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THE HAGUE CONVENTION AND THE HAGUE PROTOCOL

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT (THE CONVENTION) AND, FOR ACCESSION, THE HAGUE PROTOCOL, CONCLUDED ON MAY 14, 1954, AND ENTERED INTO FORCE ON AUGUST 7, 1956 WITH ACCOMPANYING REPORT FROM THE DEPARTMENT OF STATE ON THE CONVENTION AND THE HAGUE PROTOCOL

JANUARY 6, 1999.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate.

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *January 6, 1999.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Convention) and, for accession, the Hague Protocol, concluded on May 14, 1954, and entered into force on August 7, 1956. Also enclosed for the information of the Senate is the report of the Department of State on the Convention and the Hauge Protocol.

I also wish to take this opportunity to reiterate my support for the prompt approval of Protocol II Additional to the Geneva Conventions of 12 August 1949, concluded at Geneva on June 10, 1977 (Protocol II). Protocol II, which deals with noninternational armed conflicts, or civil wars, was transmitted to the Senate for advice and consent to ratification in 1987 by President Reagan but has not been acted upon.

The Hague Convention

The Convention was signed by the United States on May 14, 1954, the same day it was concluded; however, it has not been submitted to the Senate for advice and consent to ratification until now.

The Hague Convention, to which more than 80 countries are party, elaborates on obligations contained in earlier treaties. It also establishes a regime for special protection of a highly limited category of cultural property. It provides both for preparations in peacetime for safeguarding cultural property against foreseeable effects of armed conflicts, and also for respecting such property in time of war or military occupation. In conformity with the customary practice of nations, the protection of cultural property is not absolute. If cultural property is used for military purposes, or in the event of imperative military necessity, the protection afforded by the Convention is waived, in accordance with the Convention's terms.

Further, the primary responsibility for the protection of cultural property rests with the party controlling that property, to ensure that the property is properly identified and that is not used for an unlawful purpose.

The Hague Protocol, which was concluded on the same day as the Convention, but is a separate agreement, contains provisions intended to prevent the exportation of cultural property from occupied territory. It obligates an occupying power to prevent the exportation of cultural property from territory it occupies, requires each

party to take into its custody cultural property exported contrary to the Protocol, and requires parties to return such cultural property at the close of hostilities. However, as described in the report of the Secretary of State, there are concerns about the acceptability of Section I of the Hague Protocol. I therefore recommend that at the time of accession, the United States exercise its right under Section III of the Hague Protocol to declare that it will not be bound by the provisions of Section I.

The United States signed the Convention on May 14, 1954. Since that time, it has been subject to detailed interagency reviews. Based on these reviews, I have concluded that the United States should now become a party to the Convention and to the Hague Protocol, subject to the understandings and declaration contained in the report of the Department of State.

United States military policy and the conduct of operations are entirely consistent with the Convention's provisions. In 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. A number of concerns that resulted in the original decision not to submit the Convention for advice and consent have not materialized in the decades of experience with the Convention since its entry into force. The minor concerns that remain relate to ambiguities in language that should be addressed through appropriate understandings, as set forth in the report of the Department of State.

I believe that ratification of the Convention and accession to the Protocol will underscore our long commitment, as well as our practice in combat, to protect the world's cultural resources.

I am also mindful of the international process underway for review of the Convention. By becoming a party, we will be in a stronger position to shape any proposed amendments and help ensure that U.S. interests are preserved.

I recommend, in light of these considerations, that the Senate give early and favorable consideration to the Convention and the Protocol and give its advice and consent to ratification and accession, subject to the understandings and declaration contained in the report of the Department of State.

Protocol II Additional

In his transmittal message dated January 29, 1987, President Reagan requested the advice and consent of the Senate to ratification of Protocol II. The Senate, however, did not act on Protocol II. I believe the Senate should now renew its consideration of this important law-of-war agreement.

Protocol II expands upon the fundamental humanitarian provisions contained in the 1949 Geneva Conventions with respect to internal armed conflicts. Such internal conflicts have been the source of appalling civilian suffering, particularly over the last several decades. Protocol II is aimed specifically at ameliorating the suffering of victims of such internal conflicts and, in particular, is directed at protecting civilians who, as we have witnessed with such horror this very decade, all too often find themselves caught in the crossfire of such conflicts. Indeed, if Protocol II's fundamental rules

were observed, many of the worst human tragedies of recent internal armed conflicts would have been avoided.

Because the United States traditionally has held a leadership position in matters relating to the law of war, our ratification would help give Protocol II the visibility.

Because the United States traditionally has held a leadership position in matters relating to the law of war, our ratification would help give Protocol II the visibility and respect it deserves and would enhance efforts to further ameliorate the suffering of war's victims—especially, in this case, victims of internal armed conflicts.

I therefore recommend that the Senate renew its consideration of Protocol II Additional and give its advice and consent to ratification, subject to the understandings and reservations that are described fully in the report attached to the original January 29, 1987, transmittal message to the Senate.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, May 12, 1998.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to transmission to the Senate for its advice and consent to ratification, the Hague Convention for the Protection of Cultural Property in the Event of Armed conflict (the Convention) and, for accession, the Hague Protocol (the Hague Protocol), concluded on May 14, 1954 and entered into force on August 7, 1956.

In this context, I also refer to a law of war agreement previously transmitted to the Senate, Protocol II Additional to the Geneva Conventions of 12 August 1949, and recommend that you reiterate to the Senate our support for its prompt approval.

The Hague Convention—Background

The Hague Convention is part of the legal regime dealing with the conduct of armed conflict, both international and non-international. It constitutes the first comprehensive treaty for the protection of cultural property during armed conflict.

A number of provisions for the protection of cultural property were included in law of war agreements prior to World War II, but the experience of that war clearly demonstrate a need for more effective and comprehensive protections. Accordingly, a diplomatic conference was convened at The Hague in 1954 under the auspices of UNESCO (the United Nations Educational, Scientific and Cultural Organization) to negotiate a new instrument.

The United States participated actively in the negotiation and drafting of the Convention. The U.S. delegation favored its ratification by the United States and the head of the delegation signed the Convention. However, after review of the Convention, certain concerns were raised and it was not submitted to the Senate. A number of these concerns have not been borne out in the decades of experience with the Convention since its entry into force. U.S. military forces have not only followed but exceeded its terms in the conduct of military operations. The minor concerns that remain relate to ambiguities in language that should be addressed through appropriate understandings or conditions as set forth herein and detailed in the section-by-section analysis.

Historically, the United States has recognized special protection for cultural property in armed conflict. The U.S. Army codified the obligation to protect cultural property in Articles 34–36 of General Order No. 100 (1863), which was regarded as a reflection of the

customary practice of nations, including, as it did, provision for waiver of the protection in the event of military necessity.

The essence of the position historically taken by U.S. military forces is contained in a memorandum issued on December 29, 1943, by General Dwight D. Eisenhower to U.S. forces in Italy:

> Today we are fighting in a country which has contributed a great deal to our cultural inheritance, a country rich in monuments which by their creation helped and now in their old age illustrate the growth of the civilization which is ours. We are bound to respect those monuments so far as war allows.
>
> If we have to choose between destroying a famous building and sacrificing our own men, then our men's lives count infinitely more and the building must go. But the choice is not always so clear-cut as that. In many cases the monuments can be spared without any detriment to operational needs. Nothing can stand against the argument of military necessity. That is an accepted principle. But the phrase "military necessity" is sometimes used where it would be more truthful to speak of military convenience or even personal convenience. I do not want it to cloak slackness or indifference.
>
> It is the responsibility of higher commanders to determine * * * the locations of historical monuments whether they be immediately ahead of our front lines or in areas occupied by us. This information passed to lower echelons through normal channels places the responsibility on all commanders of complying with the spirit of this letter.

For practical purposes, U.S. military operations since the promulgation of the Convention have been entirely consistent with its provisions. During Operation Desert Storm, for example, intelligence resources were utilized to look for cultural property in order to properly identify it. Target intelligence officers identified cultural property or cultural property sites in Iraq; a "no-strike" target list was prepared, placing known cultural property off limits from attack, as well as some otherwise legitimate targets if their attack might place nearby cultural property at risk of damage.

In attacking legitimate targets in the vicinity of cultural objects, to the extent possible, weapons were selected that would accomplish destruction of the target while minimizing the risk of collateral damage to nearby cultural or civilian property. However, the proximity of military objectives to cultural property did not render those military objectives immune from attack, nor would it under the Convention.

The Hague Convention—Summary

The Convention consists of a preamble, seven chapters, final provisions, and regulations for the execution of the Convention.

Primarily, the Convention elaborates obligations contained in earlier treaties, including the prohibition on attacks directed against cultural property and against misappropriation of such property. (These principles may be found in Articles 27 and 56, respectively, of the Annex to the 1907 Hague Convention IV.) It also

provides expanded protection by establishing a regime for special protection of a highly limited category of cultural property included on an International Register. The Convention provides both for preparations in peacetime for safeguarding cultural property against foreseeable effects of armed conflict, and also for respect for such property in time of war or military occupation. In conformity with the customary practice of nations, the protection of cultural property is not absolute. If cultural property is used for military purposes or in the event of imperative military necessity, the protection afforded by the Convention is waived in accordance with the Convention's terms.

