.

Under Article 21 the Parties to the Protocol are required to adopt such legislative, administrative or disciplinary measures as may be necessary to suppress the acts listed in subparagraphs a) and b) of this article when committed intentionally.

The Parties have greater freedom of choice in respect of these measures than in the case of serious violations, since the measures in question need not necessarily be of a legislative or criminal law nature. Dutch law has penal sanctions for a number of the acts covered by article 21, for example under the 2016 Heritage Act (sections 4.22 and 4.23 on the protection of cultural goods of the Netherlands in conjunction with section 1 of the Economic Offences Act), and the definitions of offences of a more general nature (such as handling stolen goods in article 416, paragraph 1 of the Criminal Code) may be applicable in certain situations.

The Netherlands has implemented the UN sanction regimes concerning Iraq, Syria and North Korea, which also contain measures directed towards the protection of their cultural heritage. See for more information: <https://english.inspectie-oe.nl/cultural-goods/legal-basis/sanction-measures>.

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.

The protection of cultural property is part of the curriculum in military education programs at all levels. Instruction is increasingly detailed in the higher ranks. The subject of cultural heritage protection is taught in the specific preparations which military personnel undergo prior to a deployment. The Netherlands armed forces military directive on training (directive A-700-1) specifically mentions that pre- deployment training should always address the cultural heritage and cultural history of the mission area.

The Convention, the Protocols and the Regulations are available electronically to all Defence personnel and in part publicly via the internet. The main rules and principles are also included in doctrinal publications, including the Manual on the Law of Armed Conflict issued by the Commander of the Royal Netherlands Army, which is also used by the other services of the armed forces. The relevant provisions of the Protocol are also taken into account in drafting rules of engagement.

Within the Dutch armed forces an important role in the implementation of Article 30 has been assigned to 'Cultural Affairs and Information Section' (henceforth: CAI Section) of the 1Civil Military Interaction Command of the Royal Netherlands Army. The role of CAI Section has been outlined under I (3) (Art. 7 of the 1954 Convention) above. The Head of the CAI Section is also responsible within the Netherlands Armed Forces for maintaining a Cultural Heritage Liaison Group of 10 reserve officers who are experts in the field of cultural affairs (archaeology, museum management, architectural monuments and cultural heritage protection) and education. Those experts are available whenever their services are needed in the field. They can advise civilian organizations within the heritage sector on military assistance in emergencies and disasters in the Netherlands. In addition, these officers can serve as liaisons between the civilian and military staffs, and cultural organizations during emergencies, and they advise military commanders on the use of military assets in securing cultural heritage. Furthermore, during Stability or Peace Support Operations the Dutch armed forces can deploy specialists in cultural heritage protection as Cultural Advisor.

Dissemination of the provisions of the Convention and the Second Protocol to target groups and the general public:

At an exhibition in the National Museum of Antiquities on Nineveh (Iraq), the Netherlands Unesco Commission prepared together with the Prince Claus Fund a special section that showed the vulnerability of heritage in conflict situations. The blockbuster exhibition received in 2017 the prize of 'best exhibition' of a Museum magazine in the Netherlands. 150.000 persons visited it. UNESCO gave its international patronage to the exhibition. The Netherlands UNESCO Commission and the Prince Claus Fund organized several side events to emphasize the importance of the 1954 UNESCO Convention, e.g. during the museum night. The international

documentary 'A destruction of Memory' was shown in the museum, but also at other venues as the Chassétheater in Breda.

The Netherlands UNESCO Commission teaches on the UNESCO 1954 Convention and its Protocols on an annual basis at the Reinwardt Academy for heritage studies as part of the Bachelor programme. The UNESCO Commission supports several university graduation projects. It also lectures on a regular basis on the Convention in schools and universities.

ICCROM, the Prince Claus Fund and the Smithsonian Institute developed a *Handbook and Toolkit on Emergency Reponse* to help to improve emergency preparedness within cultural heritage institutions, to serve as a reference to train others, and act as a guide for planning and implementing coordinated cultural heritage first aid. It is meant for cultural heritage professionals and institutions that would like to develop coordinated emergency plans, for community-based organisations and humanitarian aid professionals who are working to enhance disaster resilience in risk-prone regions of the world, as well as for civil protection, civil defense and military personnel, firefighters, and others in charge of protecting communities and their assets during disasters and conflicts. <https://princeclausfund.org/news/first-aid-to-heritage-handbook>.

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.

As the Netherlands has been unable to report in the previous cycle (2013-2016), we include an important event in this report.

The Netherlands returned 4 icons to Cyprus in 2013. It was the first time, and so far only time, that the Netherlands returned cultural property under the First Protocol to the Hague Convention. It also appeared to be the first time in the world a cultural property was returned under this Protocol.

