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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:

United States of America

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 Government of the United States of America welcomes the opportunity to submit this initial report. In the interests of transparency, it has provided information in response to this question and those that follow, even where the information relates to measures that are not required by the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Convention). Cultural property in the United States is managed by numerous governmental (federal, tribal, state, territorial, county, and local) and non-governmental public and private institutions and individuals. Ultimately, the property owner is responsible for assessing risks and developing emergency operations plans to protect the property in the event of natural and human-caused disasters.

Individual states maintain lists of cultural properties within their jurisdiction as they deem appropriate. The National Park Service also keeps two lists of nationally recognized cultural properties:

- National Register of Historic Places: The more than 96,000 properties listed (as of the end of 2020) in the National Register represent 1.8 million contributing resources - buildings, sites, districts, structures, and objects. For more information, see <https://www.nps.gov/subjects/nationalregister/index.htm>.
- National Historic Landmarks Program: National Historic Landmarks (NHLs) are historic properties that illustrate the heritage of the United States. The more than 2,600 NHLs in the United States come in many forms: historic buildings, sites, structures, objects, and districts. Each NHL represents an outstanding aspect of American history and culture. For more information, see <https://www.nps.gov/orgs/1582/index.htm>.

In the U.S. system of government, state, territorial, and tribal governments conduct emergency management activities for their cultural property. This process may be managed by a State Historic Preservation Office or Tribal Historic Preservation Office. The Federal Emergency Management Agency (FEMA) leads emergency planning at the national level. The U.S. national emergency response framework is activated when a disaster exceeds a state, territorial, or tribal government's capacity to respond and the governor of the state or territory or tribe official requests a federal disaster declaration to access FEMA resources. The national emergency planning framework covers five mission areas: Prevention, Protection, Mitigation, Response, and Recovery. Each mission area addresses cultural heritage. During Response, Emergency Support Function – Agriculture and Natural Resources involves Protection of Natural and Cultural Resources and Historical Properties (NCH). This function includes appropriate response actions to preserve, conserve, rehabilitate, and inform long-term recovery of NCH resources; post-event assessments of damages; and technical assistance and resources for assessing impacts of response activities on NCH resources. The primary agencies during Response for NCH are the U.S. Department of Agriculture and the U.S. Department of the Interior, with support from the U.S. National Archives and Records Administration, the Advisory Council on Historic Preservation

(ACHP), and the Heritage Emergency National Task Force (HENTF), a partnership of 60 national service organizations and federal agencies co-sponsored by FEMA and the Smithsonian Institution.

During Recovery, Recovery Support Function – Natural and Cultural Resources (NCR) includes protecting natural and cultural resources and historic properties through appropriate planning, mitigation, response, and recovery actions to preserve, conserve, rehabilitate, and restore them consistent with post-disaster community priorities and best practices and in compliance with applicable environmental and historic preservation laws and executive orders. The coordinating agency is the U.S. Department of the Interior, with supporting departments and agencies, such as the U.S. Department of Homeland Security, including FEMA, the Institute of Museum and Library Services (IMLS), the Library of Congress (LoC), the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the HENTF. For more information on the U.S. National Emergency Planning Frameworks, see <https://www.fema.gov/emergency-managers/national-preparedness/frameworks>

Individual U.S. Government departments and agencies document cultural heritage under their purview and maintain preservation and conservation programs that provide capacity for response to and mitigation of adverse conditions, such as natural disaster or armed conflict. U.S. Government departments and agencies report on cultural properties under their purview according to the Federal Financial Accounting Standards for Heritage Assets and Stewardship Land. The U.S. Government's Interagency Security Committee maintains standards for determining the appropriate level of security at nonmilitary U.S. Government facilities, including cultural heritage sites. The U.S. Government considers the following factors in evaluating risk to all U.S. Government structures/sites: mission criticality, population (occupancy), symbolism, potential threat, and size. Based on these factors, every facility receives a rating of 1-5, and risk is reassessed every 3 years (see <https://www.cisa.gov/isc>).

Although not required by Article 3 of the Convention, the U.S. Department of Defense (DoD) engages in a variety of measures for the safeguarding of cultural property outside the United States. For example, enduring installations under DoD control outside the United States adhere to certain standards on the preservation and management of historic and cultural resources. Such standards include the development of a cultural resources management plan and other efforts to ensure that the possible adverse effects of DoD actions on historic and cultural resources are avoided or mitigated, to the extent practicable. Such efforts include, for example, considering, in consultation with the appropriate Host Nation authorities, all practicable means to appropriately avoid, minimize, and mitigate any adverse effects on historic and cultural resources before major construction, major repair work, or ground-disturbing activity. See DoD Manual 4715.05, Vol. I, Overseas Environmental Baseline Guidance Document: Conservation, Section 4: Historic and Cultural Resources, June 29, 2020. Similarly, DoD Instruction 4715.22, Environmental Management Policy for Contingency Locations, provides for DoD policy that "DoD Components managing contingency locations: ... b. Minimize adverse environmental impact and avoid damage to recognized cultural, historic, and natural resources. [and] ... g. Integrate cultural property protection concerns early in the planning process." DoD Instruction 4715.22, Environmental Management Policy for Contingency Locations, (Feb. 18, 2016, Change 2 Effective: Aug. 31, 2018).