The Hague Protocol

The Protocol to the Convention was concluded on the same day as the Convention itself, but is a separate agreement from the Convention. The Hague Protocol contains provisions which require the prevention of exportation of cultural property from occupied territory, and the taking into custody and return of exported cultural property. The Hague Protocol also contains provisions for the deposit of cultural property by one Party in the territory of another Party for protective purposes and the return of such property.

The United States did not sign the Hague Protocol in 1954 because of certain objections to both the drafting and substantive provisions of Section I of the Hague Protocol, particularly the provision requiring indemnification by an occupying Party to "holders in good faith" of cultural property exported from territory occupied by it. Regarding the drafting, there was concern that, for example, the term "export" was undefined and invited confusion and debate. The main substantive provision of concern dealt with the obligation of indemnification. With respect to this indemnification obligation, concern centered on the complexities and burdens of implementation under both U.S. and other legal systems. These objections require further consideration.

Given these objections, it is our view that the United States should declare, at the time of accession of the Protocol, that the United States will not be bound by the provisions of Section I of the Hague Protocol. This procedure is specifically permitted by Section III, paragraph 9 of the Hague Protocol.

Understandings and Declaration

Ratification of the Convention should be subject to the following understandings and accession to the Protocol should be subject to a declaration described in detail in the accompanying analysis of the provisions of the Convention and Protocol.

1. It is the understanding of the United States of America that "special protection", as defined in Chapter II of the Convention, codifies customary international law in that it, first, prohibits the use of any cultural property to shield any legitimate military targets from attack and, second, allows all property to be attacked using any lawful and proportionate means, if required by military necessity and notwithstanding possible collateral damage to such property.

2. It is the understanding of the United States of America that decisions by military commanders and others responsible for plan-

ning, deciding upon, and executing attacks can only be judged on the basis of their assessment of the information reasonably available to them at the relevant time.

3. It is the understanding of the United States of America that the rules established by the Convention apply only to conventional weapons, and are without prejudice to the rules of international law governing other types of weapons, including nuclear weapons.

4. It is the understanding of the United States of America that, as is true for all civilian objects, the primary responsibility for the protection of cultural objects rests with the party controlling that property, to ensure that it is properly identified and that it is not used for an unlawful purpose.

5. With respect to the Hague Protocol, the United States declares, in accordance with paragraph 9 of Section III of the Hague Protocol, that the United States will not be bound by the provisions of Part I.

Conclusion

The United States has participated actively in all of the significant international negotiations on the laws of armed conflict. Each treaty produced has received extensive inter-agency review to determine whether it is consistent with our humanitarian values and legitimate military requirements and whether the United States should become a Party. This is true also for the Hague Cultural Property Convention and the Hague Protocol and I believe the United States should proceed now with ratification and accession.

Following the Gulf War, Congress expressed interest in the issue of cultural protection in the context of a request for a review of the matter by the Senate Committee on Appropriations in its report on the Department of Defense Appropriations Bill, 1992 (Senate Report 102–154, page 46).

In addition, there has been renewed interest in the Convention as the issues surrounding the disposition of Nazi assets from World War II have commanded increased attention. (The Convention, however, is understood not to apply retroactively and hence would have no legal impact on the matter. Nonetheless, our ratification at this time would underscore our commitment to the just resolution of this important issue.)

Also, there have been international meetings over the last four years to consider possible future amendments. These meetings will enter a more formal phase this year with a review conference of state parties to be held in the Spring of 1999. As only parties may adopt amendments, U.S. ratification would enable us to play an appropriate role in this initiative, as well as the future course of the Convention generally.

I believe that the Convention contains reasonable provisions which are already consistent with U.S. military policy and practices. Action by the United States to ratify the Convention will underscore our commitment to afford better protection to the world's cultural resources and advance efforts to promote its object and purpose.

The Department of State and the Department of Defense join in recommending that the Convention and the Hague Protocol be submitted to the Senate for advice and consent to ratification and ac-

cession at an early date, subject to the above understandings and declaration.

Protocol II Additional to the Geneva Conventions

In a letter dated January 29th, 1987, the Reagan Administration requested the advice and consent of the Senate to ratification of Protocol II. The Senate, however, did not act on Protocol II. I believe renewed consideration of this important law of war instrument is appropriate.

Protocol II deals with non-international armed conflict and, unlike its companion law of war agreement, Protocol I, which deals with international armed conflict, Protocol II has not been a source of controversy. Protocol I was not submitted for ratification at the time Protocol II was transmitted. This decision was based on certain military, humanitarian and terrorism-related objections.

With respect to Protocol II, we are not aware of any serious substantive objections to its ratification and believe its ratification would assist us in continuing to exercise leadership in the international community in matters relating to the law of war.

With respect to Protocol I, the comprehensive military review of all past military objections that you directed is underway. This review will take some time. It need not, however, delay progress on Protocol II, which essentially expands upon fundamental rules contained in the 1949 Geneva Conventions with respect to internal armed conflicts. In particular, Protocol II makes clear that any deliberate killing of a noncombatant in the course of a non-international armed conflict is a violation of the law of war, punishable as murder. Clearly, observance of these fundamental provisions in civil wars over the past several decades would have avoided many of the worst human tragedies we have witnessed.

Most of our closest allies have ratified Protocol II. Given our position of leadership in the law of war area, U.S. ratification would give a significant boost to the Protocol's visibility and would enhance efforts to further ease the suffering of war's victims—especially, in this case, civilian victims of internal armed conflicts.

I therefore recommend that you request the Senate renew its consideration of Protocol II and give its advice and consent to ratification, subject to the understandings and reservations that are described fully in the report attached to the original January 29, 1987 letter of transmittal to the 100th Congress (Treaty Doc. 100–2).

Respectfully submitted,

STROBE TALBOT.

Tab (1)

Section-by-Section Analysis of the Hague Convention and the Hague Protocol

(1)

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Hague Protocol

Section-by-Section Analysis of Provisions

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of May 14, 1954 entered into force on August 7, 1956. It consists of six preambular clauses, seven operative Chapters, a set of final provisions, and an attached set of executory regulations.

The Preamble

Paragraphs 1, 2 and 3 of the Preamble express concern over the threat of destruction to cultural property and the need for international protection of mankind's cultural heritage.

Paragraph 4 recalls certain principles concerning the protection of cultural property during armed conflict established by previous international agreements.

Paragraph 5 refers to the importance of peacetime measures to protect cultural property.

Paragraph 6 expresses the determination to take all possible steps to protect cultural property.

Chapter I

Chapter I sets forth general provisions regarding the protection of cultural property and contains Articles 1 through 7.

Article 1 states the definition of the term cultural property with examples. Movable or immovable property of

great importance to the cultural heritage of every people, buildings for the preservation of cultural property and centers containing large amounts of cultural property all fall within the scope of the Convention. The definition is thus restricted to property of great importance only. Examples of cultural property include: monuments of architecture, art or history, whether religious or secular; archeological sites; groups of buildings of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archeological interest; and scientific collections and important collections of books, archives or reproductions.

Articles 2, 3 and 4 elaborate key elements of the Convention. The underlying principle, as stated in Article 2, is that of safeguarding and respect for cultural property. Article 3 provides that Parties are required to prepare in time of peace for the safeguarding of cultural property within their territory against the foreseeable effects of an armed conflict. To this end they may, for instance, construct refuges, or make preparations for transport to a safe place, or, as provided in Article 6, mark cultural property with a distinctive emblem.

Article 4 requires Parties to ". . . respect cultural property . . . by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict. . . ."

In this regard, we recommend that the ratification of the Convention be subject to the following understanding:

> It is the understanding of the United States of America that, as is true for all civilian objects, the primary responsibility for the protection of cultural property rests with the party controlling that property, to ensure that it is properly identified and that it is not used for an unlawful purpose.

Further, Article 4 sets forth the obligation to refrain from any act of hostility directed against cultural property. Either obligation may be waived only in ". . . cases where military necessity imperatively requires such a waiver."

Article 4 also requires Parties to ". . . prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property." Reprisals against cultural property also are prohibited.

Finally, paragraph 5 of Article 4 provides that no Party may evade its obligations under Article 4 with respect to another party by reason of the fact that the latter has not applied the safeguards referred to in Article 3.

Article 5 imposes obligations on occupying, as well as occupied, powers to safeguard and preserve the cultural property of the occupied state. In particular, paragraph 2 makes provision for situations in which the national authorities are unable to take the necessary action to preserve damaged cultural property. It will then be the responsibility of the Occupying Power to take action itself "as far as possible".

Article 6 authorizes a distinctive emblem for marking cultural property to facilitate its recognition.

Article 7 requires Parties to ". . . plan or establish in peacetime, within their armed forces, services or specialist personnel whose purpose will be to

secure respect for cultural property. . . ." It is long-standing U.S. Army practice to maintain such personnel in their civil affairs reserve force. Marine Corps reserve civil affairs personnel receive training to perform similar functions if necessary.

