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Implementation of the 1954 Hague Convention and its Additional Protocols in Finland

-An Overview

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Finland joined the 1954 Hague Convention and its additional protocol in 1994 after having signed the Convention in 1993. In 1999 Finland signed among others the by then new Second protocol and its ratification was completed in 2004.

The Hague Convention and its additional Protocols are managed by the Ministry of education and culture and the Ministry manages also other Unesco Conventions concerning Culture, Science and Education.
The Committee reviewed both the national preparation and Finland’s participation in international crisis management. Results of the work were published in Spring 2007.

In its report The Committee analysed most likely threats to the Cultural Property in normal and emergency situations and issued recommendations on developing preparation, prevention and after-care of possible disasters.

The Committee also reviewed the responsibilities and duties of the agencies and authorities concerned and recommended ways to improve cooperation and flow of information among parties concerned. The aim was, on the one hand, to integrate the protection of cultural property into overall defence of the country and, on the other, issue guidelines on the preparation for crises in individual cases.

As result of its work, the Committee proposed following actions to be taken:
To assign the National Board of Antiquities to prepare an inventory, in order to designate property to be protected under the Hague Convention.
To establish general coordination of cultural property protection at national level – national Advisory Board
To produce informational guidance and awareness raising material both for bodies responsible for the safeguarding of cultural property as well for armed forces
To supplement current crisis management in Finland by experts trained into cultural property protection

Measures were scheduled till 2011.
The Hague Convention is enforced through ordinary legislation concerning national defence and preparedness of the society. There is no specific legislation concerning cultural property protection (CPP).


On strategical and political level the protection of cultural property is an integral part of the Strategy for Protecting Functions Vital to the Society (SFVS)
Emergency Powers Act
- 5 Emergency situations
  - Includes: War and threat of war
  - Public bodies: responsibility to safeguard their functions in emergency situations

Rescue Act
- Civil defence, rescue services
  - Definition of civil defence: "For the protection of population and property in emergency conditions"
  - Responsibility of property owner to take care of the risk prevention to the extent feasible

SFVS
- Seven Functions Vital to the Society
- 50 strategic tasks
  - Cultural Property protection included into the vital function of crisis tolerance as a strategic task
- 9 threat scenarios – with 60 associated special situations
- Binds public bodies, coordinates preparedness across the administration and between private and public sector

Both Emergency Powers Act and State of Defence Act lay down emergency situations against which the society has to take preparatory measures. These include among others war and threat of war, but they also cover catastrophes and serious political or economical disturbances outside Finland, provided they implicate a threat against Finland's sovereignty or territorial integrity. Also a catastrophe may lead into an emergency situation if it is not manageable with regular powers.

The Rescue Act stipulates public agencies to take preparatory measures in order to prevent all foreseeable risks both in normal time as well during emergency situations. Complementary to this, the Emergency Powers Act oblige public bodies to organise their functions also in emergency situations. The Rescue Act binds also private property owners and obliges them as well to prevent all foreseeable risks to the extent feasible. This is an important obligation what comes to the safeguarding of Cultural Property in practice.

The Strategy for Protecting Vital Functions to the Society is a doctrine guiding preparedness of the society to meet potential threats in all security situations that is to say, guide overall defence of the society. The strategy for it parts, upholds national sovereignty, the security of society and the livelihood of the population in all security situations.

The Strategy has a status of a Governmental resolution and it is reviewed regularly. It assigns ministries with 50 strategic task. Cultural property protection is one of the tasks, placed under the psychological crisis tolerance of the society.

The Resolution describes the threats that jeopardize the vital functions and their stability. There are altogether nine threat scenarios, including 61 associated special situations. A competent ministry has been assigned to each special situation for the purposes of preparedness and situation control. Supporting ministries are also designated, if required.

In order to secure society’s vital functions, a total of 50 strategic tasks have been assigned to ministries. Each competent ministry includes the resources needed for developing and maintaining the tasks in its operating and financial plans, within the existing spending limits.
The Hague Convention assumes that safeguarding of the cultural property is arranged already during peace time and this goes very well in line with the Finnish defence and preparedness policy. Aim of the current safeguarding policy is therefore to guarantee cultural property a total protection what ever the threat or security situation concerned. Risk prevention against daily hazards is base for the actions taken in an emergency situation and readiness to meet severe threats is achieved by regulating state of readiness.