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 United States has understood Article 6 of the Convention to authorize but not to require the marking of cultural property with the distinctive emblem of the Convention. The United States has not engaged in a systematic practice of marking U.S. cultural property with the distinctive emblem of the Convention, although depictions of the distinctive emblem and its permitted uses under the Convention are taught and included as part of U.S. efforts to disseminate information relating to the Convention and the Regulations for its execution.

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.

The U.S. military has a robust program for the implementation of the law of war, including the Convention.

As noted in the report of the Senate Committee on Foreign Relations on the Hague Cultural Property Convention, Senate Executive Report 110-26, Sept. 16, 2008, submitted by then-Senator Biden (see Annex A, document #2):

The Department of Defense has carefully studied the Convention, and its impact on military practice, and has found it to be fully consistent with good military doctrine and practice as conducted by U.S. forces. As noted in the Secretary of State's Letter of Submittal, "[i]n large measure, the practices required by the Convention to protect cultural property were based upon the practices of U.S. military forces during World War II" and since the Convention's entry into force, "U.S. military forces have not only followed but exceeded its terms in the conduct of military operations." [quoting Annex A, document #1]

After U.S. ratification of the Convention, the U.S. military has continued to act consistently with the Convention's requirements and even provide additional protections for cultural property. For example, U.S. Central Command reported on U.S. efforts to protect the Rafiqah city wall in military operations in 2017 (see Annex A, document #6).

The United States has a number of provisions in regulations and instructions for the U.S. armed forces to ensure compliance with the law of war, including the Convention. The U.S. military has a longstanding policy, established in DoD Directive 2311.01, DoD Law of War Program, July 2, 2020, to comply with the law of war obligations of the United States, including the Convention (Annex A, document #7). DoD Directive 2311.01 was re-issued in July 2020 and updated in light of lessons learned since the last major reissuance of the policy in 2006. This policy is implemented, inter alia, through effective programs to prevent violations of the law of war, including:

1. Law of war dissemination and periodic training.
2. Qualified legal advisers advising on the law of war.
3. Instructions, regulations, and procedures to implement law of war standards and establish processes for ensuring compliance.
4. Reporting of incidents to ensure that commanders can exercise their responsibilities to implement and enforce the law of war.
5. Assessments, investigations, inquiries, or other reviews of incidents needed to determine appropriate responses.
6. Appropriate actions to ensure accountability and to improve efforts to prevent violations of the law of war in U.S. military operations.

These elements of the DoD Law of War Program include efforts to implement law of war protections for cultural property, including both protections that are specific to cultural property, such as those in the Convention and the general protections that cultural property would also receive, under the law of war, when, depending on the circumstances, it constitutes a civilian object or enemy property. For example, DoD components train their personnel on relevant law of war requirements, including requirements relating to the protection of cultural property. Similarly, judge advocates and other legal advisers' efforts to advise commanders on the law of war during operations include advice on issues related to the protection of cultural property. DoD components would also, for example, issue more specific guidance to their personnel to implement law of war protections for cultural property. Such guidance could include processes, such as surveys or inventories of significant cultural or historical locations, as well as articulations of specific prohibitions against desecrating or defiling historical or cultural artifacts or locations.

DoD Directive 2311.01 also provides for the DoD Law of War Manual (June 2015, Updated Dec. 2016) to serve as the authoritative statement on the law of war, including the Convention, within the U.S. Department of Defense (available at: https://ogc.osd.mil/Portals/99/law_war_manual_december_16.pdf). Issued by the DoD General Counsel, with the support of the DoD Law of War Working Group, this manual provides information to DoD personnel responsible for implementing the law of war and executing military operations. The more than 1,200-page manual is intended to be a comprehensive resource for DoD personnel and addresses the Convention in detail.

Section 4.14 of the DoD Law of War Manual describes the rights, duties, and liabilities of personnel engaged in duties related to the protection of cultural property. Section 5.18 addresses the protection of cultural property during hostilities, including provisions of the Convention. Section 17.11 addresses the protection of cultural property in non-international armed conflict. Section 18.6.1.4 discusses the dissemination and study of the Convention. Section 19.17 provides information relating to U.S. ratification of the Convention. These sections are included in document #4 of Annex A.