Chapter II

Chapter II sets forth provisions on special protection for certain types of cultural property and contains Articles 8 through 11. The protected property benefits from special protection only when it is regarded as being of *very* great importance. By comparison with general protection provided for under Chapter I, the standard of qualification for protection changes from property of "great importance" (Article 1(a)) to property of "very great importance" (Article 8(1)).

Specifically, Article 8 permits the granting of special protection to a ". . . limited number of refuges intended to shelter movable cultural property in the event of armed conflict. . . " and of "centres containing monuments and other immovable cultural property of very great importance. . . ." The Article specifies that in order to qualify, such refuges or centers must be "situated at an adequate distance from any large industrial centre or from any important military objective constituting a vulnerable point" and must not be "used for military purposes." (If such property is situated near an important military objective, the Party asking for special protection must undertake, in the event of armed conflict, not to make use of that military objective.)

Article 8 also sets forth criteria for compliance by the Party claiming the special protection. In particular, protected centers may not be used for the

movement or stationing of military personnel, the movement or production of war material, or other activities directly connected with military operations. Article 8 also provides that an object is brought under special protection by its entry in an International Register maintained by the United Nations.

Article 9 states that Parties must refrain from any act of hostility against cultural property under special protection, and from any use of such property or its surroundings for military purposes. (Under Article 10, such a party must mark the property with a distinctive emblem and open it to international control as provided in the annexed Regulations discussed below).

Article 11 introduces the notion of reciprocity into the arrangements for special protection. It specifies that if a Party fails to fulfill its obligations not to use protected property for military purposes or in the event of "exceptional cases of unavoidable military necessity," the protection may be lost. Special protection is thus limited. The "unavoidable military necessity" waiver, however, requires a determination "by the officer commanding a force the equivalent of a division in size or larger."

The criteria for special protection are relatively rigorous and, in practice there has been no proliferation of sites designated for special protection. In fact, only eight sites worldwide have been designated for special protection. All are located in Western Europe and include the Vatican and art storage areas in the Netherlands, Germany and Austria.

An early DoD concern which contributed to the decision not to submit the Convention during the 1950's derived from this Chapter. The concern was that the

Kremlin would be designated for special protection to make it immune from attack. It was never so designated. Such a designation would, in any case, have been contrary to the terms of Chapter II and would not have prevented its attack in any case. No concern remains in this regard today.

However, there is a more realistic concern deriving from this Chapter. Due to ambiguous modifiers such as those in the Article 11 phrase "'exceptional' cases of 'unavoidable' military necessity," the provisions may be misconstrued to impose an unreasonable and disproportionate responsibility on the attacker to avoid damage to cultural property. Clarification would help avoid a suggestion that strict compliance with the Convention would mean that any collateral damage would constitute a violation of the Convention. While such an interpretation would be entirely inconsistent with customary international law, the following understanding would confirm that the treaty conforms to customary international law and minimize possibilities of misinterpretation:

> It is the understanding of the United States of America that "special protection", as defined in Chapter II of the Convention, codifies customary international law in that it, first, prohibits the use of any cultural property to shield any legitimate military targets from attack, second, allows all property to be attacked using any lawful and proportionate means if required by military necessity and notwithstanding possible collateral damage to such property.

Accordingly, we recommend that the ratification of the Convention be subject to this understanding.

A like consideration, and one that pertains more broadly, is the possibility of failure of the custodian of cultural property to mark that property to facilitate

its identification, or for persons planning an attack to be held to an unreasonable standard with respect to identification of all cultural property. In either case, the commander authorizing an attack is responsible only for acting on the basis of information reasonably available to him at the time of the attack; that is, there is no strict liability standard for decisions made in the fog of war. Given past misinterpretations of the law of war that might be asserted with respect to the Convention, we also believe the United States should include the following understanding, at the time of ratification of the Convention:

> It is the understanding of the United States of America that decisions by military commanders and others responsible for planning, deciding upon, and executing attacks can only be judged on the basis of their assessment of the information reasonably available to them at the relevant time.

Finally, it is clear from the negotiating record that the Convention applies only to situations in which conventional weapons could be used. Both the Conference and the Convention followed the same approach as other conferences on international humanitarian law in which the issue of weapons of mass destruction, such as nuclear weapons, was left aside. Accordingly, the United States should make clear that:

> It is the understanding of the United States of America, that the rules established by the Convention apply only to conventional weapons, and are without prejudice to the rules of international law governing other types of weapons, including nuclear weapons.

Chapter III

Chapter III addresses the transport of cultural property and consists of Articles 12 through 14. Under Article 12, transport exclusively engaged in the transfer

of cultural property, whether within a territory or to another territory may, at the request of the Party concerned, take place under special protection in accordance with procedures contained in the annexed regulations. Article 13 authorizes exceptions to those procedures in urgent cases. Article 14 grants immunity to cultural property in transit from seizure, although nothing in the Article limits the rights of visit and search.

Chapter IV

Chapter IV contains Article 15 only, which requires that personnel engaged in the protection of cultural property be respected and allowed to carry out their duties, consistent with the interests of security, if they fall into the hands of the opposing Party.

Chapter V

Chapter V provides the description and procedures for use of the distinctive emblem. It consists of Articles 16 and 17. Article 16 describes the distinctive emblem used to indicate cultural property. Article 17 details criteria for use of the emblem. In the case of objects under special protection, the distinctive emblem may be repeated three times in a triangular formation. It is forbidden to use the distinctive emblem for any other purpose during armed conflict.

Chapter VI

Chapter VI consists of Articles 18 and 19 and deals with the scope of the Convention. Article 18 specifies that, in addition to the relevant peacetime applications, the Convention applies during declared war or any other armed conflict between Parties. It also applies to occupation of the territory of a Party, even if that occupation meets with no armed resistance. Article 19

provides that the provisions of the Convention relating to respect for cultural property shall also apply to any non-international armed conflict in the territory of a Party.

Chapter VII

Chapter VII deals with the execution of the Convention and consists of Articles 20 through 28. Article 20 states that the procedure by which the Convention is to be applied is defined in the Regulations, which constitute an integral part of the Convention. Articles 21 and 22 address the role of Protecting Powers which are responsible for safeguarding the interests of the Parties to the conflict. Article 23 provides that the Parties may call upon the United Nations Educational, Scientific and Cultural Organization (UNESCO) for assistance in the application of the Convention. Article 24 provides for special agreements among Parties to enhance the protection of cultural property. Article 25 requires Parties to disseminate the Convention, particularly among their armed forces and personnel engaged in the protection of cultural property. Article 26 deals with translations of the Convention and reports on its implementation. Article 27 provides for meetings of Parties to consider problems of implementation or proposals for revision of the Convention. Article 28 requires each Party to undertake all steps necessary, within the framework of its ordinary criminal jurisdiction, to impose penal or disciplinary sanctions on persons who violate the Convention.

Final Provisions

Articles 29 through 40 constitute the final provisions of the Convention. These articles incorporate typical final clauses of an international treaty. They

include provisions for ratification and amendment, and for possible denunciation with one year's notice, subject to certain conditions.

Article 39 deals with amendment procedures and provides that the Convention may be revised either through a write-in procedure involving the parties or through a formal review conference of the parties. In either case, unanimity is required, thus, for example, one negative vote or one abstention on the part of a single State Party participating in a review conference would be enough to block a proposal. Article 36 addresses the relation of the Convention to previous conventions on related issues, including the Hague Conventions of 1907 concerning the Laws and Customs of War on Land (IV) and concerning Naval Bombardment in Time of War (IX), as well as the Roerich Pact (the Washington Pact of 15 April, 1935 for the Protection of Artistic and Scientific Institutions and of Historic Monuments). In effect, the Convention supplements rather than supersedes these instruments, except that the distinctive emblem of the Convention replaces the previous markings. The United States is party to each of these accords.

Regulations for the Execution of the Convention

This part of the Convention sets forth procedures, grouped into 21 articles and 4 chapters, for implementation and operation of the Convention.

The Chapters address, respectively, control or implementation issues (Chapter I), special protection, including the management of the International Register of cultural property (Chapter II), transport of cultural property (Chapter III) and, finally, the distinctive emblem (Chapter IV).

Articles 13 through 15 of Chapter II of the

Regulations are worthy of special note. They establish that the special protection accorded to cultural property on the International Register may not be obtained unilaterally, but may be objected to by any Party at the time of application for special protection on the grounds that it is not cultural property or does not comply with the conditions provided for in Article 8. Objections can be addressed through arbitration or confirmed by a two-thirds majority vote of States Parties. By becoming a Party, the United States will secure the ability to object to any improper registration of unqualified objects for special protection. As previously discussed, however, the provisions for special protection have not been abused to date.

The Protocol to the 1954 Hague Convention

The Protocol to the Convention contains provisions intended to prevent the exportation of cultural property from occupied territory. Section I obligates an occupying Party to prevent the exportation of cultural property from territory it occupies, and for each Party to take into its custody cultural property exported contrary to the Protocol, and to return such cultural property at the close of hostilities. An occupying power whose duty it was to prevent such exportation of cultural property is obligated to indemnify holders in good faith of the cultural property which has to be returned.