From the report prepared together with Cyprus in 2013:

The restitution was the conclusion of a long process that had started in May 2011 with a request from the Minister of Culture of Cyprus to the Minister of Culture of the Netherlands for the return of the four icons. At that moment these icons were in private possession.

The letter of the Minister of Culture of Cyprus did not come as a surprise. The requested objects had already been subject to a civil court case in the Netherlands in the 1990's. At that time the judges concluded that on the basis of the existing law of the Netherlands, the icons could not be returned under civil law. The international legislation on which a return could be based, the First Protocol to the Hague Convention of UNESCO, did not have a direct binding effect on Dutch citizens.

This was an eye-opener for the Dutch government. The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and both its Protocols were established in 1954 and 1999, in The Hague, where the Government is based. At Peace Conferences in 1899 and 1907 in this city the Netherlands, together with the international community, had pleaded for provisions for the safeguarding of cultural property during an armed conflict.

The Hague Convention was a reaction to what had happened in the Second World War. Not only had people been killed by bombs and warfare, but buildings, monuments and churches were also severely

damaged on both sides of the battlefield. From the allied countries, works of art were looted systematically. In the chaotic situation after the war, works of art were taken to third places as war trophies.

Having experienced this, the Netherlands became one of the frontrunners in establishing the international standard-setting instruments which protect cultural property in times of conflict. As a consequence, when it appeared ten years ago that the Dutch law was inadequate in this respect, the Dutch Government found it of utmost importance to repair this omission. This resulted in the Cultural Property Originating from Occupied Territory (Return) Act of 2007.

Interestingly, in the Explanatory Memorandum to the Act, the case of the Cypriot icons was described as the immediate reason for its establishment. In the Act rules and regulations are established to prohibit the import into the Netherlands of cultural property originating from an occupied territory and to have such property in one's possession in the Netherlands. It has clauses on the taking into custody of such cultural property, the indemnification or compensation of a possessor or owner in good faith who has to be expropriated, as well as measures of control. This Act is applicable to cases which have occurred from the date of the entry into force of the Hague Convention and Protocol for the Kingdom of the Netherlands in 1959. Both the Act and the Explanatory Memorandum can be found in UNESCO's database of national cultural heritage laws.

The Explanatory Memorandum also clarifies that the return of the icons might not remain exclusive. Parties to armed conflicts in Iraq, Libya, Mali, and Syria, do not spare cultural heritage. The chaotic circumstances give looters a chance to illicitly export cultural goods to neighboring countries and further to interested markets.

The Dutch Customs and the Cultural Heritage Inspectorate [now called the Information and Heritage Inspectorate] follow these developments closely and monitor suspicious shipments. Alerts from UNESCO and Interpol are used and circulated as widely as possible.

At the ceremony of the transfer of the icons the Director General highlighted questions such as: Why has the international community made all these efforts? Why should these icons be returned? Why do we think this is so important? The answer is that cultural goods are connected to a country, to people, to their history. The presence of the Ambassador of Cyprus and the representatives of the Greek orthodox church of Cyprus at the ceremony demonstrated how these depictions of the four Evangelists are of value to them, to Cyprus, to their church and to the citizens of Cyprus.

To sum up, the Kingdom of the Netherlands reacted positively to the request from the Republic of Cyprus. The return of the icons was the first return of the Netherlands under the First Protocol, and appeared to be the first in the world.

For more information see the UNESCO webpage: http://www.unesco.org/culture/laws/1954/NL-Cyprus-4icons_en

The Netherlands UNESCO Commission, with the support of the Ministry of Foreign Affairs, cooperated amongst others with UNESCO on the photo exhibition 'Culture under Attack' to request attention for the vulnerability of heritage in the event of an armed conflict as well as the importance of the UNESCO 1954 Convention and its Protocols.

The travelling exhibition was shown

-in the Musée du Bardo and the University Library in Algiers, organized by the Embassy of the Netherlands in Algeria in 2017. Visitors received a translation of the Convention in Arabic.

-At UNESCO headquarters in Paris on the occasion of the 20 years anniversary of the 1999 Second Protocol.

-At the 'Coping With Culture'-conference, organized by the Command and Staff College of the German Armed Forces, Engagement Global and the Centre for Leadership Development and Civic Education for an international network of professionals working at the interface of heritage and defence.

-At Museum Slot Loevestein in 2020. The exhibition had to close earlier, because of the Covid-19 crisis.

The National UNESCO Commission had planned to show the photo exhibition at NATO headquarters

in March 2020, this had to be postponed as a consequence of the Covid 19 crisis.