A variety of other publications and guidance issued by DoD components for their personnel also include references to the Convention and its requirements related to the protection of cultural property, where appropriate. For example:

- The Law of Air, Space, and Cyber Operations (Fourth ed. 2020), issued by the Judge Advocate General of the U.S. Air Force.
- Operational Law Handbook, issued by the Judge Advocate General's Legal Center and School, U.S. Army, Charlottesville, Virginia, 2020.
- Department of the Army Field Manual (FM) 6-27 / Marine Corps Tactical Publication (MCTP) 11-10C, The Commander's Handbook on the Law of Land Warfare (Aug. 2019, Change 1 Sept. 20, 2019).
- Navy Warfare Publication (NWP) 1-14M, MCTP 11-10B, Commandant Publication (COMDTPUB) P5800.7A, The Commander's Handbook on the Law of Naval Operations (Aug. 2017).
- Department of the Army, Graphic Training Aid (GTA) 41-01-002, Civil Affairs Arts, Monuments, And Archives Guide, Oct. 2015.

A U.S. DoD Report to Congress in 2015 provides a range of examples of internal U.S. military issuances that have been used to help implement protections for cultural property (see Annex A, document #3, pp. 2-8).

- *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 U.S. armed forces include a variety of personnel who support the effective implementation of the Convention.

Commanders. As explained in Section 18.4 of the DoD Law of War Manual, the leadership of military commanders is critical to the effective implementation of the law of war, including the Convention. For example, military commanders have a duty to take appropriate measures within their power to control the forces under their command for the prevention of violations of the law of war, including the Convention. Commanders also have a duty to investigate reports of alleged law of war violations committed by persons under their command or against persons to whom they have a legal duty to afford protection. In carrying out their duties to implement and enforce the law of war, commanders may use disciplinary or penal measures. Apart from disciplinary measures, a variety of other measures may be appropriate to prevent or address violations of the law of war by subordinates. For example, commanders should ensure that members of the armed forces under their command are, commensurate with their duties, aware of their duties under the law of war.

Judge advocates and other legal advisers. The United States has provided for legal advisers to advise military commanders on the law of war, including the Convention. For example, DoD policy has required that each head of a DoD component make qualified legal advisers available at all levels of command to provide advice about law of war compliance during planning and execution of exercises and operations. DoD policy has

required that commanders of the combatant commands ensure that all plans, policies, directives, and rules of engagement, and those of subordinate commands and components, are reviewed by legal advisers to ensure their consistency with the law of war and DoD policy on the law of war.

Personnel specializing in the protection of cultural property in armed conflict. The U.S. Army has established the designation of Military Government Specialist (38G) series for Civil Affairs (CA) officers and, within the 38G series, the designation of 38G6V Heritage and Preservation Specialist. As explained in the April 2019 edition of Army Field Manual (FM) 3-57, Civil Affairs Operations:

2-62. The 38G/6V heritage and preservation specialist advises and assists on, or reestablishes and directs, the administration and management of all activities regarding cultural heritage assets at the national, regional, and provincial levels. They provide technical expertise on the systems and processes for the analysis, assessment, planning, and implementation of systems and methods to preserve and safeguard cultural heritage for the benefit of IPI [indigenous populations and institutions]. They also conduct ethnographic research and engagement in order to promote preservation of culture and cultural heritage.

2-63. Cultural heritage includes, but is not limited to—

- Moveable and immovable cultural property, including historic and cultural monuments, sites, and architecture, whether religious or secular.
- Archaeological sites and artifacts.
- Works of art.
- Manuscripts, books and other objects of artistic, historical, or archaeological interest.
- Traditional cultural property.
- Scientific collections and important collections of books or archives and the buildings that house them, such as museums, libraries, archives, or other depositories.

A variety of other personnel can also have duties that support the protection of cultural property. For example, a 2017 DoD Report to Congress (Annex A, document #5) described the efforts of intelligence analysts to support the protection of cultural property:

The Defense Intelligence Agency (DIA), as a combat support agency, supports the efforts of combatant commanders and their subordinate commanders by producing, analyzing, and disseminating military intelligence information. Within DIA, a team of intelligence officers staffs a division that focuses on cultural property protection. This division is responsible for ensuring sites protected by the 1954 Hague Convention and the law of war are resident in a database widely used within DoD to support the full range of military planning, targeting, and response options. DIA works closely with academics, archeologists, and non-governmental organizations to identify and catalogue cultural property—including cultural heritage sites—to populate this database. For example, during Operation ODYSSEY DAWN, the military campaign in 2011 to enforce United Nations Security Council Resolution 1973, DIA used information provided by a non-governmental organization named the U.S. Committee of the Blue Shield and other sources to populate this database and to help U.S. and participating North Atlantic Treaty Organization (NATO) forces avoid damaging cultural property in Libya during military action.