Section II of the Protocol requires the return, at the end of hostilities, of cultural property deposited by one Party in the territory of another Party for protection during the conflict. Section III of the Protocol contains final provisions similar to those of the Convention.

We have certain concerns with respect to Section I

of the Protocol. Indeed, the United States did not sign the Protocol in 1954 because of certain objections to both the drafting and substantive provisions of Section I of the Protocol. Regarding the drafting, there was concern that, for example, the term "export" was undefined and invited confusion and debate. Regarding the substance, the main objectionable provision, paragraph 4 of Section I, requires indemnification by an occupying state to "holders in good faith" of cultural property exported from territory occupied by it. Objections, in this regard, centered on the complexities and burdens of implementation under both U.S. and other legal systems.

Given these objections, it is our view that the United States should declare, at the time of accession to the Protocol, that the United States will not be bound by the provisions of Section I of the Protocol. This procedure is specifically permitted by Section III, paragraph 9 of the Protocol.

Conclusion

The provisions of the Convention are already consistent with U.S. military practices. Action by the United States to ratify the Convention and accede to the Protocol, subject to appropriate understandings and a declaration, will underscore our commitment to afford better protection to the world's cultural resources, advance efforts to promote the Convention's object and purpose and help ensure that the United States is in a position to protect its interests in the context of efforts to amend the Convention.

No. 53

CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

Signed at The Hague, 14 May 1954.

INTRODUCTORY NOTE. See note introducing the Final Act of the Intergovernmental Conference of 1954 (No. 52).

The Regulations for the execution of the present Convention (see pp. 670-678) constitute an integral part of this Convention.

ENTRY INTO FORCE: 7 August 1956.

AUTHENTIC TEXTS: See indications under No. 52

TEXT PUBLISHED IN: See indications under No. 52.

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* * *

The High Contracting Parties,

Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April 1935;

Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace;

Being determined to take all possible steps to protect cultural property;

Have agreed upon the following provisions:

CHAPTER I

General Provisions Regarding Protection

Definition of Cultural Property

Article 1. For the purposes of the present Convention, the term "cultural property" shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions

of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in subparagraph (a);

(c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as "centres containing monuments".

Protection of Cultural Property

Art. 2. For the purposes of the present Convention, the protection of cultural property shall comprise the safeguarding of and respect for such property.

Safeguarding of Cultural Property

Art. 3. The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

Respect for Cultural Property

Art. 4. 1. The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property.

2. The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver.

3. The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall, refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party.

4. They shall refrain from any act directed by way of reprisals against cultural property.

5. No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by

reason of the fact that the latter has not applied the measures of safeguard referred to in Article 3.

Occupation

Art. 5. 1. Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.

2. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.

3. Any High Contracting Party whose government is considered their legitimate government by members of a resistance movement, shall, if possible, draw their attention to the obligation to comply with those provisions of the Conventions dealing with respect for cultural property.

Distinctive Marking of Cultural Property

Art. 6. In accordance with the provisions of Article 16, cultural property may bear a distinctive emblem so as to facilitate its recognition.

Military Measures

Art. 7. 1. The High Contracting Parties undertake to introduce in time of peace into their military regulations or instructions such provisions as may ensure observance of the present Convention, and to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples.

2. The High Contracting Parties undertake to plan or establish in peace-time. 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 it.

CHAPTER II

Special Protection

Granting of Special Protection

Art. 8. 1. There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance, provided that they:

(a) are situated at an adequate distance from any large industrial centre

or from any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defence, a port or railway station of relative importance or a main line of communication;

(b) are not used for military purposes.

2. A refuge for movable cultural property may also be placed under special protection, whatever its location, if it is so constructed that, in all probability, it will not be damaged by bombs.

3. A centre containing monuments shall be deemed to be used for military purposes whenever it is used for the movement of military personnel or material, even in transit. The same shall apply whenever activities directly connected with military operations, the stationing of military personnel, or the production of war material are carried on within the centre.

4. The guarding of cultural property mentioned in paragraph 1 above by armed custodians specially empowered to do so, or the presence, in the vicinity of such cultural property, of police forces normally responsible for the maintenance of public order, shall not be deemed to be used for military purposes.

5. If any cultural property mentioned in paragraph 1 of the present Article is situated near an important military objective as defined in the said paragraph, it may nevertheless be placed under special protection if the High Contracting Party asking for that protection undertakes, in the event of armed conflict, to make no use of the objective and particularly, in the case of a port, railway station or aerodrome, to divert all traffic therefrom. In that event, such diversion shall be prepared in time of peace.

6. Special protection is granted to cultural property by its entry in the "International Register of Cultural Property under Special Protection". This entry shall only be made, in accordance with the provisions of the present Convention and under the conditions provided for in the Regulations for the execution of the Convention.

Immunity of Cultural Property under Special Protection

Art. 9. The High Contracting Parties undertake to ensure the immunity of cultural property under special protection by refraining, from the time of entry in the International Register, from any act of hostility directed against such property and, except for the cases provided for in paragraph 5 of Article 8, from any use of such property or its surroundings for military purposes.

Identification and Control

Art. 10. During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in Article 16, and shall be open to international control as provided for in the Regulations for the execution of the Convention.

Withdrawal of Immunity

Art. 11. 1. If one of the High Contracting Parties commits, in respect of any item of cultural property under special protection, a violation of the obligations under Article 9, the opposing Party shall, so long as this violation persists, be released from the obligation to ensure the immunity of the property concerned. Nevertheless, whenever possible, the latter Party shall first request the cessation of such violation within a reasonable time.

2. Apart from the case provided for in paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.

3. The Party withdrawing immunity shall, as soon as possible, so inform the Commissioner-General for cultural property provided for in the Regulations for the execution of the Convention, in writing, stating the reasons.

CHAPTER III

Transport of Cultural Property

Transport under Special Protection

Art. 12. 1. Transport exclusively engaged in the transfer of cultural property, whether within a territory or to another territory, may, at the request of the High Contracting Party concerned, take place under special protection in accordance with the conditions specified in the Regulations for the execution of the Convention.

2. Transport under special protection shall take place under the international supervision provided for in the aforesaid Regulations and shall display the distinctive emblem described in Article 16.

3. The High Contracting Parties shall refrain from any act of hostility directed against transport under special protection.

Transport in Urgent Cases

Art. 13. 1. If a High Contracting Party considers that the safety of certain cultural property requires its transfer and that the matter is of such urgency that the procedure laid down in Article 12 cannot be followed, especially at the beginning of an armed conflict, the transport may display the distinctive emblem described in Article 16, provided that an application for immunity referred to in Article 12 has not already been made and refused. As far as possible, notification of transfer should be made to the opposing Parties. Nevertheless, transport conveying cultural property to the territory of another country may not display the distinctive emblem unless immunity has been expressly granted to it.

2. The High Contracting Parties shall take, so far as possible, the necessary precautions to avoid acts of hostility directed against the transport described in paragraph 1 of the present Article and displaying the distinctive emblem.

Immunity from Seizure, Capture and Prize

Art. 14. 1. Immunity from seizure, placing in prize, or capture shall be granted to:

(a) cultural property enjoying the protection provided for in Article 12 or that provided for in Article 13;

(b) the means of transport exclusively engaged in the transfer of such cultural property.

2. Nothing in the present Article shall limit the right of visit and search.

CHAPTER IV

Personnel

Personnel

Art. 15. As far as is consistent with the interests of security, personnel engaged in the protection of cultural property shall, in the interests of such property, be respected and, if they fall into the hands of the opposing Party, shall be allowed to continue to carry out duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing Party.

CHAPTER V

The Distinctive Emblem

Emblem of the Convention

Art. 16. 1. The distinctive emblem of the Convention shall take the form of a shield, pointed below, per saltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle).

2. The emblem shall be used alone, or repeated three times in a triangular formation (one shield below), under the conditions provided for in Article 17.

Use of the Emblem

Art. 17. 1. The distinctive emblem repeated three times may be used only as a means of identification of:

(a) immovable cultural property under special protection;

(b) the transport of cultural property under the conditions provided for in Articles 12 and 13;
(c) improvised refuges, under the conditions provided for in the Regulations for the execution of the Convention.

2. The distinctive emblem may be used alone only as a means of identification of:
(a) cultural property not under special protection;
(b) the persons responsible for the duties of control in accordance with the Regulations for the execution of the Convention;
(c) the personnel engaged in the protection of cultural property;
(d) the identity cards mentioned in the Regulations for the execution of the Convention.

3. During an armed conflict, the use of the distinctive emblem in any other cases than those mentioned in the preceding paragraphs of the present Article, and the use for any purpose whatever of a sign resembling the distinctive emblem, shall be forbidden.

4. The distinctive emblem may not be placed on any immovable cultural property unless at the same time there is displayed an authorization duly dated and signed by the competent authority of the High Contracting Party.

CHAPTER VI

Scope of Application of the Convention

Application of the Convention

Art. 18. 1. Apart from the provisions which shall take effect in time of peace, the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one or more of them.

2. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

3. If one of the Powers in conflict is not a Party to the present Convention, the Powers which are Parties thereto shall nevertheless remain bound by it in their mutual relations. They shall furthermore be bound by the Convention, in relation to the said Power, if the latter has declared that it accepts the provisions thereof and so long as it applies them.

Conflicts Not of an International Character

Art. 19. 1. In the event of an armed conflict not of an international character occurring within the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the provisions of the present Convention which relate to respect for cultural property.

2. The parties to the Conflict shall endeavour to bring into force, by

means of special agreements, all or part of the other provisions of the present Convention.

3. The United Nations Educational, Scientific and Cultural Organization may offer its services to the parties to the conflict.

4. The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

CHAPTER VII

Execution of the Convention

Regulations for the Execution of the Convention

Art. 20. The procedure by which the present Convention is to be applied is defined in the Regulations for its execution, which constitute an integral part thereof.

Protecting Powers

Art. 21. The present Convention and the Regulations for its execution shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Conciliation Procedure

Art. 22. 1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention or the Regulations for its execution.

2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General of the United Nations Educational, Scientific and Cultural Organization, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate on suitably chosen neutral territory. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a neutral Power or a person presented by the Director-General of the United Nations Educational, Scientific and Cultural Organization, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Assistance of UNESCO

Art. 23. 1. The High Contracting Parties may call upon the United Nations Educational, Scientific and Cultural Organization for technical assistance in organizing the protection of their cultural property, or in

connexion with any other problem arising out of the application of the present Convention or the Regulations for its execution. The Organization shall accord such assistance within the limits fixed by its programme and by its resources.

2. The Organization is authorized to make, on its own initiative, proposals on this matter to the High Contracting Parties.

Special Agreements

Art. 24. 1. The High Contracting Parties may conclude special agreements for all matters concerning which they deem it suitable to make separate provision.

2. No special agreement may be concluded which would diminish the protection afforded by the present Convention to cultural property and to the personnel engaged in its protection.

Dissemination of the Convention

Art. 25. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

Translations, Reports

Art. 26. 1. The High Contracting Parties shall 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.

2. Furthermore, at least once every four years, they shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfilment of the present Convention and of the Regulations for its execution.

Meetings

Art. 27. 1. The Director-General of the United Nations Educational, Scientific and Cultural Organization may, with the approval of the Executive Board, convene meetings of representatives of the High Contracting Parties. He must convene such a meeting if at least one-fifth of the High Contracting Parties so request.

2. Without prejudice to any other functions which have been conferred on it by the present Convention or the Regulations for its execution, the purpose of the meeting will be to study problems concerning the application of the Convention and of the Regulations for its execution, and to formulate

recommendations in respect thereof.

3. The meeting may further undertake a revision of the Convention or the Regulations for its execution if the majority of the High Contracting Parties are represented, and in accordance with the provisions of Article 39.

Sanctions

Art. 28. The High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.

FINAL PROVISIONS

Languages

Art. 29. 1. The present Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

2. The United Nations Educational, Scientific and Cultural Organization shall arrange for translations of the Convention into the other official languages of its General Conference.

Signature

Art. 30. The present Convention shall bear the date of 14 May 1954 and, until the date of 31 December 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April 1954 to 14 May 1954.

Ratification

Art. 31. 1. The present Convention shall be subject to ratification by Signatory States in accordance with their respective constitutional procedures.

2. The instruments of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Accession

Art. 32. From the date of its entry into force, the present Convention shall be open for accession by all States mentioned in Article 30 which have not signed it, as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Entry into Force

Art. 33. 1. The present Convention shall enter into force three months after five instruments of ratification have been deposited.

2. Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.

3. The situations referred to in Articles 18 and 19 shall give immediate effect to ratifications or accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in Article 38 by the speediest method.

Effective Application

Art. 34. 1. Each State Party to the Convention on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.

2. This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Convention.

Territorial Extension of the Convention

Art. 35. Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

Relation to Previous Conventions

Art. 36. 1. In the relations between Powers which are bound by the Conventions of The Hague concerning the Laws and Customs of War on Land (IV) and concerning Naval Bombardment in Time of War (IX), whether those of 29 July 1899 or those of 18 October 1907, and which are Parties to the present Convention, this last Convention shall be supplementary to the aforementioned Convention (IX) and to the Regulations annexed to the aforementioned Convention (IV) and shall substitute for the emblem described in Article 5 of the aforementioned Convention (IX) the emblem described in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

2. In the relations between Powers which are bound by the Washington Pact of 15 April 1935 for the Protection of Artistic and Scientific Institutions and of Historic Monuments (Roerich Pact) and which are Parties to the present Convention, the latter Convention shall be supplementary to the

Roerich Pact and shall substitute for the distinguishing flag described in Article III of the Pact the emblem defined in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

Denunciation

Art. 37. 1. Each High Contracting Party may denounce the present Convention, on its own behalf, or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Notifications

Art. 38. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in Articles 30 and 32, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in Articles 31, 32 and 39 and of the notifications and denunciations provided for respectively in Articles 35, 37 and 39.

Revision of the Convention and of the Regulations for its Execution

Art. 39. 1. Any High Contracting Party may propose amendments to the present Convention or the Regulations for its execution. The text of any proposed amendment shall be communicated to the Director-General of the United Nations Educational, Scientific and Cultural Organization who shall transmit it to each High Contracting Party with the request that such Party reply within four months stating whether it:

(a) desires that a Conference be convened to consider the proposed amendment;

(b) favours the acceptance of the proposed amendment without a Conference; or

(c) favours the rejection of the proposed amendment without a Conference.

2. The Director-General shall transmit the replies, received under paragraph 1 of the present Article, to all High Contracting Parties.

3. If all the High Contracting Parties which have, within the prescribed time-limit, stated their views to the Director General of the United Nations Educational, Scientific and Cultural Organization, pursuant to paragraph 1 (b) of this Article, inform him that they favour acceptance of the

amendment without a Conference, notification of their decision shall be made by the Director-General in accordance with Article 38. The amendment shall become effective for all the High Contracting Parties on the expiry of ninety days from the date of such notification.

4. The Director-General shall convene a Conference of the High Contracting Parties to consider the proposed amendment if requested to do so by more than one-third of the High Contracting Parties.

5. Amendments to the Convention or to the Regulations for its execution, dealt with under the provisions of the preceding paragraph, shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.

6. Acceptance by the High Contracting Parties of amendments to the Convention or to the Regulations for its execution, which have been adopted by the Conference mentioned in paragraphs 4 and 5, shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

7. After the entry into force of amendments to the present Convention or to the Regulations for its execution, only the text of the Convention or of the Regulations for its execution thus amended shall remain open for ratification or accession.

Registration

Art. 40. In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof the undersigned, duly authorized, have signed the present Convention.

Done at The Hague, this fourteenth day of May 1954, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 30 and 32 as well as to the United Nations.

REGULATIONS FOR THE EXECUTION OF THE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

CHAPTER I

Control

International List of Persons

Article 1. On the entry into force of the Convention, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall compile an international list consisting of all persons nominated by the High Contracting Parties as qualified to carry out the functions of Commissioner-General for Cultural Property. On the initiative of the Director-General of the United Nations Educational, Scientific and Cultural Organization, this list shall be periodically revised on the basis of requests formulated by the High Contracting Parties.

Organization of Control

Art. 2. As soon as any High Contracting Party is engaged in an armed conflict to which Article 18 of the Convention applies:

(a) It shall appoint a representative for cultural property situated in its territory; if it is in occupation of another territory, it shall appoint a special representative for cultural property situated in that territory;

(b) The Protecting Power acting for each of the Parties in conflict with such High Contracting Party shall appoint delegates accredited to the latter in conformity with Article 3 below;

(c) A Commissioner-General for Cultural Property shall be appointed to such High Contracting Party in accordance with Article 4.

Appointment of Delegates of Protecting Powers

Art. 3. The Protecting Power shall appoint its delegates from among the members of its diplomatic or consular staff or, with the approval of the Party to which they will be accredited, from among other persons.

Appointment of Commissioner-General

Art. 4. 1. The Commissioner-General for Cultural Property shall be chosen from the international list of persons by joint agreement between the Party to which he will be accredited and the Protecting Powers acting on behalf of the opposing Parties.

2. Should the Parties fail to reach agreement within three weeks from the beginning of their discussions on this point, they shall request the President of the International Court of Justice to appoint the Commissioner-General, who shall not take up his duties until the Party to which he is accredited has approved his appointment.

Functions of Delegates

Art. 5. The delegates of the Protecting Powers shall take note of violations of the Convention, investigate, with the approval of the Party to which they are accredited, the circumstances in which they have occurred, make representations locally to secure their cessation and, if necessary, notify the Commissioner-General of such violations. They shall keep him informed of their activities.

Functions of the Commissioner-General

Art. 6. 1. The Commissioner-General for Cultural Property shall deal with all matters referred to him in connexion with the application of the Convention, in conjunction with the representative of the Party to which he is accredited and with the delegates concerned.

2. He shall have powers of decision and appointment in the cases specified in the present Regulations.

3. With the agreement of the Party to which he is accredited, he shall have the right to order an investigation or to conduct it himself.