Major threats to Finnish Cultural Property are fire both intentional and accidental as well different kinds of water damage including flooding on the coasts and accidents in heating, piping and air conditioning installations (HPAC). Theft may also be concerned as a serious risk, although proper statistics do not exist. It is also worth noting that these more or less banal risks do exist also in emergency conditions.

Current heritage policies (programmes) or legislation do not directly designate property deserving protection under the Hague Convention. Therefore the intention is to draw a separate inventory or listing in order to guide protection measures. The inventory shall be prepared in co-operation with defence forces. Intention is to focus on nationally most important property and keep the list limited. Aim is to create a safeguarding programme which is credible an possible to execute. Preliminary listing prepared in 2000 – 2001 has in all some 1000 sites, buildings, built up areas or institutions. This amount of property seems fairly reasonable.

Although safeguarding is coordinated top-down, its execution is in the last hand depends on the abilities and involvement of the property owner. In this regard informational guidance is an essential tool and a safeguarding manual has been scheduled simultaneously to the inventory.

Use of the Blue Shield –emblem has been discussed but no decision has been taken. There are pros and cons for the use of the emblem. Currently the Blue Shield is not well known and its promotion has been prepared.
The Ministry of Education has the responsibility to coordinate measures needed for CPP. National Advisory Board - advice and exchange of information, consolidation of safeguarding measures. National cultural institutions are major CP owners, but they have also expertise in the field of safeguarding. The national Board of Antiquities is involved both in advisory capacity as well as a coordinator of the safeguarding. The NBA will also be in charge for the inventory of CP.

On the regional level intention is to create regional boards that shall coordinate practical safeguarding measures. These boards will have representatives from regional rescue services, municipalities, regional museums, archives and environmental centres as well from the national Board of Antiquities regional offices. Regional boards will work in cooperation with the property owners and they will also serve as liaison towards county administrative boards and military provinces which are responsible for regional defence planning.

The aim is to decentralise protection as much as possible to the regional and local level in order to strengthen its efficiency and commitment of the actors involved.

In the last hand the owner of the property is responsible for its safeguarding. However many owners do not possess required resources, and therefore guidance is most crucial if we want to succeed in the safeguarding.
What comes to the military measures, Finland has no intention to establish special units for CPP within its armed forces, but the task is delegated to legal advisors assigned at battalion level and upwards.

The principles of the international Humanitarian including The Hague Convention law are taught both to conscripts and enlisted personnel at different levels. Career officers may also take supplementary courses in international humanitarian law during their service.

Main provider of courses on international humanitarian law is Finnish Red Cross which serves as a training subcontractor to the Defence Forces. Incorporation of the Hague Convention into courses on humanitarian law has proofed to be a fruitful solution.

Since the task of Finnish armed forces is purely defensive and the national defence is based on areal defence, the idea of CPP is easily justified and the local knowledge is good. Many career officers and reservists have also served in peacekeeping or crisis management missions in Balkans and Near-East and have personal experience on cultural property protection.

Although well met, there seems however to be a need for awareness raising and information concerning practical arrangements of protection. This is a major challenge to civilian authorities responsible for the protection. Preparation of the named inventory is crucial in this regard and it is only through real sites that the subject will turn less abstract.
Implementation of the Hague Convention has been a long process in Finland and it still is. There are several reasons for this:

The Convention was ratified in mid 1990’s in a political phase where old threat models had collapsed and the events in Balkans indicated that the Convention had very little effect in practice. Therefore it was very difficult to find motivation for the implementation.

When the first action plan concerning implementation of the Hague Convention was published in 2001, the second protocol was already signed, and its ratification on the way. This created confusion and there was no clear understanding how the provisions of the protocol will affect. As a result, the general execution of the action plan was left aside.

Since 2001 the overall security of the society has gained emphasis and this is reflected by the SFVS mentioned above. Security counts and the implementation of the Hague Convention has found a relevant context. Although the Hague Convention is applicable only in armed conflicts its provisions match new needs to secure comprehensively cultural property. In this regard, I believe, Finland is not the only country to apply The Hague Convention in order to safeguard also against non-military threats.

Currently Finland is the mid-way of the implementation and as we say: “well planned is half executed”. In the case of the Hague Convention only practical measures count and in this regard we have plenty to do.

Thank you!