Similarly, for example, civil engineers can play an important role in advising commanders on efforts to protect cultural property. As explained in Air Force Handbook 10-222, Vol. 4, Environmental Considerations for Overseas Contingency Operations, (Sept. 1, 2012):

3.15. Historical and Cultural Resources. During initial beddown [provision of facilities in contingency locations for personnel and mission support], civil engineers work closely with

senior leadership in developing and issuing local guidance to ensure all personnel understand the importance of historical and cultural resources and their responsibilities to protect these assets to the greatest extent while focusing on the mission. Engineers thoroughly review all of the research information gathered during planning to ensure accuracy and make adjustments to plans as necessary. Make contact with key environmental personnel in the AOR [Area of Responsibility] and local officials to gather any additional information on historical and cultural resources that might impact the course of operations. Considering the operational environment, also look for opportunities to query the local population. If necessary, update maps developed during planning. All of this information provides commanders situational awareness with respect to historical and cultural resources that can be useful during decision-making. If adjustments must be made, ensure these assets are considered prior to starting construction, and military activities and maneuvers are able to remain at least 50 meters (165 feet) from these areas. As operations continue, keep commanders informed of on-going activities that may result in damage or destruction to these assets and propose alternatives that could minimize adverse effects without degrading operational capability. Following are some considerations for historical and cultural resources during initial beddown:

- Integrate CDR's [Combatant Commander's] historical/cultural resource policy into site SOPs [Standard Operating Procedures]
- Maintain maps identifying environmentally sensitive areas in region
- Consider declaring environmentally sensitive areas off limits
- Query local population on locations of historical/cultural resources
- Seek to avoid areas of significant historical importance
- Seek to avoid areas of significant spiritual importance
- Seek to avoid archeological sites that may contain historical artifacts
- Construct temporary barriers to prevent entry into sensitive areas
- Post warning signs at entrances to environmentally sensitive areas
- Assess impact of required excavation on historical/cultural resources
- Avoid sensitive areas in plans for expansion or during construction
- Prohibit removal of historically or culturally significant artifacts

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 United States has disseminated the provisions of the Convention and the Regulations for its execution among the armed forces, personnel engaged in the protection of cultural property, and the general public.

The U.S. Department of State includes the Convention on its annual listing of treaties in force for the United States, available at: <https://www.state.gov/treaties-in-force/>. The Department of State has published the Convention in its Treaties and Other International Acts Series, available at: <https://www.state.gov/wp-content/uploads/2019/02/09-313.1-Multilateral-Cultural-Property-Protection.pdf>. An official copy of the Convention was transmitted by the U.S. President to the U.S. Senate for its advice and consent to U.S. ratification, available at: <https://www.congress.gov/106/cdoc/tdoc1/CDOC-106tdoc1.pdf>. The DoD, Office of General Counsel, also includes the version of the treaty available on the UN Treaties Series website, on its website for reference by U.S. military personnel, available at: <https://ogc.osd.mil/Law-of-War/Treaty-Documents/>. Our response to Question #3 on “Article 7 – Military Measures” provides further examples of how provisions of the Convention and its requirements related to the protection of cultural property have been disseminated within the U.S. military. Annex C includes examples of materials used since 2009 in U.S. military operations to increase awareness of protections for cultural property.

The United States also engages in a wide range of other efforts to disseminate information about the Convention and U.S. implementation of the Convention. For example, the U.S. Government often partners with civil society (non-governmental) organizations in extensive activities to disseminate information about the Convention among the U.S. military, the U.S. public, and publics abroad. These activities are described in Annex B, Selected U.S. Activities to Disseminate Information About the Convention and U.S. Implementation of 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

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.

The United States already has all necessary domestic legislation. This issue was studied prior to U.S. ratification of the Convention. As noted in the U.S. Senate Committee on Foreign Relations Report relating to the Convention:

"No implementing legislation is required for this Convention. The United States already complies in practice with the norms contained in this Convention. In response to the committee's questions, the Department of Defense stated that if the United States were to ratify this treaty, existing Department of Defense and Military Department directives and publications that refer to treaties to which the United States is a party would be updated to reflect that the United States is a party to this Convention, but no new Department of Defense directives or regulations would be needed and there would be no additional costs associated with implementing the Convention."

A variety of U.S. statutes, including provisions of the Uniform Code of Military Justice (UCMJ), could be used to prosecute and impose penal or disciplinary sanctions against conduct contrary to the obligations set out in the Convention. For example, Article 108a of the UCMJ provides, *inter alia*, for the punishment by court-martial of any person subject to the UCMJ who "engages in looting or pillaging." 10 U.S.C. § 908a. As another example, Article 109 of the UCMJ provides for the punishment by court-martial of any person subject to the UCMJ "who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States." 10 U.S.C. § 909. Article 102 of the UCMJ provides for the punishment by court-martial of any person subject to the UCMJ who "forces a safeguard." 10 U.S.C. § 902.