4. He shall make any representations to the Parties to the conflict or to their Protecting Powers which he deems useful for the application of the Convention.

5. He shall draw up such reports as may be necessary on the application of the Convention and communicate them to the Parties concerned and to their Protecting Powers. He shall send copies to the Director-General of the United Nations Educational, Scientific and Cultural Organization, who may make use only of their te .l contents.

6. If there is no Protecting Power, the Commissioner-General shall exercise the functions of the Protecting Power as laid down in Articles 21 and 22 of the Convention.

Inspectors and Experts

Art. 7. 1. Whenever the Commissioner-General for Cultural Property considers it necessary, either at the request of the delegates concerned or after consultation with them, he shall propose, for the approval of the Party to which he is accredited, an inspector of cultural property to be charged with a specific mission. An inspector shall be responsible only to the Commissioner-General.

2. The Commissioner-General, delegates and inspectors may have recourse to the services of experts, who will also be proposed for the approval of the Party mentioned in the preceding paragraph.

Discharge of the Mission of Control

Art. 8. The Commissioners-General for Cultural Property, delegates of the Protecting Powers, inspectors and experts shall in no case exceed their mandates. In particular, they shall take account of the security needs of the High Contracting Party to which they are accredited and shall in all

circumstances act in accordance with the requirements of the military situation as communicated to them by that High Contracting Party.

Substitutes for Protecting Powers

Art. 9. If a Party to the conflict does not benefit or ceases to benefit from the activities of a Protecting Power, a neutral State may be asked to undertake those functions of a Protecting Power which concern the appointment of a Commissioner-General for Cultural Property in accordance with the procedure laid down in Article 4. The Commissioner-General thus appointed shall, if need be, entrust to inspectors the functions of delegates of Protecting Powers as specified in the present Regulations.

Expenses

Art. 10. The remuneration and expenses of the Commissioner-General for Cultural Property, inspectors and experts shall be met by the Party to which they are accredited. Remuneration and expenses of delegates of the Protecting Powers shall be subject to agreement between those Powers and the States whose interests they are safeguarding.

CHAPTER II

Special Protection

Improvised Refuges

Art. 11. 1. If, during an armed conflict, any High Contracting Party is induced by unforeseen circumstances to set up an improvised refuge and desires that it should be placed under special protection, it shall communicate this fact forthwith to the Commissioner-General accredited to that Party.

2. If the Commissioner-General considers that such a measure is justified by the circumstances and by the importance of the cultural property sheltered in this improvised refuge, he may authorize the High Contracting Party to display on such refuge the distinctive emblem defined in Article 16 of the Convention. He shall communicate his decision without delay to the delegates of the Protecting Powers who are concerned, each of whom may, within a time-limit of 30 days, order the immediate withdrawal of the emblem.

3. As soon as such delegates have signified their agreement or if the time-limit of 30 days has passed without any of the delegates concerned having made an objection, and if, in the view of the Commissioner-General, the refuge fulfils the conditions laid down in Article 8 of the Convention, the Commissioner-General shall request the Director-General of the United Nations Educational, Scientific and Cultural Organization to enter the refuge in the Register of Cultural Property under Special Protection.

International Register of Cultural Property Under Special Protection

Art. 12. 1. An "International Register of Cultural Property under Special Protection" shall be prepared.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall maintain this Register. He shall furnish copies to the Secretary-General of the United Nations and to the High Contracting Parties.

3. The Register shall be divided into sections, each in the name of a High Contracting Party. Each section shall be sub-divided into three paragraphs, headed: Refuges, Centres containing monuments, Other immovable cultural property. The Director-General shall determine what details each section shall contain.

Requests for Registration

Art. 13. 1. Any High Contracting Party may submit to the Director-General of the United Nations Educational, Scientific and Cultural Organization an application for the entry in the Register of certain refuges, centres containing monuments or other immovable cultural property situated within its territory. Such application shall contain a description of the location of such property and shall certify that the property complies with the provisions of Article 8 of the Convention.

2. In the event of occupation, the Occupying Power shall be competent to make such application.

3. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall, without delay, send copies of applications for registration to each of the High Contracting Parties.

Objections

Art. 14. 1. Any High Contracting Party may, by letter addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, lodge an objection to the registration of cultural property. This letter must be received by him within four months of the day on which he sent a copy of the application for registration.

2. Such objection shall state the reasons giving rise to it, the only valid grounds being that:

(a) the property is not cultural property;

(b) the property does not comply with the conditions mentioned in Article 8 of the Convention.

3. The Director-General shall send a copy of the letter of objection to the High Contracting Parties without delay. He shall, if necessary, seek the advice of the International Committee on Monuments, Artistic and Historical Sites and Archaeological Excavations and also, if he thinks fit, of any other competent organization or person.

4. The Director-General, or the High Contracting Party requesting registration, may make whatever representations they deem necessary to the High

Contracting Parties which lodged the objection, with a view to causing the objection to be withdrawn.

5. If a High Contracting Party which has made an application for registration in time of peace becomes involved in an armed conflict before the entry has been made, the cultural property concerned shall at once be provisionally entered in the Register, by the Director-General, pending the confirmation, withdrawal or cancellation of any objection that may be, or may have been, made.

6. If, within a period of six months from the date of receipt of the letter of objection, the Director-General has not received from the High Contracting Party lodging the objection a communication stating that it has been withdrawn, the High Contracting Party applying for registration may request arbitration in accordance with the procedure in the following paragraph.

7. The request for arbitration shall not be made more than one year after the date of receipt by the Director-General of the letter of objection. Each of the two Parties to the dispute shall appoint an arbitrator. When more than one objection has been lodged against an application for registration, the High Contracting Parties which have lodged the objections shall, by common consent, appoint a single arbitrator. These two arbitrators shall select a chief arbitrator from the international list mentioned in Article 1 of the present Regulations. If such arbitrators cannot agree upon their choice, they shall ask the President of the International Court of Justice to appoint a chief arbitrator who need not necessarily be chosen from the international list. The arbitral tribunal thus constituted shall fix its own procedure. There shall be no appeal from its decisions.

8. Each of the High Contracting Parties may declare, whenever a dispute to which it is a Party arises, that it does not wish to apply the arbitration procedure provided for in the preceding paragraph. In such cases, the objection to an application for registration shall be submitted by the Director-General to the High Contracting Parties. The objection will be confirmed only if the High Contracting Parties so decide by a two-third majority of the High Contracting Parties voting. The vote shall be taken by correspondence, unless the Director-General of the United Nations Educational, Scientific and Cultural Organization deems it essential to convene a meeting under the powers conferred upon him by Article 27 of the Convention. If the Director-General decides to proceed with the vote by correspondence, he shall invite the High Contracting Parties to transmit their votes by sealed letter within six months from the day on which they were invited to do so.

Registration

Art. 15. 1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause to be entered in the Register, under a serial number, each item of property for which application for registration is made, provided that he has not received an objection within the time-limit prescribed in Paragraph 1 of Article 14.

2. If an objection has been lodged, and without prejudice to the provision of paragraph 5 of Article 14, the Director-General shall enter property in the

Register only if the objection has been withdrawn or has failed to be confirmed following the procedures laid down in either paragraph 7 or paragraph 8 of Article 14.

3. Whenever paragraph 3 of Article 11 applies, the Director-General shall enter property in the Register if so requested by the Commissioner-General for Cultural Property.

4. The Director-General shall send without delay to the Secretary-General of the United Nations, to the High Contracting Parties, and, at the request of the Party applying for registration, to all other States referred to in Articles 30 and 32 of the Convention, a certified copy of each entry in the Register. Entries shall become effective thirty days after despatch of such copies.

Cancellation

Art. 16. 1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause the registration of any property to be cancelled:

(a) at the request of the High Contracting Party within whose territory the cultural property is situated;

(b) if the High Contracting Party which requested registration has denounced the Convention, and when that denunciation has taken effect;

(c) in the special case provided for in Article 14, paragraph 5, when an objection has been confirmed following the procedures mentioned either in paragraph 7 or in paragraph 8 of Article 14.

2. The Director-General shall send without delay, to the Secretary-General of the United Nations and to all States which received a copy of the entry in the Register, a certified copy of its cancellation. Cancellation shall take effect thirty days after the despatch of such copies.

CHAPTER III

Transport of Cultural Property

Procedure to Obtain Immunity

Art. 17. 1. The request mentioned in paragraph 1 of Article 12 of the Convention shall be addressed to the Commissioner-General for Cultural Property. It shall mention the reasons on which it is based and specify the approximate number and the importance of the objects to be transferred, their present location, the location now envisaged, the means of transport to be used, the route to be followed, the date proposed for the transfer, and any other relevant information.

2. If the Commissioner-General, after taking such opinions as he deems fit, considers that such transfer is justified, he shall consult those delegates of the Protecting Powers who are concerned, on the measures proposed for

carrying it out. Following such consultation, he shall notify the Parties to the conflict concerned of the transfer, including in such notification all useful information.

