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# Comments on the Draft Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention

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# Comments on the Draft Guidelines for the implementation of the 1999 Second Protocol to the Hague Convention

Norway finds it very important that such guidelines have been made and would like to congratulate the secretariat for the work done. Speaking from the experience with the World Heritage Convention it is of vital importance to have good operational guidelines to be able to implement the convention according to rules. We believe that the guidelines should be expanded to include all aspects of the implementation of the protocol and in this way make the implementation easier for the State Parties.

We are very satisfied with the work done, but a few comments must be made on some points.

## Chapter 1.1

Norway suggests that the guidelines should include a description of the work of the committee, meeting frequency and rules of procedure, which already has been passed by the first meeting of the committee.

## Chapter 5.1.3

Norway agrees that a distance between the military object and the cultural property should be defined. We suggest that the question of "Buffer zones", as in the World Heritage Convention, should be considered in the committee. We believe that the question of introducing a buffer zone should be optional.

## Chapter 5.2

Norway would like to suggest that a form should be made in order to make the request for enhanced protection easy. We recommend this form to be a part of the guidelines.

## Chapter 5.6.2

Norway finds the use of the distinctive emblem to be the main problem with the implementation of the Protocol. The Draft guidelines emphasises that there are two autonomous protection regimes and that the State Parties to both regimes must make two Lists and mark the sites according to both the convention and the protocol. Being aware that this is formally so, one must however try to find ways to simplify this.

During the diplomatic conference in The Hague 1999, it was discussed whether special protection according to the Convention should be substituted with enhanced protection of the Protocol. Several countries declared that they would only list sites with enhanced protection. Unfortunately this is not reflected in the text of the Protocol.

In the Draft Guidelines the following regime is suggested:

Distinctive emblem alone	general protection Convention
Distinctive emblem two times	general protection Protocol
Distinctive emblem three times	special protection Convention
Distinctive emblem four times	enhanced protection Protocol

Norway finds a system with four different markings on the sites, in the field during combat, too complicated. We recommend that one must find a simpler system. The system with one emblem for general protection and three for special protection must be considered known today. It is wise to build on this.

In section B of this chapter it is said that general protection of the Convention and the Protocol share the same definition. We tend to believe that the emblem alone could cover both these even though they legally are different and have different implications.

Norway would like to recommend the committee to discuss how to differ between enhanced protection of the Protocol and special protection of the convention or whether there is a point at all to differ between these categories in the field.

However Norway is generally sceptical to mark the monuments covered by the Convention and Protocol in the field. This is due to experiences during the hostilities in former Yugoslavia where it was reported situations where buildings with the Hague emblem were sought out and destroyed. It might seem that the emblem of protection did not protect these buildings.

Norway proposes that the State Parties to the Convention create individual systems to take care of this issue. At the State Party meeting of The Hague Convention in 2005 Norway mentioned that the Norwegian culture heritage management is working to create an electronic register for monuments protected by the convention. The inventory should be kept in Norway, but UNESCO will be given a password to this register in order to get access to the information when needed.

Norway believes that there might be alternatives to the physical marking of the cultural monuments by using modern technology. This could solve the problem of differing between the Convention and the Protocol. Norway proposes that this question being further considered.

### **Handbook**

Norway suggests that when the guidelines are formerly adopted, they should be printed together with the text of the protocol and rules of procedure. One might consider including the text of the convention and first protocol and regulations for implementation in this publication. This will form a handbook for all the protection work in armed conflicts. A similar publication has been made on the World Heritage Convention.