"The safeguard is a detachment, guard, or detail posted by a commander for the protection of persons, places, or property of the enemy, or of a neutral affected by the relationship of belligerent forces in their prosecution of war or during circumstances amounting to a state of belligerency. The term also includes a written order left by a commander with an enemy subject or posted upon enemy property for the protection of that person or property." (Manual for Courts-Martial United States, pp. IV-43-IV-44 (2019 edition)).

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.

Although the United States has not set up a National Advisory Committee under Resolution II, it has similar internal mechanisms to facilitate the effective implementation of the Convention.

Pursuant to the Protect and Preserve International Cultural Property Act (Public Law 114-151), signed into law by then-President of the United States Barack Obama on May 9, 2016, the U.S. Department of State established an interagency Cultural Heritage Coordinating Committee (CHCC). Chaired by the Department's Assistant Secretary for Educational and Cultural Affairs, the CHCC coordinates the efforts of the U.S. federal government to protect and preserve international cultural property, particularly when it is at risk from political instability, armed conflict, or natural or other disasters. It consults with governmental and nongovernmental organizations, including the United States Committee of the Blue Shield, museums, educational institutions, research institutions, and participants in the international art and cultural property market on efforts to protect and preserve international cultural property.

By coordinating the efforts of its members, the CHCC aims to: (1) protect and preserve international cultural property, particularly when it is at risk from political instability, armed conflict, or other disasters; (2) prevent and disrupt looting and illegal trade and trafficking in international cultural property, particularly exchanges that provide revenue to terrorist and criminal organizations; (3) protect sites of cultural and archaeological significance; and (4) provide for the lawful exchange of international cultural property. Goals to achieve this function are set by the Committee, as appropriate, and tasked to working groups.

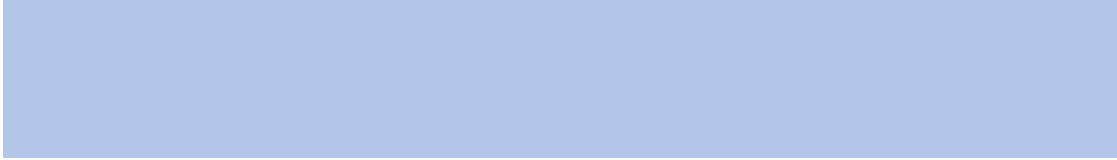
The U.S. Government interagency partners of the CHCC include the U.S. Department of State, U.S. Department of Agriculture (including the Forest Service), U.S. Department of Defense, U.S. Department of Homeland Security (including Customs and Border Protection, Homeland Security Investigations, and Immigration and Customs Enforcement), U.S. Department of the Interior (including the National Park Service), U.S. Department of Justice (including the Federal Bureau of Investigation), U.S. Department of the Treasury, Institute of Museum and Library Services, Library of Congress, National Archives and Records Administration, National Endowment for the Arts, National Endowment for the Humanities, Smithsonian Institution, and U.S. Agency for International Development.

Within the U.S. Department of Defense, the DoD Law of War Working Group, chaired by a representative of the DoD Office of General Counsel includes representatives from relevant legal offices within DoD, and advises on law of war matters and issues, including those relating to the protection of cultural property.

- *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.



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.

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.

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:

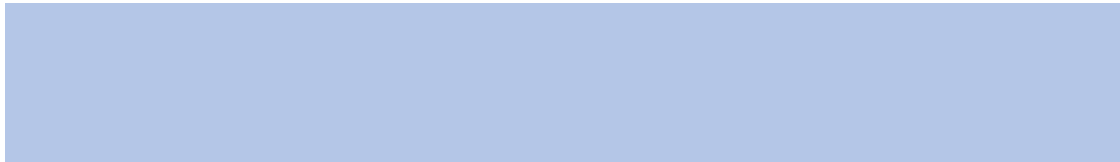
You can complete your answer below, taking into account the guidelines in the model report.

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.



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.



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.

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.

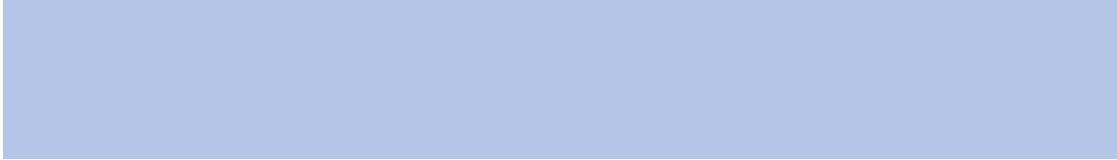
8. Article 33 – Assistance of UNESCO

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* .

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

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): The United States assesses that there is appropriate cooperation at the national level for the United States to comply with its obligations under the Convention.

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.