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.

- ⇒ National laws from the Netherlands on the protection of cultural property are available in the UNESCO Cultural Heritage Law database.
- ⇒ The Dutch translation of the 1999 Second Protocol was published in the Dutch Treaty Series: <https://zoek.officielebekendmakingen.nl/trb-2005-279.html>

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	2009
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	1992
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	-
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	2012
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	2009
Additional Protocol (I) to the Geneva Conventions, 1977	1987
Additional Protocol (II) to the Geneva Conventions, 1977	1987
Additional Protocol (III) to the Geneva Conventions, 2005	2006

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 Erfgoedwet:

<https://www.cultureelerfgoed.nl/publicaties/publicaties/2016/01/01/heritage-act-2016>

International Crimes Act:
<https://wetten.overheid.nl/BWBR0015252/2020-01-01>

- 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

Brochure import and export of cultural goods, available in Dutch and English, link to English version: <https://english.inspectie-oe.nl/publications/publication/2016/11/16/brochure-import-and-export-of-cultural-objects>

Information on cultural goods on the website of the Information and Heritage Inspectorate in Dutch and English. Link to the information in English, <https://english.inspectie-oe.nl/cultural-goods>

Information about prevention measures for incidents and crises, instructions on how to act during and in the aftermath of incidents and crises for heritage owners and managing institutions: <https://www.cultureelerfgoed.nl/onderwerpen/veilig-erfgoed/calamiteit-voor-tijdens-na> If incidents and crises have not occurred (yet), the focus on integrated risk management consists of drawing up, evaluating and updating preventive measures, plans and procedures for the moment a crisis occurs. Plans will be implemented as soon as a calamity or crisis occurs. It is crucial that everyone (involved) in an organization must know what to do. The brochures for after incidents and crises are focused on the return as soon as possible to the normal situation (after care) in which the state of the heritage and the business continuity is no longer at risk. This limits consequential damage.

Information brochure for heritage owners and collection managing institutions in order to be prepared for calamities and crises: <https://www.cultureelerfgoed.nl/publicaties/publicaties/2016/01/01/voorbereid-bij-calamiteiten-en-crisis-handreiking-crisisorganisatie-in-collectiebeherende-instellingen>

Information for heritage owners and collection managing institution in order to be prepared for flooding and heavy rainfall: <https://www.cultureelerfgoed.nl/onderwerpen/veilig-erfgoed/veiligheidszorg/wateroverlast>

Poster : Crisisbewust worden zijn doen in 5 stappen
<https://www.cultureelerfgoed.nl/publicaties/publicaties/2020/01/01/poster-crisisbewust-in-5-stappen>

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	<input type="checkbox"/>
There is limited cooperation between the different authorities	<input type="checkbox"/>
There is cooperation between the various authorities, but there are still improvements to be made	<input checked="" type="checkbox"/>

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	4
Military training on regulations for the protection of cultural property	4
Use of the distinctive emblem to mark cultural property	2
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	4
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	4
Military training on regulations for the protection of cultural property	5
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	4
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 taken into consideration in determining whether a cultural property is of the greatest importance for humanity?

For immovable heritage and documentary heritage, there is an international list, for which it has been determined that the property is of the greatest importance for humanity, the World Heritage List and the list of the Memory of the World.

For movable property there have already been discussions at length on how to determine whether a property could be considered as being of greatest importance for humanity. ICOM has made a study on it, Member States have reacted back in 2015. This is what the Netherlands shared at that time: When considering determining whether a movable cultural property is of the greatest importance for humanity due regard should be given that Parties use their own methods if available or Parties can refer to methods which are available elsewhere to underpin the significance of their heritage.

In EU Directive 2014/60 on the return of cultural objects unlawfully removed from the territory of a Member State the cultural objects that are protected are the ones protected by the EU Member State. This could be taken as an example when developing a definition or a description of what could be eligible for enhanced protection (see <http://eur-lex.europa.eu/legal-content/NL/TXT/?uri=CELEX:32014L0060>)

- 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?

The national authorities to be consulted are the Minister of Culture and for him/her the Cultural Heritage Agency of the Netherlands.

Measures that can ensure the highest level of protection are included in heritage legislation that protects the heritage and stipulates a duty for conservation or maintenance. A system of control in one way or another, should be part of it.

Individual heritage organizations or owners have their own responsibilities, also in their relationship with the respective Safety Regions.

The ministry of Defence can play a role of support, by order or by request of the Minister of Culture or a Safety Region

- 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?

Ministry of Defence.

A further assessment should be made whether the consultation of the ministry of Defence is needed for a proposed cultural property alone or also for its immediate surroundings.