3. The Commissioner-General shall appoint one or more inspectors, who shall satisfy themselves that only the property stated in the request is to be transferred and that the transport is to be by the approved methods and bears the distinctive emblem. The inspector or inspectors shall accompany the property to its destination.

Transport Abroad

Art. 18. Where the transfer under special protection is to the territory of another country, it shall be governed not only by Article 12 of the Convention and by Article 17 of the present Regulations, but by the following further provisions:

(a) while the cultural property remains on the territory of another State, that State shall be its depositary and shall extend to it as great a measure of care as that which it bestows upon its own cultural property of comparable importance;

(b) the depositary State shall return the property only on the cessation of the conflict; such return shall be effected within six months from the date on which it was requested;

(c) during the various transfer operations, and while it remains on the territory of another State, the cultural property shall be exempt from confiscation and may not be disposed of either by the depositor or by the depositary. Nevertheless, when the safety of the property requires it, the depositary may, with the assent of the depositor, have the property transported to the territory of a third country, under the conditions laid down in the present article;

(d) the request for special protection shall indicate that the State to whose territory the property is to be transferred accepts the provisions of the present Article.

Occupied Territory

Art. 19. Whenever a High Contracting Party occupying territory of another High Contracting Party transfers cultural property to a refuge situated elsewhere in that territory, without being able to follow the procedure provided for in Article 17 of the Regulations, the transfer in question shall not be regarded as misappropriation within the meaning of Article 4 of the Convention, provided that the Commissioner-General for Cultural Property certifies in writing, after having consulted the usual custodians, that such transfer was rendered necessary by circumstances.

CHAPTER IV

The Distinctive Emblem

Affixing of the Emblem

Art. 20. 1. The placing of the distinctive emblem and its degree of visibility shall be left to the discretion of the competent authorities of each High Contracting Party. It may be displayed on flags or armlets; it may be painted on an object or represented in any other appropriate form.

2. However, without prejudice to any possible fuller markings, the emblem shall, in the event of armed conflict and in the cases mentioned in Articles 12 and 13 of the Convention, be placed on the vehicles of transport so as to be clearly visible in daylight from the air as well as from the ground.

The emblem shall be visible from the ground:

(a) at regular intervals sufficient to indicate clearly the perimeter of a centre containing monuments under special protection;

(b) at the entrance to other immovable cultural property under special protection.

Identification of Persons

Art. 21. 1. The persons mentioned in Article 17, paragraph 2 (b) and (c) of the Convention may wear an armlet bearing the distinctive emblem, issued and stamped by the competent authorities.

2. Such persons shall carry a special identity card bearing the distinctive emblem. This card shall mention at least the surname and first names, the date of birth, the title or rank, and the function of the holder. The card shall bear the photograph of the holder as well as his signature or his fingerprints, or both. It shall bear the embossed stamp of the competent authorities.

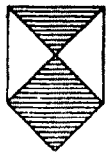
3. Each High Contracting Party shall make out its own type of identity card, guided by the model annexed, by way of example, to the present Regulations. The High Contracting Parties shall transmit to each other a specimen of the model they are using. Identity cards shall be made out, if possible, at least in duplicate, one copy being kept by the issuing Power.

4. The said persons may not, without legitimate reason, be deprived of their identity card or of the right to wear the armlet.

(Here follow signatures)

Front

IDENTITY CARD
for personnel engaged in the protection of cultural property



Surname .....

First names .....

Date of Birth .....

Titre or Rank .....

Function .....

is the bearer of this card under the terms of the Convention of The Hague, dated 14 May, 1954, for the Protection of Cultural Property in the event of Armed Conflict.

Date of issue ..... Number of Card .....

Reverse side

Photo of bearer

Signature of bearer or fingerprints or both

Embossed stamp of authority issuing card

Height	Eyes	Hair
.....	.....	

Other distinguishing marks

.....

.....

.....

.....

.....

SIGNATURES, RATIFICATIONS AND ACCESSIONS [1]

State	*Signature*	*Ratification, Accession*
Albania	-	20 December 1960
Andorra	14 May 1954 [2]	-
Australia	14 May 1954	-
Austria	31 December 1954	25 March 1964
Belgium	14 May 1954	16 September 1960
Brazil	31 December 1954	12 September 1958
Bulgaria	-	7 August 1956
Burma	31 December 1954	10 February 1956
Byelorussian SSR	14 May 1954 *Res.*	7 May 1957
Cameroon	-	12 October 1961
China	14 May 1954	-
Cuba	14 May 1954	26 November 1957
Cyprus[3]	-	9 September 1964
Czechoslovakia	14 May 1954	6 December 1957
Denmark	18 October 1954	-
Democratic Kampuchea	17 December 1954	4 April 1962
Dominican Republic	-	5 January 1960
Ecuador	14 May 1954	2 October 1956
Egypt	30 December 1954	17 August 1955
El Salvador	14 May 1954	-
France	14 May 1954	7 June 1957
Gabon	-	4 December 1961
Germany (Democratic Republic)	-	16 January 1974

1 Based on a communication from UNESCO of 30 April 1978.

2 The Director-General of UNESCO received a communication from the Government of the French Republic, dated 5 August 1954, concerning the appending of the signature on the Convention in the name of the Bishop of Urgel, Co-Prince of Andorra. This communication was transmitted to the interested States. A communication from the Bishop of Urgel, dated 6 December 1954, was also transmitted to the interested States.

3 According to the information provided by UNESCO, this accession was made subject to approval. On 9 September 1964, the Director-General of the UNESCO received a notification from the Government of Cyprus informing him that the necessary constitutional formalities for the approval of the accession by the Cypriot Authorities had been completed. By reason of the then prevailing situation in Cyprus, the Convention took effect immediately for Cyprus as from the date of receipt of the said notification, in accordance with Article 33, paragraph 3, of the Convention.

State	*Signature*	*Ratification, Accession*
Germany (Federal Republic)	14 May 1954 [1]	11 August 1967 [2]
Ghana	-	25 July 1960
Greece	14 May 1954	-
Guinea	-	20 September 1960
Holy See	-	24 February 1958
Hungary	14 May 1954	17 May 1956
India	14 May 1954	16 June 1958
Indonesia	24 December 1954	10 January 1967
Iran	14 May 1954	22 June 1959
Iraq	14 May 1954	21 December 1967
Ireland	14 May 1954	-
Israel	14 May 1954	3 October 1957
Italy	14 May 1954	9 May 1958
Japan	6 September 1954	-
Jordan	22 December 1954	2 October 1957
Kuwait	-	6 June 1969
Lebanon	25 May 1954	1 June 1960
Liechtenstein	-	28 April 1960
Luxemburg	14 May 1954	29 September 1961
Madagascar	-	3 November 1961
Malaysia	-	12 December 1960
Mali	-	18 May 1961
Mexico	29 December 1954	7 May 1956
Monaco	14 May 1954	10 December 1957
Mongolia	-	4 November 1964
Morocco	-	30 August 1968
Netherlands	14 May 1954	14 October 1958
New Zealand	20 December 1954	-

1 On 12 January 1962, the Director-General of UNESCO received a communication from the Government of the Federal Republic of Germany whereby this Government declared that the Federal Republic of Germany, in accordance with Article 18, paragraph 3, of the Convention, accepted the provisions of the Convention and would apply them. This communication was transmitted to the interested States.

2 In a communication received by the Director-General of UNESCO on 11 August 1967, the Government of the Federal Republic of Germany declared that the Convention and the Protocol should also apply to the Land Berlin, with effect from the date on which the Convention and the Protocol entered into force for the Federal Republic of Germany. In a further communication received on 4 April 1968, the Government of the Federal Republic of Germany informed the Director-General that the following supplementary phrase should be added to the above-mentioned declaration: "... account being taken of the rights and responsibilities of the Allied Authorities, in particular the powers retained by them with regard to the maintenance of the security of Berlin, and notably, those in the military field."

State	*Signature*	*Ratification, Accession*
Nicaragua	14 May 1954	25 November 1959
Niger	-	6 December 1976
Nigeria	-	5 June 1961
Norway	14 May 1954	19 September 1961
Oman	-	26 October 1977
Pakistan	-	27 March 1959
Panama	-	17 July 1962
Philippines	14 May 1954	-
Poland	14 May 1954	6 August 1956
Portugal	14 May 1954	-
Qatar	-	31 July 1973
Romania	14 May 1954	21 March 1958
San Marino	14 May 1954	9 February 1956
Saudi Arabia	-	20 January 1971
Socialist People's Libyan Arab Jamahiriya	14 May 1954	19 November 1957
Southern Yemen	-	6 February 1970
Spain	14 May 1954	7 July 1960
Sudan	-	23 July 1970
Switzerland	-	15 May 1962
Syria	14 May 1954	6 March 1958
Tanzania	-	23 September 1971
Thailand	-	2 May 1958
Turkey	-	15 December 1965
Ukrainian SSR	14 May 1954 *Res.*	6 February 1957
USSR	14 May 1954 *Res.*	4 January 1957
United Kingdom	30 December 1954	-
United States of America	14 May 1954	-
Upper Volta	-	18 December 1969
Uruguay	14 May 1954	-
Yugoslavia	14 May 1954	13 February 1956
Zaire	-	18 April 1961

RESERVATIONS AND DECLARATIONS

BYELORUSSIAN SSR *(Declaration made on signature)*

On signing the Convention and Regulations, the Representative of the Byelorussian Soviet Socialist Republic noted that various provisions included in the Convention and Regulations weakened these agreements with regard to the conservation and defence of cultural property in the event of armed conflict and that, for that reason, he could not express his satisfaction.