U.S. Response: In response to Section VI of this Questionnaire, the United States' views and measures related to implementation of the Convention are more accurately reflected in its narrative responses in Section I of the Questionnaire. The United States assesses that it has complied with its obligations under the Convention. As a result, we have declined to assign numerical values in response to the following two questions in Section VI.

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.

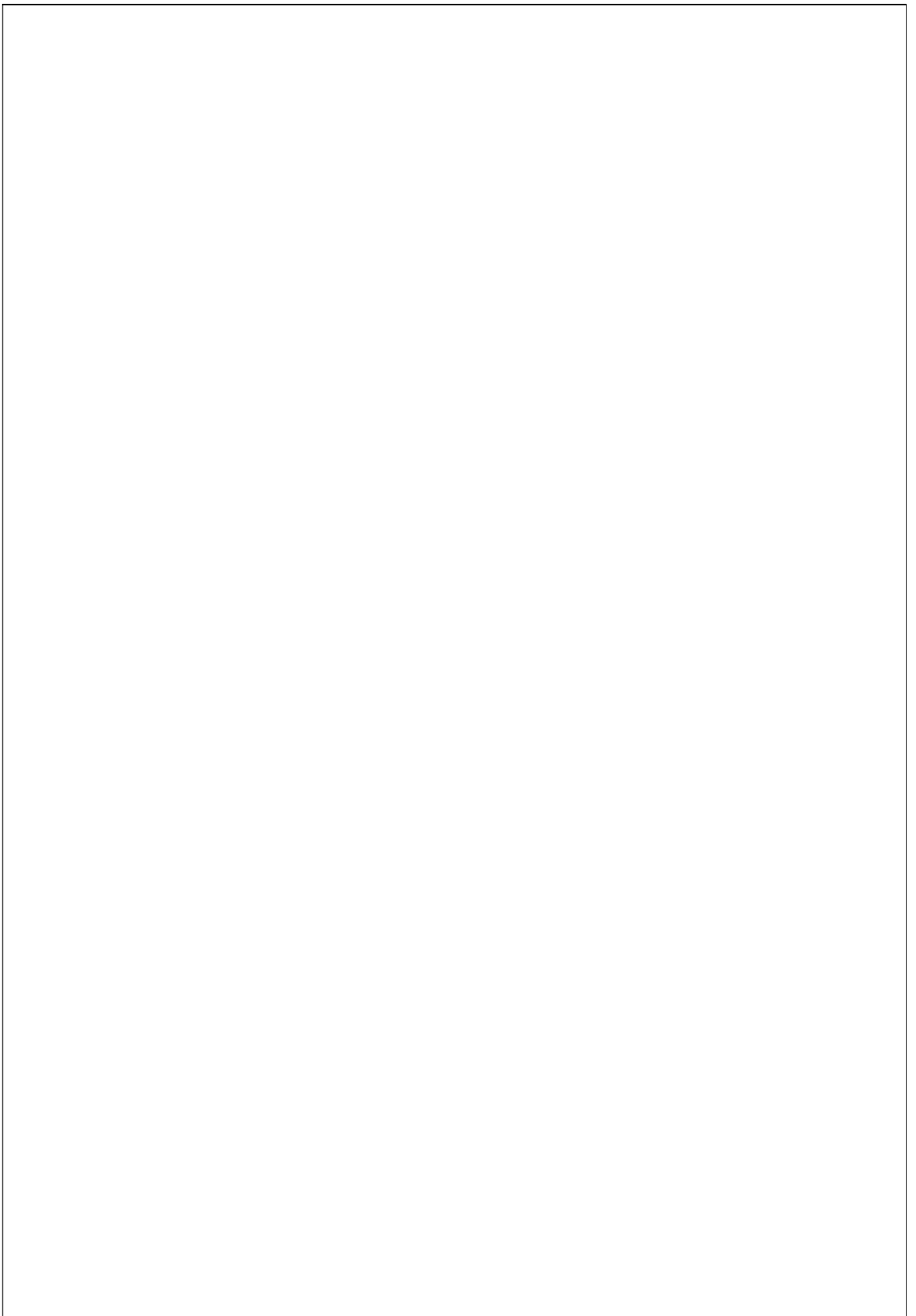
Implementation of the safeguarding obligation through the adoption of preparatory measures	.....
Military training on regulations for the protection of cultural property	.....
Use of the distinctive emblem to mark cultural property	.....
Implementation of the obligation to disseminate, through the implementation 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	.....
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	.....



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"

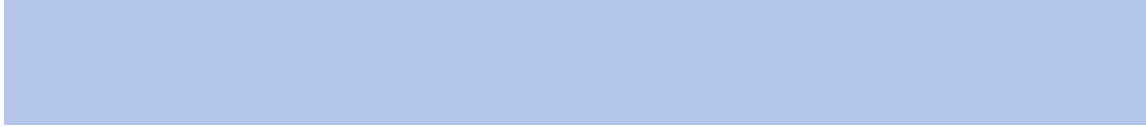
Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

- 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?

- 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?



**ANNEX A: OFFICIAL U.S. DOCUMENTS RELATING TO THE CONVENTION AND ITS
IMPLEMENTATION**

1. Message from the President of the United States Transmitting the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, Senate Treaty Document No. 106-1 (1999)
2. U.S. Senate Committee on Foreign Relations, Report: The Hague Cultural Property Convention, Senate Executive Report No. 110-26 (2008)
3. U.S. Department of Defense, *Report on Protection of Cultural Property in the Event of Armed Conflict*, No. 0-C2A0797 (2015)
4. Selected excerpts from the U.S. Department of Defense Law of War Manual (June 2015, Updated Dec. 2016)
5. U.S. Department of Defense, *Report on Cultural Preservation in Armed Conflict*, No. 1-D6C4919 (2017)
6. U.S. Central Command, *SDF Breaches Old City*, July 4, 2017
7. U.S. Department of Defense Directive 2311.01, *DoD Law of War Program*, July 2, 2020

ANNEX B: SELECTED U.S. ACTIVITIES TO DISSEMINATE INFORMATION ABOUT THE CONVENTION AND U.S. IMPLEMENTATION OF THE CONVENTION

Cultural Heritage Coordinating Committee (CHCC)

<https://eca.state.gov/cultural-heritage-center/cultural-heritage-coordinating-committee>

The U.S. Department of State established the CHCC in 2016 pursuant to the Protect and Preserve International Cultural Property Act (Public Law 114-151). The U.S. Government interagency partners of the CHCC include the U.S. Department of State, U.S. Department of Agriculture (including the Forest Service), U.S. Department of Defense, U.S. Department of Homeland Security (including Customs and Border Protection, Homeland Security Investigations, and Immigration and Customs Enforcement), U.S. Department of the Interior (including the National Park Service), U.S. Department of Justice (including the Federal Bureau of Investigation), U.S. Department of the Treasury, Institute of Museum and Library Services, Library of Congress, National Archives and Records Administration, National Endowment for the Arts, National Endowment for the Humanities, Smithsonian Institution, and U.S. Agency for International Development. Activities of the CHCC include coordination among agencies, non-governmental organizations (NGOs), professional organizations, and academic institutions to implement the Convention.

Guide to Heritage in Raqqa & Deir ez-Zor: A Training and Operations Aid for U.S. Military and Syrian Democratic Forces (SDF), 3 July 2017

The Guide to Heritage in Raqqa & Deir ez-Zor is a pocket-sized, illustrated training and operational aid for military personnel in English, Arabic, and Kurdish developed by the Smithsonian Cultural Rescue Initiative (SCRI), the Penn Cultural Heritage Center at the University of Pennsylvania, the U.S. Committee of the Blue Shield (USCBS), and the COCOM Cultural Heritage Action Group (CCHAG). Following the successful *Guide to Mosul Heritage* provided to the Coalition to retake Mosul in 2016, the Raqqa Guide familiarized U.S. military and Syrian Democratic Forces (SDF) personnel with basic information about cultural sites potentially at-risk during operations in and around Raqqa and Deir ez-Zor. Contents included information about the Convention, basic maps, coordinates, and images for selected sites. Both guides are included in Annex C: *Examples of Materials Used in U.S. Military Operations to Increase Awareness of Protections for Cultural Property*.

U.S. Southern Command (USSOUTHCOM) Playing Cards Project

To help preserve the cultural heritage of four Central American countries (Belize, Guatemala, Honduras and El Salvador), the USCBS designed and produced decks of playing cards for distribution to USSOUTHCOM military personnel working in those countries. The cards include images of cultural objects and sites and relay information about the Convention. Funding for the project was provided by SCRI and facilitated by the Foundation of the American Institute for Conservation of Historic and Artistic Works (FAIC).

Building Bridges: A Symposium on Global Cultural Heritage Preservation

On October 23-24, 2018, the CHCC hosted the symposium at the Smithsonian Institution. The symposium audience included government agencies, NGOs, academic institutions, and funding organizations. The program included a panel on military training and awareness raising to implement the Convention.

Current Approaches to the Conservation of Conflict-Affected Heritage

On February 28, 2020, the Smithsonian Institution hosted the symposium, “Current Approaches to the Conservation of Conflict-Affected Heritage.” This conference brought together panelists who have addressed conflict-affected heritage through collaborative interventions, developing on-the-ground responses, or conducting much needed basic scientific studies. The symposium was organized by the SCRI, the Smithsonian’s Museum Conservation Institute, and the International Council of Museums Disaster Resilient Museum Committee and supported by the Andrew W. Mellon Foundation. The conference included references to the Blue Shield and the Convention.