UKRAINIAN SSR *(Declaration made on signature)*

On signing the Convention and the Regulations for its Execution, I believe it essential to state that a large number of provisions of the Convention and Regulations are unsatisfactory since they weaken the meaning of the agreements for the purpose of conserving and defending cultural property in the event of armed conflict.

UNION OF SOVIET SOCIALIST REPUBLICS *(Declaration made on signature)*

On signing the Convention for the conservation of Cultural Property in the event of Armed Conflict and the Regulations for its execution, the USSR delegation states that both the Convention and Regulations contain a large number of provisions which weaken its effectiveness for the preservation and defence of cultural property in the event of armed conflict and are, for that reason, unsatisfactory.

No. 54

PROTOCOL FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

Signed at The Hague, 14 May 1954

INTRODUCTORY NOTE. The purpose of the present Protocol is to prevent the exportation of cultural property and to provide for the restitution of illegally exported objects. In view of the difficulties of several governments in adopting provisions on the restitution of property (the original draft contained more far-reaching provisions) it was decided to separate them from the Convention (No. 53) and to adopt them in the form of a separate Protocol.

ENTRY INTO FORCE: 7 August 1956.

AUTHENTIC TEXTS: See indications under No. 52.

TEXT PUBLISHED IN: See indications under No. 52.

* * *

The High Contracting Parties are agreed as follows:

I

1. Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May 1954.

2. Each High Contracting Party undertakes to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be effected automatically upon the importation of the property or, failing this, at the request of the authorities of that territory.

3. Each High Contracting Party undertakes to return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which is in its territory, if such property has been exported in contravention of the principle laid down in the first paragraph. Such property shall never be retained as war reparations.

4. The High Contracting Party whose obligation it was to prevent the exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned in accordance with the preceding paragraph.

II

5. Cultural property coming from the territory of a High Contracting Party and deposited by it in the territory of another High Contracting Party for the purpose of protecting such property against the dangers of an armed conflict, shall be returned by the latter, at the end of hostilities, to the competent authorities of the territory from which it came.

III

6. The present Protocol shall bear the date of 14 May 1954 and, until the date of 31 December 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April 1954 to 14 May 1954.

7. (a) The present Protocol shall be subject to ratification by Signatory States in accordance with their respective constitutional procedures.

(b) The instruments of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

8. From the date of its entry into force, the present Protocol shall be open for accession by all States mentioned in paragraph 6 which have not signed it as well as any other States invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

9. The States referred to in paragraphs 6 and 8 may declare, at the time of signature, ratification or accession, that they will not be bound by the provisions of Section I or by those of Section II of the present Protocol.

10. (a) The present Protocol shall enter into force three months after five instruments of ratification have been deposited.

(b) Thereafter, it shall enter into force for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.

(c) The situations referred to in Articles 18 and 19 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May 1954, shall give immediate effect to ratifications and accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in paragraph 14 by the speediest method.

11. (a) Each State Party to the Protocol on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.

(b) This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Protocol.

12. Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, that the present Protocol shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

13. (a) Each High Contracting Party may denounce the present Protocol, on its own behalf, or on behalf of any territory for whose international relations it is responsible.

(b) The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(c) The denunciation shall take effect one year after receipt of the instrument of denunciation. However, if, on the expiry of this period the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is later.

14. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in paragraphs 6 and 8, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in paragraphs 7, 8 and 15 and the notifications and denunciations provided for respectively in paragraphs 12 and 13.

15. (a) The present Protocol may be revised if revision is requested by more than one-third of the High Contracting Parties.

(b) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall convene a Conference for this purpose.

(c) Amendments to the present Protocol shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.

(d) Acceptance by the High Contracting Parties of amendments to the present Protocol, which have been adopted by the Conference mentioned in subparagraphs (b) and (c), shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(e) After the entry into force of amendments to the present Protocol, only the text of the said Protocol thus amended shall remain open for ratification or accession.

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof the undersigned, duly authorized, have signed the present Protocol.

Done at The Hague, this fourteenth day of May 1954, in English, French, Russian and Spanish, the four texts being equally authoritative, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in paragraphs 6 and 8 as well as to the United Nations.

(Here follow signatures)

SIGNATURES, RATIFICATIONS AND ACCESSIONS [1]

State	*Signature*	*Ratification, Accession*
Albania	-	20 December 1960
Austria	31 December 1954	25 March 1964
Belgium	14 May 1959	16 September 1960
Brazil	31 December 1954	12 September 1958
Bulgaria	-	9 October 1958
Burma	31 December 1954	10 February 1956
Byelorussian SSR	30 December 1954	7 May 1957
Cambodia	17 December 1954	4 April 1962
Cameroon	-	12 October 1961
China	14 May 1954	-
Cuba	10 December 1954	26 November 1957
Cyprus	-	9 September 1964 [2]
Czechoslovakia	30 December 1954	6 December 1957
Denmark	18 October 1954	-
El Salvador	14 May 1954	-
Egypt	30 December 1954	17 August 1955
France	14 May 1954	7 June 1957
Gabon	-	4 December 1961
Germany (Democratic Republic)	-	16 January 1974

1 Based on a communication from UNESCO of 30 April 1978.

2 According to the information provided by UNESCO, this accession was made subject to approval. On 9 September 1964, the Direction-General of UNESCO received a notification from the Government of Cyprus informing him that the necessary constitutional formalities for the approval of the accession by the Cypriot authorities had been completed. By reason of the then prevailing situation in Cyprus, the protocol took effect for Cyprus immediately from the date of receipt of the said notification, in accordance with paragraph 10 (c) of the Protocol.

State	*Signature*	*Ratification, Accession*
Germany (Federal Rep.) [1]	14 May 1954	11 August 1967
Ghana	-	25 July 1960
Greece	14 May 1954	-
Guinea	-	11 December 1961
Holy See	-	24 February 1958
Hungary	-	16 August 1956
India	14 May 1954	16 June 1958
Indonesia	24 December 1954	26 July 1967
Iran	14 May 1954	22 June 1959
Iraq	14 May 1954	21 December 1967
Israel	-	1 April 1958
Italy	14 May 1954	9 May 1958
Japan	6 September 1954	-
Jordan	22 December 1954	2 October 1957
Kuwait	-	11 February 1970
Lebanon	25 May 1954	1 June 1960
Liechtenstein	-	28 April 1960
Luxemburg	14 May 1954	29 September 1961
Madagascar	-	3 November 1961
Malaysia	-	12 December 1960
Mali	-	18 May 1961
Mexico	29 December 1954	7 May 1956
Monaco	14 May 1954	10 December 1957
Morocco	-	30 August 1968
Netherlands	14 May 1954	14 October 1958
Nicaragua	14 May 1954	25 November 1959
Niger	-	6 December 1976
Nigeria	-	5 June 1961
Norway	14 May 1954	19 September 1961 *Res.*
Pakistan	-	27 March 1959
Philippines	14 May 1954	-
Poland	31 December 1954	6 August 1956

1 In a communication received by the Director-General of UNESCO on 11 August 1967, the Government of the Federal Republic of Germany declared that the Convention and the Protocol should also apply to the Land Berlin, with effect from the date on which the Convention and the Protocol entered into force for the Federal Republic of Germany. In a further communication received on 4 April 1968, the Government of the Federal Republic of Germany informed the Director-General that the following supplementary phrase should be added to the above-mentioned declaration: "... account being taken of the rights and responsibilities of the Allied Authorities, in particular the powers retained by them with regard to the maintenance of the security of Berlin, and notably, those in the military field."

State	*Signature*	*Ratification, Accession*
Romania	-	21 March 1958
San Marino	14 May 1954	9 February 1956
Socialist People's Libyan Arab Jamahiriya	14 May 1954	19 November 1957
Southern Yemen	-	6 February 1970
Spain	30 December 1954	-
Switzerland	-	15 May 1962
Syria	14 May 1954	6 March 1958
Thailand	-	2 May 1958
Turkey	-	15 December 1965
Ukrainian SSR	30 December 1954	6 February 1957
USSR	30 December 1954	4 January 1957
Uruguay	14 May 1954	-
Yugoslavia	14 May 1954	13 February 1956
Zaire	-	18 April 1961

RESERVATION

NORWAY

The instrument of ratification deposited in the name of Norway includes the following reservation: "The restitution of the cultural property in accordance with the rulings of Part I and II of the Protocol will not be claimable until after the expiration of a 20 years' delay, starting with the date when the property in question has been taken possession of by the claimant in good faith." The text of this reservation was transmitted to the interested States by letter CL/1522 of 30 October 1961. The communications concerning this reservation received from the above Governments were transmitted to the Government of Norway and by letter CL/1606 of 27 November 1962 to the other interested States.