U.S. Army Monuments Officer Training

In October 2019, the Smithsonian Cultural Rescue Initiative and the U.S. Army Civil Affairs and Psychological Operations Command (USACAPOC) signed an agreement to work collaboratively to assist U.S. military personnel and relevant U.S. departments and agencies with protection of cultural property and implementation of the Convention. The agreement received wide media attention, raising public awareness of the Convention.

<https://www.nytimes.com/2019/10/21/arts/design/new-monuments-men.html>

In September–October 2020, the Smithsonian and USACAPOC provided a series of online training sessions for 20 of USACAPOC’s 38G/6V Heritage and Preservation Officers and 5 international officers. The virtual public event, *Reinventing the Monuments Men and Women for the 21st-Century Force* on September 16, 2020, hosted more than 800 live attendees.

<https://www.youtube.com/watch?v=QhHcm8rPkyE&t=392s>

U.S. Committee of the Blue Shield (USCBS)

<https://uscbs.org/>

USCBS is a non-governmental organization that has engaged in and collaborated with other organizations to bring the Convention to the attention of the U.S. public and publics throughout the world. USCBS Public Events (2017-2021) included:

- USCBS sponsored a panel discussion as part of the conference of the Lawyers’ Committee for Cultural Heritage Preservation held in March 2017. The panel was “Human rights and law of armed conflict; the Second Protocol to the 1954 Hague Convention; possibilities for USCBS as a consulting organization to the new coordinating committee for cultural heritage protection [the Cultural Heritage Coordinating Committee in the US Department of State].” Speakers included USCBS President Dr. Nancy Wilkie; Knox Thames, Special Advisor for Religious Minorities in the Near East and South/Central Asia; Bureau of Democracy, Human Rights and Labor, U.S. Department of State; and Elizabeth Varner, Staff Curator, U.S. Department of the Interior, Museum Program. More information can be found at: <http://www.culturalheritagelaw.org/event-2390951>.
- USCBS Board members participated and were interviewed in two documentary films. Both films were also screened at film festivals and online.
- In addition to appearing in the film, “Destruction of Memory” based on the book by Richard Bevan, produced by Tim Slade (<https://destructionofmemoryfilm.com/>), USCBS

Board members participated in panel discussions during screenings of the film including in Chicago, New York, Philadelphia, and Siena (Italy).

- A USCBS board member participated in a screening in Minneapolis of “Stout Hearted: Documenting A Monumental Champion of Art,” produced by Kevin Kelley and Marie Wilkes (<https://www.iowasource.com/2019/04/02/stout-hearted-documenting-a-monumental-champion-of-art/>).
- USCBS members and Board members participated in presentations and round tables at the following programs:
 - Round table discussion held at the Getty Museum in Los Angeles on the subject of archaeology, conservation, and education in 2018
 - DePaul University College of Law, Chicago, IL. November 2017 conference, “Human Rights and Cultural Heritage: A New Paradigm”
 - “NATO, Cultural Heritage and the Way Forward” March 2021, Rome (virtual)
 - Smithsonian Institution and the National Society of The Colonial Dames of America, April 2021 (online), presented a three-day celebration of women and their pivotal role in American preservation. The symposium featured three U.S. Committee of the Blue Shield Board Members, speaking on “Advocacy in Action,” “Law and Preservation” (focusing on the 1954 Hague Convention) and “Safekeeping Tomorrow” (virtual) (<https://dumbartonhouse.ticketleap.com/women-in-preservation-symposium/details>)
 - Archaeological Institute of America Nancy Wilkie Lectures in 2020-2021 were on the subject “Preserving the Past: Archaeological Heritage, the Art Market and Conflict in the Middle East” (virtual)
- Additional public lectures were given in person or virtually at:
 - U.S. Holocaust Memorial Museum
 - George Washington University
 - Yale Peabody Museum of Natural History
 - University of Chicago
 - George Mason University
 - PLATO Society of Los Angeles
 - Johns Hopkins University
 - University of Pennsylvania
 - University of San Francisco.
- Lectures given outside of the United States included in Amman, Jordan; Berlin, Germany; Université de Saint Joseph, Beirut, Lebanon; the University of Helsinki, Helsinki, Finland; and the Leiden University, Leiden, The Netherlands.

**ANNEX C: EXAMPLES OF MATERIALS USED IN U.S. MILITARY OPERATIONS TO INCREASE
AWARENESS OF PROTECTIONS FOR CULTURAL PROPERTY**

1. Soldier Pocket Card (2009)
2. Product Catalog for Cultural Property Protection Planning and Training in the Department of Defense (Fall 2010)
3. Guide to Mosul Heritage (2016) and associated information sheet
4. Guide to Heritage in Raqqa & Deir ez-Zor (2017) and associated information sheet